2015-2020
Niobrara Conservation District
Land & Resource Use Plan and Policy

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INTRODUCTION
The Niobrara Conservation District (“the District”) developed the Niobrara Conservation District Land and Resource Use Plan and Policy (“Plan”) to translate its statutory mandate into land management policy and direction. The Plan identifies and applies goals, objectives, and policies to the state and federal regulatory framework that governs the management of private, state, and federal land and the rangeland, soil, water, and wildlife resources. The Plan will guide County, private, state, and federal decision makers in addressing federal and state natural resource management issues.

OVERVIEW
The District has a broad mandate to assist, promote, and protect public lands and natural resources, soil, water, and wildlife resources, to develop water and to prevent floods, to stabilize the ranching and agriculture industry, to protect the tax base, and to provide for the public safety, health, and welfare of the citizens. The District is charged with conserving, protecting, and developing these resources on all lands within the District and, thus, it is one of the few governmental entities with express authority to address resource issues, in cooperation with private landowners or state or federal land management agencies on private, state, and federal lands. State law also gives the District broad powers to accomplish these policies and mandates, through research and education, implementation of erosion control, water, and range projects with landowners, development of comprehensive plans, demonstration projects, providing financial and other assistance to landowners, management of flood control projects or lands under cooperative agreements with the United States, and adoption of rules and ordinances. Both federal and state laws authorize intergovernmental coordination and cooperation, which provide a mechanism for the District to meet its mandate and policies for all lands within the District.

This Plan is based on the District policy to facilitate, protect, and preserve the utilization and conservation of rangeland resources, soil, water, and wildlife, to stabilize the ranching and farming concerns, to protect private property rights, to protect and enhance the customs and cultures and the economy, to protect the tax base, to assure the well being of the people, and to provide for the public health, safety, and welfare of the County’s citizens. The policy and powers of the District encompass the obligation to protect the customs and culture of the people of the District and to provide for community stability. The District developed the Plan as a guide to efficiently and effectively use its resources.

In preparing the Plan, the District utilized a grassroots, locally-led planning process to determine the conservation needs, set priorities, assess costs, utilize local, state and federal participation and partnerships, and inform and educate the public in conservation matters. The Plan goals, objectives, and policies shall not violate the Constitution of the United States of America or the Constitution of the State of Wyoming, and are adopted in accordance with the Wyoming Administrative Procedure Act, Wyo. Stat. §16-3-103. The District shall develop action plans to implement specific projects to meet the Plan’s goals, objectives, and policies. Such projects may be developed at the request of District residents, business or industry, local, state or federal agencies, conservation groups, others, or as needs are identified by the District.

As this Plan is implemented, individual projects shall be communicated to the public for consideration and input by all interested parties. The District shall also ensure that it takes into account the effects
on adjoining landowners and other Conservation Districts. The Plan will continually evolve to address dynamic and ever-changing issues, and may be amended, as needed, by the District.

The District believes that the American concept of government of the people, by the people, and for the people is best served when government affairs are conducted as close to the people as possible (i.e. at the local government level). The District finds it desirable to address the use and management of these important resources, especially rangelands, soil, and water conservation, within the political jurisdiction of the District and the County as the heart of its comprehensive planning efforts.

The District is well aware that one goal of the County’s citizens and, therefore, its government, has been the continuation of a lifestyle, which assures the quiet enjoyment of private property rights and property interests and provides the highest degree of protection for these rights. Property rights and interests are important to the people living and working in this remote, rugged county, which is the least populated county in the least populated state. Many people who live in Niobrara County rely on the land and its productive use. Private ownership and the incentives provided by private ownership are driving forces that support the livelihood of many Niobrara County citizens.

The District encompasses the Niobrara County boundaries being just under 1,700,000 acres. Rangeland is the predominant land use encompassing 1,529,022 acres. Of the 2,600 square miles, 82% of the land is privately owned, 10% is federally owned and 8% is state, county and school lands.

Federal law, in particular, establishes national policies that focus on national interests, rather than local interests. While federal land use and planning decisions may create benefits for state and national citizens outside of the County, they may also transfer a disproportionate amount of the costs and responsibilities to local communities and citizens.

It is the intent of the District to protect the custom and culture of County citizens as part of its policy direction to protect the public health, safety, and welfare of the citizens. The District will work with local, state, and federal agencies, so that the external agencies will hereafter cooperate, coordinate, communicate, and consider local, state, and federal policies before implementing actions that affect the local communities and citizens, both within and outside the boundaries of the County.

Federal and state laws require the respective agencies to coordinate with the local government entities and consider the local land use plans in the process of planning and managing federal and state lands within the geographic boundaries of Niobrara County, Wyoming, Wyo. Stat. §§11-16-132, 18-5-208. All federal and state agencies proposing actions that will impact the County, its citizens, and resources therein should provide the District with written notice of proposed actions for review. In particular, when BLM prepares an EA or EIS, it will contact the Niobrara Conservation District, PO Box 659 Lusk, Wyoming 82225, (307) 334-9957 or at Lisa@Niobrara CD.com. The District will then determine appropriate action to be taken, and provide input, information, and comment on proposed actions or activities. The District will also notify other government agencies of actions that are proposed by the District affecting various resources and amenities in the County and solicit other agency input and comment. The purpose of this exchange of information is to minimize impacts upon and maximize the benefits to the residents of the County as well as other members of the public.
AUTHORITY
The District is a local governmental subdivision of the state as defined and established by the Wyoming Conservation Districts Law, Wyo. Stat. Title 11, Art. 16. The people of Niobrara County elect the five-member Board of Supervisors to the District during the general election by popular vote. The elected members represent both the rural and urban populations within Niobrara County. The District supervisors are the only locally elected board specifically charged with the responsibility of representing the citizens of Niobrara County on natural resource issues. A conservation district supervisor serves the community voluntarily. The District Board of Supervisors administers and implements projects and programs funded through local, state, federal, and private partnerships.

The District, pursuant to the Wyoming Conservation Districts Law, is authorized to develop plans and policy for the District and file said plans in the office of the Niobrara County Clerk, Wyo. Stat. §11-16-122 (iv) and (xvi)].

LEGISLATIVE DECLARATIONS
The legislative declarations and policies of the Wyoming State Legislature guide the District’s exercise of authority in developing this Plan.

Wyo. Stat. §11-16-103 - Legislative Declarations and Policy:

(a) It is hereby declared that the farm and grazing lands of Wyoming are among the basic assets of the state; that improper land use practices cause and contribute to serious erosion of these lands by wind and water; that among the consequences which would result from such conditions are the deterioration of soil and its fertility and the silting and sedimentation of stream channels, reservoirs, dams and ditches; that to conserve soil, and soil and water resources, and prevent and control soil erosion, it is necessary that land use practices contributing to soil erosion be discouraged and that appropriate soil conserving land use practices be adopted.

(b) It is hereby declared to be the policy of the legislature to provide for the conservation of the soil, and soil and water resources of this state, and for the control and prevention of soil erosion and for flood prevention for the conservation, development, utilization, and disposal of water, and hereby to stabilize ranching and farming operations, to preserve natural resources, protect the tax base, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect public lands, and protect and promote the health, safety and general welfare of the people of this state. (Laws, 1941, ch. 134, 2; C.S. 1945, 34-1402; Wyo. Stat. 1957, 11-236; Laws 1959, ch. 193, 2; Wyo. Stat. 1977, 11-19-103; Laws 1978 ch. 32, 1.)

The term “conservation” is broadly defined to include “development, improvement, maintenance, preservation, protection and use of natural resources, and the control and prevention of floodwater and sediment damages, and the disposal of excess waters.” -Wyo. Stat. §11-16-102(iv)]. Thus, the policy and authority granted to the District covers virtually all aspects of natural resource use and management within the District.

PRIMARY COORDINATION GUIDELINES
In accordance with state and federal laws regarding land use planning, the protection of private property interests, and to ensure achievement of the District mandate to protect and conserve
rangeland, soil, water, and wildlife resources, the Districts seek to maintain and to revitalize the principles of multiple use of the state and federally-managed lands. To that end, the District adopts this Plan, including planning policy and guidelines for the state and federally managed lands in the County.

This Plan adopts a process for the District to coordinate in advance with the federal and state agencies and local governments regarding any proposed action, which will alter or impact land uses in the County. This includes, but is not restricted to, the effects on private property rights and private property interests, the economic stability, the historically developed custom and culture of the County, the provisions of this Plan, and the Niobrara County Land Use Plan. Such agencies and governments are requested, prior to taking official action or issuing a report on a proposed action, to coordinate with the District. The agencies and local governments may accomplish this, in part, by providing the District or its agents, timely notice of the proposed actions, policies, rules, or land management changes, the purposes, objectives, and estimated economic impacts of such action. The District is committed to a positive planning process with federal and state agencies and local governments. The District will equitably consider the best interests of all of the people of Niobrara County and the State of Wyoming in the use of state and federal lands.

The District commits to seeing that all natural resource decisions affecting the County are guided by the following principles:
To maintain and revitalize the concept of multiple use on state and federal lands in Niobrara County.
To protect private property rights and private property interests, including investment-backed expectations.
To protect local historical custom and culture.
To protect the traditional economic structures in the County that forms the base for economic stability.
To facilitate new economic opportunities by relying on free markets.
To protect the rights to the enjoyment of the natural resources of the County by all citizens.

The District believes that resource and land use management decisions made in a coordinated manner by federal and state agencies and local government entities will maintain and revitalize multiple use of state and federal lands within and affecting Niobrara County and will enhance environmental quality.

The goals, objectives, policies, and guidelines set out in this Plan are based on applicable state and federal law and rules. The Plan is the commencement of the planning process for the District. The process itself is ongoing and the District becomes involved in all stages of the decision process followed by federal and state agencies and local government entities.

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**DISTRICT DESCRIPTION**
Lands of Northern Niobrara County were administered in the Upper Cheyenne River Soil and Water Conservation District and the Beaver Skull Soil and Water Conservation District. The Niobrara Soil and Water Conservation District was formed on June 4, 1968. In June 1972 the boundaries and name changed to the current boundary and title. All the lands within Niobrara County are administered by the Niobrara Conservation District.

The focus of the District has expanded from primarily working to reduce and prevent soil erosion to also addressing other important resource management matters. These include water quality and quantity, grazing management, wildlife conservation, tree establishment, land-use planning, public education efforts, and conservation in our urban areas.

**NIOBRARA COUNTY**
History
The first white settlers in the District were owners and employees of large cattle outfits. Originally cattle were trailed from Texas and other southern point to Wyoming
to be fattened on the nutritious native grasses. After the grazing season was over these cattle would be shipped to market, bringing good prices as grass fat cattle. Later the cattlemen learned that Wyoming would be a profitable place to operate year-round ranches, as the cattle would thrive on the cured grass on the range, coming through the winter in better condition than the cattle in the south. The Old Texas Trail crossed the territory comprising the District, some of the trail marks being visible to this day. This trail was used from 1876 to 1897. The Cheyenne Deadwood Stage Road crosses through the territory. The Hat Creek Stage Station still stands today. Our District contains some evidence of “Spanish Diggings”, stone quarries of the prehistoric age.

In the mid 1800’s Niobrara County grasslands supported herds of buffalo and was a favored hunting ground for Native Americans. Teepee rings are still visible on the plains and lend credence to the fact that this was one of the final frontiers.

In 1884 copper mining began in the Rawhide Buttes and between 1884 and 1898, the Great Western Mining and Milling Company operated a mill and smelter on what is known as the mining hills just west of the present town of Lusk. Over 200 men were employed at the Silver Cliff Mill.

In 1886 a branch of the railroad was built across the southern portion of county. Ranch manager Frank Lusk established post offices along the corridor and towns were formed. With the railroad came a flood of homesteaders. The homestead movement began in the 1880’s. The first settlers also came here with the intention of operating small stock ranches, as it was not realized as that time it someday would develop into a good general farming country. Most of the families came from Nebraska, Iowa, Minnesota and other adjacent states. There were many of German and Scandinavian descent. Considerable homesteading resulted in the failure to grow enough produce to produce an adequate living. This was especially true on the heavier soils below the Hat Creek Breaks. Irrigation from ground water was developed in the late 1960’s and irrigated farming has become an important economic factor in the area.

Oil was discovered at Buck Creek Dome and at Lance Creek in 1917. Lance Creek became one of the most prolific oil fields in its peak years between 1919 and 1928.

**Location** Niobrara Conservation District encompasses all of Niobrara County. It is located in the east central part of Wyoming with South Dakota and Nebraska on the east border. Weston County is on the north, Converse County borders the west and with Goshen and Platte making up the southern border. There are 1,672,960 acres in the county of which 1,390,702.92 are privately owned. Public lands administered by BLM, State and others total 282,257.08 acres.
Physical Setting
Most of Niobrara County is rolling prairie, although there is a ridge of pine and cedar covered hills, known as the Hat Creek Breaks, that runs east to west through the south central part of the county. The Hat Creek breaks make a climatic division. Land that is on the south of the breaks receives 15 to 17 inches of precipitation while north of the breaks the land is 1,000 feet lower in elevation and receives 10-14 inches of precipitation.

Elevations
Elevations range from 6,100 feet in the Rawhide Buttes to 3,600 feet in the northeastern corner of the county. The elevation of Lusk is 5,015 feet and is 5,280 feet at Manville. The majority of the county ranges from 3,800 feet to 5,000 feet.

GEOGRAPHY
Geological aspects present in Niobrara County are much more complex than is apparent from surface features. The Hartville Uplift extends from the Laramie Mountains beginning between Glendo and Wheatland and extending northeasterly to the Black Hills. Igneous rock outcrops along the east flank of the Hartville Uplift and significant mineralization occurs. Iron is mined at Sunrise, south of Lusk and copper, gold, silver and other minerals have been found. Lusk is located near the
axis of the Hartville Uplift at a point where surface features are minimal. A sharp angle fault is located along this axis.

The Powder River Basin is located on the west flank and the Denver-Julesburg Basin on the east flank of the Hartville Uplift. Both basins are prolific oil and gas producing regions, but most production is from cretaceous deposits, which typically deplete rapidly.

Surface features are more pronounced south of Lusk. Rolling hills, granite knobs and sharp low canyons are present. Plains exist to the east, north and west, except from some broken country to the North of Lusk and a northeasterly ridge extending from the Hat Creek Breaks to the Black Hills.

Minerals
The Geological Survey of Wyoming lists the following mineral occurrence in Niobrara County. Bentonite, Beryl, Coal, Copper, Helium, Iron Hematite, Limestone, Oil and Gas, Selenium, Granite stone and Uranium. Of these, oil and gas have been the most important. Others considered to have commercial potential include:
Limestone – There are limestone deposits in Niobrara County that may hold commercial potential as railroad ballast, as good quality aggregate for cement, or as a resource to be used in controlling sulphur dioxide emission from power plants.

Metals
The Silver Cliff Mine, one half mile west of Lusk, is located in a highly mineralized area. The mine opened in 1880 for silver and copper on a small scale. Between 1918 and 1922, six carloads containing about 3% U$_3$O$_8$ were shipped to the Radium Company of Denver, CO. The mine was located along a high angle reverse fault zone. Also some relatively rich uranium bearing ores have been found in the area. The Lance Creek area has occurrences of uranium and other metals.

Soils
Soil is one of our basic natural resources. It is a factor (in relation to Geology) that helps determine what Niobrara County looks like, how we live, where we live, what we produce and, in effect, how and where development occurs.

There are limitations and hazards inherent in various soils that occur throughout the County. The type of soil present on any particular site can and will impact the existing and proposed land uses. The soils are variable in many of the major soil characteristics, such as depth, texture and degree of profile development. The soils of Niobrara County vary in natural fertility. This natural fertility has been modified in many places by the way it has been used or managed. There are some drainage, salinity and alkalinity problems along the flood plains.

Vegetation
The natural vegetation on the predominate upland range sites consists of western wheatgrass, green needle, needle and thread, prairie june grass, blue grama, threadleaf sedge and small amounts of buffalo grass. In the sandier areas of soil associations, prairie sandreed, little bluestem and sand bluestem are found. Forbs include scarlet globe mallow, lupine, milkvetches, scurfpea and asters. Woody species include silver sage, big sagebrush, fringed sagewort, broom snakeweed and perennial eriognums.
When properly managed, the native vegetation is adequate for soil protection. Some geological erosion will occur naturally on the less productive sites.

Watersheds
Niobrara County contains a major portion of the Cheyenne River Basin, which is divided into the following sub-basins: Upper Cheyenne, Angostura Reservoir, Lance, Lightning, Glendo Reservoir, Niobrara, Hat and Middle North Platte. There are numerous watersheds in each sub-basin.

Climate
The climate of Niobrara County is classified as semi-arid. Temperatures show a wide range between summer and winter and between daily maximums and minimums. The average annual temperature is 46 degrees. The average daily temperature in the winter is 27 degrees and the average daily temperature in the summer is 47 degrees with the average maximum temperature at 79 degrees.

Abrupt changes in the weather are common. The lowest temperatures occur when cold air masses from Canada flow into the area. Winter snowfall is frequent. Blizzards occur several times each winter. Growing degree days are usually around 115 frost free days.

Municipalities
Located at the crossroads of US Highways 85 and 20/26 in the great prairie lands of eastern Wyoming, Lusk and Niobrara County are the gateways to the Black Hills of South Dakota to the north, Yellowstone & Grand Teton Parks to the west, Cheyenne Frontier Days and the Colorado Front Range to the south and the rich farmlands and sandhill counties of Nebraska to the east. Lusk is the county seat with Manville and Van Tassell also recognized as incorporated towns. Other locations of towns from the past include Lance Creek, Keeline, Node and Mule Creek Jct.

Land Ownership and Administration (Based on County Assessor) Niobrara County covers 2,614 square miles or 1,672,960 acres and is the 16th largest in Wyoming. About 7.4% of the land is owned the federal and 10.6% state governments and 81.7% of the land is privately owned. Most of the federal land is administered by the BLM.

Historically, the custom and culture of Niobrara County is a story retold in many western counties. The settlement of the County is defined by the history of mining, railroads, ranching, and oil and gas development. It was led by hardy individuals willing to work and develop the resources and to bring forth communities. The settlement of the County is based on the beneficial use of the land.

Life was never easy for the settlers of this County. This is a land where nature has the upper hand. Water is scarce and access is critical. The early settlers of this land worked hard to establish their livelihood, and today's residents work equally hard to maintain that livelihood. The early settlers were diligent in pursuing legal protection of their property rights. Today's residents continue that diligence.

The people of Niobrara County have traditionally earned their livelihood from activities associated with natural resources. The economy of the County in the past and today depends on the availability and utilization of natural resources. Directly or indirectly, the majority of the people employed in Niobrara
County depend on oil and gas, mining, power generation, and related service industries, ranching/farming, recreation, and other activities related to the availability of natural resources.

Property rights are important to the residents of Niobrara County. Private ownership and the incentives provided by that ownership are a driving force behind the culture and lifestyle of the County.

The custom and culture of Niobrara County have been driven by available technology and resources, the distance to markets and prices, and the forces of a market economy. The beneficial use of natural resources has been the basis for Niobrara County's economy, custom and culture, even though technology, mechanization, and markets have altered the means of production and marketing of these resources from their historic beginnings. Mining, oil and gas, ranching, and farming provide the heritage of the County's residents, and residents continue those activities today.

1. **GOAL:** Protect and promote County custom and culture as part of the District’s conservation activities to protect rangeland, soil, water, and natural resources, to stabilize ranch and farm operations, to protect the tax base, and to provide for the general health, safety, and welfare of the citizens at local, state, and federal government levels.

   **Objective 1A:** Maintain traditional economic structures by ensuring a vital role of the public in land management procedures and decision processes.

   **Objective 1B:** Open new economic opportunities through reliance on free markets and ensuring that the regulatory climate does not prohibit these opportunities.

   **Objective 1C:** Enhance environmental quality to preserve and conserve the District’s rangeland, water, and soil resources, while protecting the tax base and promoting public welfare.

2. **GOAL:** Consider the custom and culture of the County in all forms of planning considerations and processes and continue to develop and retain the County's cultural identity.

   **Objective 2A:** Encourage the continued viability of agriculture due to its direct tie to the custom and
culture of the area and its importance to the conservation of rangeland resources, soil, and water, which are needed by the residents and visitors to Niobrara County.

**Objective 2B:** Encourage all local government entities to respect and provide for the continuation of the local custom and culture.

**Objective 2C:** Recognize the continued importance of mineral and energy development.

3. **GOAL:** Monitor and evaluate the effects and impacts of local, state, and federal land management actions on the custom and culture of Niobrara County.

**Objective 3A:** Ensure that local, state, and federal agencies consider the physical environment, social, cultural, and economic needs of the County when making land use decisions and plans that affect the custom and culture of the County. Furthermore, work to ensure that the consideration process used to assess impacts to County custom and culture is cited as part of other local, state, and federal land management plans.

**Objective 3B:** Request the opportunity to review local, state, and federal land use and planning issues impacting the County's custom and culture and make recommendations pertinent to the issue in question.

**Objective 3C:** Recommend that local, state, and federal agencies enhance opportunities for responsible use of public lands, which benefit the custom and culture and economic base of Niobrara County.

**Objective 3D:** Maintain the opportunity of free choice and participation for local citizens in determining how they, individually and collectively, can best adapt their economy, society, and culture to the forces of change that affect their lives and livelihood.

**Objective 3E:** Preserve and protect the institution of private property, while, simultaneously, using private property as a constructive tool to achieve the conservation goals that will protect the social and cultural life of Niobrara County into the future.

**Policy 1:** Actively and positively work to provide a voice for citizens and for local communities in planning the future of the county

**Policy 2:** This land and resource use Plan and policies are developed to serve as a broad outline of the District's response to long-term shifts in land use, population patterns, and improvements in technology. Niobrara County residents also value their relationship with the land and acknowledge their dependence on the rangeland, soil, and water resources for community and stability. The District strongly supports protecting and maintaining the rights of County residents to use and develop these resources as historically permitted. Mining, energy production, agriculture, and recreation are the cornerstones of the economy and culture of the people of Niobrara County. Those cornerstones can and will change in time due to forces beyond the control of individuals, the community, and the County government. The citizens of Niobrara County, however, seek a role and a voice in what happens to their lives and lifestyles as change occurs.

**Policy 3:** The people of Niobrara County have traditionally and, for the foreseeable future, will likely earn their livelihoods from activities associated with Niobrara County's custom and culture. The
County's economy is, and will continue to be largely dependent upon these activities. Since Niobrara County is directly dependent upon its natural resources, management decisions affecting land use directly impact and change the County's custom and culture. Therefore, a critical tie exists between the use of private, federal, and state natural resources and the economic stability of the County. It is imperative that stakeholders and informed representatives review natural resource issues as they are developed, to assure public land management decisions do not negatively impact the County's custom and culture.

Policy 4: Protection of Custom and Culture - The District is charged under state law to conserve rangeland, soil, and water resources in order to stabilize ranching and farming operations, to preserve natural resources, public lands and wildlife, “to protect and promote the health, safety and general welfare of the people of this state,” and to protect the tax base. The term “conservation” is broadly defined to include “development, improvement, maintenance, preservation, protection and use of natural resources, and the control and prevention of floodwater and sediment damages, and the disposal of excess waters.” Thus, Wyoming law gives the District and the County broad discretion to protect all aspects of the county’s environment, including the generations-old land use customs and culture of the people.

CONSULTATION, COOPERATION, COORDINATION AND CONSISTENCY WITH LOCAL LAND USE PLANS

Federal law imposes an affirmative obligation on federal agencies to consult, cooperate, and coordinate with local government entities and to further ensure that the management of public lands is consistent with local land use plans to the maximum extent possible. The Federal Land Policy and Management Act ("FLPMA"), which applies to public lands managed by the BLM, requires BLM to consult and coordinate with local governments in land use decisions and policies and to reduce contradictions and conflicts between local government land use plans and those of the BLM. BLM must also coordinate and consult on issues of rangeland management and livestock grazing with landowners, including the state with respect to state lands. The Forest Service must also involve the public in land use planning and management decisions.

The National Environmental Policy Act ("NEPA") requires each federal agency to prepare a detailed statement before undertaking any action that may have a significant impact on the human environment. NEPA imposes a procedural analytic requirement that also requires public involvement, consultation with state and local governments, and consideration of conflicts between the proposed action and local plans. Id. The Council of Environmental Quality ("CEQ"), which has the lead in rulemaking and policy under NEPA, has endorsed the role of local government agencies actively participating in environmental reviews of proposed federal actions as cooperating agencies, pursuant to NEPA. This policy was first articulated when then-acting CEQ Chair, George Frampton, directed the heads of all federal agencies "to more actively solicit in the future the participation of state, tribal and local governments as cooperating agencies in implementing the environmental impact statement process under the National Environmental Policy Act. CEQ set out criteria when a local government should be granted cooperating agency status.

The Information Quality Act or the Data Quality Act, Pub. L. 106-554, requires federal agencies to adopt guidelines that “provide policy and procedural guidance to Federal agencies for ensuring and
maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies.” The Office of Management and Budget ("OMB") and each federal agency has adopted guidance, although implementation has lagged in that federal land agencies often lack peer-reviewed balanced data and proceed regardless of the lack of quality information.

Wyoming law also provides for intergovernmental cooperation, Wyo. Stat. §§9-8-302 (local government cooperation for planning), §16-1-101 (cooperation with state, local governments, tribal governments, and federal agencies)].

The District involves local individuals, who have expertise, experience, or general interest, as well as groups that deal with specific issues, to aid the District in participating in the decision-making processes. The Niobrara Resources Association is composed of local citizens, who will assist the District in compiling and disseminating pertinent information, identifying issues, drafting resolutions, and developing policy.

1. GOAL: Represent local interests in the decisions and planning efforts of local, state, and federal government agencies within and adjacent to the boundaries of the County.

Objective 1A: Support cooperators and government agencies in making sound natural resource decisions that are scientifically based, legally defensible, sensitive to resource health, and responsive to multiple use interests.

Objective 1B: Work to ensure local input on state and federal land management issues to promote multiple uses of public lands (grazing by wildlife and livestock, logging, oil and gas, minerals, and recreation) and to protect private property rights.

Objective 1C: Maintain partnerships with local, state, and federal agencies to provide technical assistance and/or funding to local cooperators.

Objective 1D: Encourage an intergovernmental framework that fully considers the local impacts of federal and/or state proposed actions to social, economic, physical, and cultural environment as a part of the overall planning and decision processes.

Objective 1E: Encourage the local, state, and federal agencies to share information that they routinely collect (i.e. geographic information system mapping and the assessment of new management practices and techniques) with the District, which will also share its data and information.

2. GOAL: Support the concept of local government as the primary and fundamental unit of government that provides local people with the opportunity to govern themselves.

Objective 2A: Encourage public education on the fundamentals of responsible government at local, state, and federal levels. Hold tours and workshops that will inform the County residents on resource issues, especially with respect to the District’s goals, objectives, and policies set forth in this Plan.
Objective 2B: Support the use of Memoranda of Agreement or Understanding to provide for consultation, cooperation, coordination, and land management plan consistency.

Objective 2C: Encourage the development of processes and procedures to ensure that the County and participating state and/or federal agencies are able to efficiently and effectively meet their responsibilities as public entities for the benefit of the County citizens.

3. GOAL: Work closely with and enter into coordination and joint planning efforts with local, state, and federal agencies to ensure that the natural resource and private property right goals of the Plan are included in these agencies’ planning and management actions, regulations, and policies with regard to private, state, and federal lands.

Objective 3A: Ensure that the “takings implication assessment,” which addresses potential for private property rights takings, includes, but is not limited to, an evaluation as to the impacts of the proposed action on property rights, the potential for uncompensated transfer and unmitigated risk (due to companies operating as LLC’s), including partial interests in property, the potential for physical invasion, the potential for monetary loss, and/or threats to due process and equal treatment under the law. The District may assist the local, state, and federal agencies in these analyses.

Policy 1: Request that local, state, and federal governmental entities coordinate with the District, its representatives, and thereby the citizens of this County with respect to proposed actions, rules, policies, and land use planning.

Policy 2: Encourage observance of federal and state laws, regulations, and policies that require consultation, cooperation, and coordination and land use plan consistency with local government entities.

Policy 3: Local, regional, state, federal, or international government agencies proposing actions in the County should provide early consultation and coordination with the District. The District should develop, promote, and defend viable alternatives to the proposed actions of other government agencies when the proposed action would adversely impact any of the resource bases of the District.

Policy 4: Any local, state, regional, and federal agencies that propose actions that will affect the Plan’s goals, objectives, policies, or action plans, should prepare and timely submit a written report on the purpose, objectives, and estimated impacts of such actions, in accordance with the laws of Wyoming and the United States of America.

Policy 5: To the extent required for compliance with local, state, and federal law, all local, state, and federal agencies should strive to act consistently with the Plan and coordinate with the Board of Supervisors for the purpose of planning and managing local, state, and federal lands within the geographic boundaries of Niobrara County, Wyoming.

Policy 6: Encourage state wildlife management agencies to provide adequate notice to local residents and governments before decisions are made or programs implemented.

4. GOAL: Support the development of data and information that provides credible scientific
Objective 4A: Ensure that land management decisions are based on quality data rather than available data.

**CONSTITUTIONAL PRINCIPLES:**
**DUE PROCESS AND PROTECTION OF PRIVATE PROPERTY**

The U.S. Constitution created a form of government characterized by:

1. Limited powers granted to the federal government, with all unenumerated powers being reserved to the respective states.
2. Separation of those limited powers into legislative, judicial, and executive branches.
3. Creation of a process where the branches act to check and balance the power of the other branches.
4. Guarantee rights of due process and just compensation when private property is taken for public use.
5. Grant of authority to Congress to make rules and regulations governing federal property.

1. GOAL: Reaffirm the fundamental rights of mankind as enumerated in the Declaration of Independence, the constitutional rights of citizens as set forth in the U.S. Constitution and Bill of Rights, and the Wyoming Constitution, and acknowledge the limited nature of government as intended by the nation’s founding fathers.

2. GOAL: Protect private property and interests in private property and promote the continuation of private economic pursuits.

Objective 2A: Respect private property rights and consider the effects of policies, regulations, and federal and state decisions on these rights.

Objective 2B: Enforce the requirements for takings implication assessments pursuant to Executive Order 12630 [Addendum Tab No. 47 at 236] and prepare comments.

Objective 2C: Recognize that the protection and preservation of privately owned land is desirable and necessary in Niobrara County.

3. GOAL: Ensure that the principles of due process are applied and followed at all levels of government.

Objective 3A: Provide notice of District proceedings and actions and facilitate, when possible, public notification of proposed actions, regulations, policies, and land use planning by federal and state agencies.

Objective 3B: Facilitate the opportunity of the citizens to be heard in the appropriate proceeding.

Objective 3C: Promote the disclosure and public education of proposed actions, regulations, policies, and land use plan decisions that affect Niobrara County.
Objective 3D: Enforce the applicable laws and rules prohibiting conflicts of interest.

Objective 3E: Respect and facilitate the due process rights of individuals and entities adversely affected by agency action to exercise their rights of an administrative appeal, including the right to a hearing on the record, with the right of cross-examination, before an impartial judge, who will promptly render a decision based on findings of fact and conclusions of law.

Objective 3F: Promote the protection of substantive due process rights.

Policy 1: Ensure that local, state, and federal agencies address regulatory actions that may effect a total or partial taking of property without compensation and that the proposed action is modified to avoid the taking, either in whole or in part. Examples of a regulatory taking include denial or limitation on access to private land or resources, denial of right-of-way to divert water or when the public is allowed to cross private land without a formal conveyance or permission of the landowner.

Policy 2: Ensure that the local, state, and federal agencies respect procedural due process rights by providing adequate public notice and the opportunity for a hearing, including an evidentiary hearing, when granted by statute. Regulatory actions, such as designation of critical habitat under the Endangered Species Act or denial of surface access across federal land, operate to inversely condemn private property without providing just compensation. The District supports providing legal remedies when federal or state governmental action operates to take property rights or some portion of the property right.

LAND TENURE, DISPOSITION, ACQUISITION AND USE

The private land comprises the County’s tax base that must support most County services. The District recognizes that private land is essential to local industry and residents. An important check on the exercise of governmental authority is the protection of private property rights as provided in the United States Constitution and the Wyoming State Constitution.

Government action, which denies access to develop the mineral estate or water rights, can also be a taking. Moreover, land exchanges may not fully compensate the landowners and may reduce the total private land base in the County.

The Wyoming Eminent Domain Act, Wyo. Stat. 1-26-501 et seq., authorizes the condemnation of
land only for public use and only as set forth in state law. Nevertheless, it is possible that eminent domain power may be used to acquire land needed by private corporations for projects deemed to serve the public good, such as electrical transmission lines. Wyoming authority is not as extreme as the case of *Kelo v. City of New London*, 545 U.S. 469 (2005) which affirmed the use of eminent domain to allow development of urban mixed-use housing and retail on the basis that the local government had determined this was in the city’s best interests. Nevertheless, the power of eminent domain should be used sparingly, especially when the ultimate land owner is not a local or state government agency.

1. GOAL: Any land tenure adjustments by a federal or state government agency should be conditioned on no net loss of private land or private property rights and should fully compensate the landowner for the value of the property interest, including investment-backed expectations, and compensate Niobrara County for the lost property tax revenue.

   Objective 1A: Private land, including isolated tracts, will only be acquired by state and federal government entities when it is consensual and there is clearly just and adequate compensation to the landowner and there is separate compensation to Niobrara County for the lost tax base.

   Objective 1B: Support voluntary land exchanges between the federal government and private landowners to adjust property lines and improve access and land management.

   Objective 1C: Support and facilitate the acquisition by land exchange or voluntary sale of isolated tracts of state and federally managed lands to improve land use efficiency.

   Objective 1D: Local, state, and federal land agencies should not acquire any private lands or rights in private lands within the County without first ensuring that the proposed acquisition meets the Plan goals and objectives listed above, the acquisition is for a clearly established public use, and there is fair and just compensation.

2. GOAL: Facilitate local economic development while limiting impacts from land ownership adjustments.

   Objective 2B: Recommend that local, state, and federal government entities investigate and attempt to increase local economic development within the County and that the citizens of the County suffer no adverse aggregate economic impacts from land ownership adjustments.

   Objective 2C: Request consultation, coordination, communication, and cooperation when land tenure adjustments to federal and state land are proposed within the County.

   Objective 2D: Request that when federal and state land agencies propose changes in land use, impact studies on the proposed change be conducted at the expense of the agency proposing the change, and that mitigation measures are adopted in coordination with the District. Impact studies should address community stability (socio-economics), local custom and culture, grazing rights, rangeland resources, water rights, flood prone areas, access, and other identified concerns of the County.

   Objective 2E: Promote the classification of public lands for transfer or lease when the lands are
isolated, difficult to management or it would benefit the public to be transferred.

**Policy 1:** Ensure that BLM accurately identifies land eligible for disposal under FLPMA or for lease or conveyance under the Recreation and Public Purposes Act and acts promptly to facilitate transfers when requested.

**ACCESS**

Access rights-of-way and water rights were critical to the early settlers, and they remain critical today. Congress also granted Wyoming two sections per township (Sections 16 and 36) for the support of the public schools. Many private landowners need rights-of-way across the state and federal lands to access their property, to use their water rights, and to exercise their grazing rights.

Today access to land, water, and natural resources remains critical to the economic stability and culture of Niobrara County. The constitutionally protected right to travel is closely tied to access across federal land. Recreation users depend on trails and roads to hunt, camp, and enjoy the land and scenery in Niobrara County. The use and development of natural resources depends on access across and to federal and state lands. The livestock operators need access to forage on federal land and access to move livestock and construction materials to maintain and build range structures. Landowners need access in the form of rights-of-way to divert water for hay and to provide water for livestock, or to use water in relation to other development. Increasing limits on access have the potential to strangle the local economy and alter the custom and culture while pushing greater number of people onto smaller areas of federal land.

In 1866, the Congress enacted a law to provide and protect access across federal lands for miners and others reliant upon water to earn their livelihood. Section 8 of Revised Statute 2477 (“R.S. 2477”) provided simply that, “the right-of-way for the construction of highways over public land, not reserved for public uses, is hereby granted.” Niobrara County miners and ranchers developed such rights-of-way in the form of roads and trails, which continue to be used today. Congress repealed R.S. 2477 in FLPMA but preserved all pre-existing rights-of-way.

This easement across public lands, not withdrawn from public use, made an immediately effective grant, which took effect as soon as the road was established by use or construction. This was called an *en praesenti* grant, because it required no further official action from the federal government. It was accepted whenever and wherever roads and ways were established over unreserved federal land by construction or otherwise, and were available for public use. These public highways remain available to this day for public use.

Wyoming law identifies procedures for each County to establish and record public roads, and this includes R.S. 2477 rights-of-way -Wyo. Stat. §24-3-101. If a road, including an R.S. 2477 right-of-way, is not recognized by the County, then it is not considered to be a public right-of-way under Wyoming law. Once a road is recognized by the County, it is part of the county public road system. A public road remains a public road until the county officially vacates it or abandons it, as set out in the statute.

Public use of rights-of-way established under R.S. 2477 may result in the extension of the easement for public travel over private land under the doctrine of adverse possession or when the public use
arose before the land was conveyed into private ownership. Restricting access has the potential to limit or adversely affect the local economy. While Wyoming counties prefer to acquire a voluntary easement from private landowners, the public’s use of a road that is “actual, open, notorious, exclusive and continuous for the statutory period, hostile, and under color of title or claim of right” for 10 years will support a finding of adverse possession. Wyo. Stat. 1-3-103.

Public access to routes of travel is essential to the County's transportation and public access systems and to the economic, social, political well being, custom and culture of the communities and citizens of Niobrara County. Because the County also depends upon the responsible use and development of public land resources, adequate, feasible, and fully-protected access is required to utilize and to protect these resources. Many land uses in the County depend upon roads and rights-of-way associated with general non-motorized and motorized travel.

Federal law also authorizes rights-of-way across federal land under the Alaska National Interest Lands Conservation Act (“ANILCA”) or Title 5 of FLPMA. Under FLPMA, the applicant must pay cost–recovery fees to process the permit and full market value of the easement, unless the applicant is a county. Mineral lessees are entitled to access under the terms of a mineral lease. In many cases, these access rights are not public rights-of-way and do not establish public access.

1. GOAL: Protect private property rights in the County while facilitating rights of access.

2. GOAL: Develop a coordinated approach to the issues of roads and rights of ways with local, state, and federal agencies and private landowners.

Objective 2: Support coordination and concurrence between the District, local interested parties, and relevant federal and state land management agencies, prior to any proposed road closures and obliterations in the County.

3. GOAL: Evaluate new rights-of-way and road systems in light of identified need, impacts on the District Plan, goals and objectives, and private property rights.

Policy 1: Recommend that any new construction of an access route be under a plan accepted by County Commissioners or as permitted by respective land ownership. Pre-existing routes will be honored according to their identification and physical character. Route maintenance standards will be in accord with designated classification and need.

Policy 2: BLM must recognize public rights-of-way instead of only authorizing local government road work or public use under Title V of FLPMA, which only provides for a revocable permit.

4. GOAL: Support identification, assertion, and protection of all County roads and public rights-of-way to protect the County's resources and promote public health, safety, and general welfare, including but not limited to, search and rescue, extreme weather, fire protection, resource conservation, health and law enforcement, and other services.

Objective 4A: Participate in local, state, and federal planning processes or any County planning process regarding transportation plans for new roads, reconstruction or maintenance of existing roads, and road closures (permanent and seasonal) to address economic and scientific-based
concerns for water, air quality, and public access purposes.

Policy 1: Federal law provided for rights-of-way and establishment of public highways across unreserved public domain. The resolution of the status of roads and rights-of-way under R.S. 2477 remains in controversy at the national level. R.S. 2477 (the Act of July 26, 1866) states in Section 8: “The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.” While R.S. 2477 was repealed in 1976, new access grants are available across public lands pursuant to Title V of FLPMA, the Mineral Leasing and Coal Leasing Acts for lease development and to private land under Alaska National Interest Lands Conservation Act (“ANILCA”), Policy 2: Participate in the federal NEPA process or any County planning process for communication, utilities, transmission, transportation and waterway corridors.

Policy 3: Support a transportation plan that optimizes accessibility across all federal and state managed lands within the County, while respecting private property rights.

Policy 4: Access to and/or across federal and state managed lands within the County should not entail encumbrances or restrictions on private property rights.

1. GOAL: Protect agricultural land and promote the continuation of agricultural land uses.

Objective 1A: Protect private property rights with respect to the right to use public land for agriculture uses.

Objective 1B: Support open market conditions for agriculture products.

Objective 1C: Protect and expand, as needed, water resources for agriculture uses.

Objective 1D: Support the County in identifying opportunities and prioritizing for economic development and diversification, (i.e. value-added products derived from natural resources and agriculture), business expansion and retention, telecommunication, and small business assistance.

2. GOAL: Support development and implementation of economic policy documenting the effects of federal and state lands management on the economic stability of Niobrara County.

Objective 2A: Encourage research to address rural and urban economic issues.

Objective 2B: Support increasing the capacity of state and federal land resources to provide greater economic return to the County.

Objective 2C: Prohibit policies and actions that preclude or limit development or resource uses on federal surface, thereby placing all or most of the development impacts on private land.

3. GOAL: Ensure continued and consistent access to natural resources on federal and state lands in Niobrara County.

Objective 3A: Support the responsible use and development of natural resources while maintaining multiple-use management practices on state and federal lands.
Objective 3B: Support economic development and diversification of existing land uses through business expansion and retention.

4. GOAL: Promote the enforcement of laws providing for reduced regulatory costs for small businesses, such as farming and ranching and small governmental entities, including Niobrara County.

Objective 4A: Support and participate in identifying and quantifying the regulatory impacts on Niobrara County, which is a local government entity protected under the Small Business Regulatory Enforcement Fairness Act.

Policy 1: The District will enforce, monitor and promote the enforcement of statutory and regulatory policies that require a federal agency to document the effects of regulatory actions on small businesses, which include many agricultural operations in the County and the County itself, Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. §§601-612.

Policy 2: Participate in local, state, and federal land decision and planning processes to ensure the continued development and conservation of natural resources to provide growth and expansion of related industries, while ensuring the continued conservation of rangeland, soil, water, and wildlife resources.

ENERGY / MINERAL RESOURCES

Energy and mineral resources occur without regard to whether the land is in private, state, or federal ownership. These resources have, and continue to, provide economic benefits and economic impacts for the citizens of Niobrara County and the State of Wyoming. The District recognizes that effective development of its abundant mineral resources is necessary to the economic well being of the county, the state, and the nation. Energy and mineral resource extraction is also consistent with the local history, custom, and culture.

ENERGY

Wyoming’s legacy as a major energy producer continues today. Be it coal, oil, natural gas or wind, Wyoming has energy reserves in abundance. Wyoming sits on more than 919 million barrels of oil, 36.75 trillion cubic feet of natural gas and 65 billion short tons of recoverable coal. As a result, we serve a critical role in domestic energy production and supply more energy to the nation than any other state.

Wyoming’s energy sector does much more than keep the lights on. Mineral production in our great state creates jobs, sustains our local economies, drives innovation, educates our children and fuels our government. It is a part of our culture and way of life.

The mining sector, which includes oil and gas, directly supports nearly 25,000 jobs, and indirectly drives tens of thousands of additional construction and service jobs. Mineral production is the principal driver of tax and investment revenues in Wyoming, making up 75 percent of the state’s income. Mineral production has also provided Wyoming with over $5 billion in savings in the Permanent Wyoming Mineral Trust Fund.
Utilities include all lines and facilities used to distribute, collect, transmit or control electrical power, natural gas, petroleum products, information (telecommunications), water and sewage. Inherently these are regulated by the Federal Energy Regulatory Commission (FERC) and is governed primarily by statutory provisions in Title 30, Chapter 5 Oil and Gas of the Wyoming Code (Wyo. Stat. Ann. § 30-5-100, et seq.) and rules promulgated by the Wyoming Oil and Gas Conservation Commission (WOGCC). The WOGCC also handles the drilling permit process and ensures industry compliance with statewide oil and gas laws and regulations. Air quality and water quality provisions of Wyoming’s Environmental Quality Act (§ 35-11-100, et seq.) play important roles in regulating the environmental impacts of oil and gas development throughout the state as well. Additionally, the WOGCC and other state agencies, like the Wyoming Air Quality Division, issue various guidelines and policy statements to guide the future of oil and gas development in Wyoming and to assist regulated industries understand and comply with Wyoming’s statutes and regulations.

**NATURAL GAS AND HAZARDOUS LIQUID TRANSMISSION PIPELINES**

Transmission of hazardous liquids and gases by pipeline is an essential transportation mode for transporting these products. While pipelines offer an efficient and convenient method of transport, potential for ruptures and uncontrolled leaks of products which are highly flammable, explosive or toxic requires careful consideration of pipeline siting and protection of pipelines from third party damage.
Four main categories of mineral resources exist within the County:

1. Fluid Leasables: (oil, coalbed methane and natural gas and geothermal) the objective is to provide for leasing in exploration and development. State and BLM-administered lands, not specifically withdrawn or closed to sale under the mineral leasing laws, should be open to leasing and development.

2. Solid Leasables:
   a. Solids resources in the County are subject to development in an orderly manner consistent with the regulation and policies governing its development, environmental integrity, national energy needs, and related demands.
   b. With appropriate limitations and mitigation requirements for the protection of other resource values, all BLM-administered federal lands and federal coal lands in the County, except for those lands identified as withheld, should be open to coal resource inventory and exploration to help identify its resources and their development potential, commensurate with all interests in coal per se.
   c. Split Estate lands where the United States owns the surface but the minerals are owned by the State or private entity or where the United States owns the minerals but the surface is in private or state ownership: Government-owned surface overlaying State of Wyoming and privately-owned coal are subject to consideration for coal development with appropriate and necessary conditions and requirements for protection of the public land surface and surface resource uses, including big game crucial winter range, grouse leks, cultural values, geologic features, and rights-of-way. The Land Quality Division of the Wyoming Department of Environmental Quality ("Wyoming DEQ") issues mining permits, which address reclamation and surface resources.

3. Other Minerals: The minerals management objective for other minerals is to provide opportunities for exploration and development of building stone, sand, and gravel as needed to provide for use while protecting other resources, as such resources may be governed by regulation. Locatable Minerals (under General Mining Law 1872. The locatable minerals management objective is to ensure that public lands are available to explore, locate, and develop by mining claims while protecting other relative resource values. With the exception of lands withdrawn from mineral location, the County is open to filing of mining claims and exploration for and development of locatable minerals.
4. Geophysical Exploration: The management objective for geophysical exploration activities is to provide opportunity for exploration of mineral resources and collection of geophysical data, while protecting other resource values.

1. GOAL: Encourage suitable mineral and energy resource exploration and development in the County, while conserving rangeland, soil, fish and wildlife habitat, air quality, visual and water resources.

Objective 1B: Enforce requirements in FLPMA that BLM review land withdrawals should be reviewed in the federal planning process or immediately thereafter to ensure that they are still necessary and that BLM only withdraws public lands from mining or mineral leasing pursuant to federal law or an official order of withdrawal that is published in the Federal Register with an explanation justifying the closure.

Objective 1C: Discourage the use of informal policies or unofficial classifications by federal agencies to withhold high energy potential areas from leasing or development. This policy violates FLPMA’s requirement that public lands be managed in accordance with land use plans and that decisions to withhold public lands from mineral development must be evaluated in terms of the social and economic effects and reported to Congress.

Objective 1D: Support Executive Orders 13211 and 13212, as amended by Executive Order 13302. Directing all federal agencies to facilitate the permitting and development of power distribution facilities and to remove regulatory impediments to the exploration and development of energy resources on public lands.

2. GOAL: Ensure compliance with all existing local, state, and federal laws regarding oil, gas and mineral exploration and/or their production, so that the District’s mandate to conserve rangeland, soil, and water resources are met.

3. GOAL: Protect the rights of land owners and surface owners so that mineral development can proceed consistent with the District’s mandate to conserve rangeland, soil, and water resources.

Objective 3A: Enforce reclamation actions to ensure that the site-specific reclamation plan is appropriate for the soils, vegetation, and climate, that the disturbed sites are immediately stabilized to conserve soils, that interim vegetation is planted to hold soils, including the use of sterile, non-native seeds, and that final reclamation is done on disturbed areas as soon as possible. Local reclamation plans will involve the District and affected landowners.

Objective 3B: Support mitigation that is closely tied to actual impacts, such as replacement grazing forage for displaced grazing permittees or range / vegetation improvement projects to mitigate impacts on rangeland resources and wildlife habitat.

Objective 3C: Require detailed monitoring plan that involves the District and affected landowners to ensure that mitigation and reclamation actions are enforced and are successful. The monitoring plan will also require consistent and regular site review to measure the site’s response to management measures and determine if it is appropriate to change either mitigation or reclamation to achieve the objectives.
4. GOAL: Support coordinated efforts between the local, state, and federal agencies in the inventory, evaluation, and development of mineral resources.

Objective 4A: Recommend that local, state, and federal agencies assess socio-economic impacts of any proposed changes to natural resource-related use plans that impact Niobrara County School Districts.

Objective 4B: Recommend that local, state, and federal agencies conduct a thorough investigation of future mineral industry potential and the consequences of all land use decisions. Local, state, and federal planning documents should disclose consequences to future mineral development and economic impact of proposed policies or plans to the continuity of the County's minerals industry.

Objective 4C: Request that local, state, and federal agencies notify the District of any proposed actions or regulations, which may impact minerals industry opportunities on state, federal, or private land within the County to enable the District to review and comment on local, state, or federal actions or changes significant to mineral and related industry opportunities in the County.

5. GOAL: Support beneficial mining efforts and their economic impacts or effects

Objective 5A: Carefully evaluate proposed revisions of the General Mining Law of 1872 to determine the impacts, if any, for mining in the County. Discourage over-regulation that inhibits scientifically-sound mining practices.

Objective 5B: Ensure that state and federal lands are open to mining exploration and development and ensure that such lands should continue to be used for that purpose.

Objective 5C: Encourage open access to, across, over, under, and through the state and federal lands for prospecting and exploration to provide incentives for private investment in mineral development.

Policy 1: Make recommendations regarding any such proposed revisions of the General Mining Law of 1872 to the appropriate state and federal representatives in order to influence the outcome to favor the custom, culture, and economy of the County.

Policy 2: Mineral and energy resource exploration and development are among the historic uses on private, state, and federal land; their continuance is compatible with the principles of multiple-use on state and federal lands.

Policy 3: Support mineral and mining company efforts to conduct science-based research applicable to mining and mineral processing, subsidence, expansion, and new development that is environmentally and economically viable.

Policy 4: Local, state, and federal agency plans or management recommendations shall include a social and economic impact description (either brief or in-depth depending on the case needs) that addresses the effects on energy and mining development.
ALTERNATIVE ENERGY

The term alternative energy generally refers to non-carbon based energy. These include wind, geothermal, and solar, as well as nuclear power. Wyoming does not have any nuclear power plants, although it does have commercially viable uranium deposits. Wyoming and Niobrara County, in particular, has high potential for wind and solar energy. Even though alternative energy does not have carbon-based emissions, there are potentially significant environmental impacts associated with each.

Wind energy requires the use of tall turbines that harness the high winds typical of Niobrara County. A wind energy site also requires an alternative energy source (carbon-based) to run the turbines when the wind is not sufficient and additional transmission facilities to tie the wind energy system into the grid. These facilities require the use of the surface, federal, state, and private land. Identified impacts can include injury or death to migratory birds caught in either the wind turbines or lines, surface disturbance, roads for maintenance, and changes in the skyline due to the permanent construction. The sage grouse conservation plan in particular prohibits wind energy sites within core areas and imposes additional mitigation for the sage grouse.

Solar energy requires a relatively large land area to install and maintain commercial grade solar panels. Like wind energy, supplemental fuels, usually natural gas or coal, is necessary to keep the system operational when weather obscures the sun. The predominance of federally-owned land and historic trails make a commercially viable solar energy project more difficult.

Geothermal energy has a longer record of providing commercially viable power. It does require, however, the drilling of numerous shallow wells to harness the geothermal power. A geothermal energy project also requires closely-spaced wells and related transmission facilities.

The current federal policies to advance alternative energy development as a solution to the harm caused by carbon-based sources of energy, including coal, natural gas, and oil, need to be measured in terms of environmental impacts and costs. Development and use of virtually all sources of energy have significant environmental impacts. Wind and solar energy costs tend to outweigh the amount of electrical energy produced, even with significant federal funding and public support.

1. GOAL: Support alternative energy development where it is both commercially feasible and does not have disproportionate environmental impacts.

Objective 1A: Evaluate alternative energy projects proposed for Niobrara County based on the same criteria applied to more traditional projects, including impacts of visual resources, wildlife habitat, soils and vegetation, and impacts on existing land uses.
WATER RIGHTS

“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.” Wyoming State Constitution.

Wyoming is a prior appropriation doctrine state under which the right to use water is based on the date when a specified quantity of water was put to beneficial use, with preference given to the prior user or appropriation. Wyoming law establishes procedures and criteria for the recognition of water rights under the doctrine of prior appropriation.

Early farmers and ranchers established water rights through the doctrine of prior appropriation. As subsequent efforts were made to control the water, landowners brought suit to protect their prior appropriation rights. Today, holders of water rights are still struggling to preserve their rights against encroachment.

1. GOAL: Support allocation of water resources in Niobrara County in accordance with Wyoming Water Law and the prior appropriation doctrine.

Objective 1A: Coordinate with the appropriate agencies in the land use inventory, planning, and management activities, which affect water resources in Niobrara County, either directly or indirectly, to ensure consistency with the Plan.

2. GOAL: Support the protection of private rights and interests in irrigation and water development structures on public lands.

3. GOAL: Encourage the use of upstream storage structures and water retention to enhance available water for appropriation and beneficial use, through a combination of:

On stream storage
Off stream storage
Structural storage
Non-structural storage

Policy 1: Use of water resources in Niobrara County is necessary to meet the District’s mandate to conserve rangeland, soil, wildlife, and water resources, and is also necessary to local culture and community stability with particular emphasis on the economic stability of the community.

Policy 2: Pursuant to the doctrine of prior appropriation, the District discourages federal agency water right purchases. Furthermore, the District encourages federal agencies to lease water rights from the state or private water rights owners.

Objective 3B. Water resources will remain under state control.

Policy 1: Federal water right claims will be carefully scrutinized to ensure that they meet the letter and the spirit of the Wyoming appropriation laws.
Policy 2: Oppose all efforts by federal agencies to limit or control appropriations and use of water, such as through the denial of rights-of-way necessary to put the water to beneficial use.

Objective 3C: Unappropriated water shall be used within the watershed.

Policy 1: Promote water projects that ensure that the unappropriated water is put to beneficial within the watershed.

WATER QUALITY

State and federal law regulate water quality with respect to point sources or discharges into any water body, which requires a National Pollutant Discharge Elimination System (“NPDES”) permit, and nonpoint sources of water pollution, which are regulated through Best Management Practices and watershed plans to limit erosion into specific streams. Wyoming DEQ implements the water pollution laws, issues NPDES permits to implement and enforce federal effluent standards and regulates wetland protection. As part of its regulation of nonpoint sources, the Wyoming DEQ has also identified impaired streams, total maximum daily loads of pollution, and participated in watershed planning to reduce erosion and runoff.

The District is the responsible local government entity charged with protection of soil and water resources. Non-point source water pollution is regulated by the Wyoming DEQ under the Wyoming Environmental Quality Act. The District is responsible for the analyses and identification of contaminant sources; the development of Best Management Practices, which apply to nonpoint sources of water pollution; and the development of policies and implementation strategies for improving water quality within the County. Local, state, and federal agencies involved in planning and/or implementing the Wyoming Water Quality Act need to cooperate, coordinate, and consult with the District in the County and adjacent counties.

1. GOAL: Ensure that productive watersheds are maintained for water quality.

Objective 1A: Maintain healthy rangelands and control soil erosion for productive watersheds.

2. GOAL: Ensure the enforcement of the application of the "Credible Data Legislation," which provides the basis for surface water quality monitoring in Niobrara County- Wyo. Stat. §35-11-302(b)].

Objective 2A: Ensure that land use inventory, planning or management activities affecting point or nonpoint sources and water quality in Niobrara County, either directly or indirectly, are coordinated through the District and are consistent with the Plan.

Objective 2B: Ensure that all management and watershed plans and land use practice modifications proposed by either local, state, or federal agencies premised on water quality issues are coordinated with the District and are consistent with the protection of private property rights.

Objective 2C: Recognize the economic and social benefits of customary land use activities in
Niobrara County and balance against the “social and economic value of the source of pollution - Wyo. Stat. §35-11-302].

Objective 2D: Support and facilitate water quality testing and monitoring programs that collect Credible Data according to Wyo. Stat. §35-11-302 data using a local steering committee according to the Watershed Strategic Plan.

Objective 2E: Encourage preparation of a prioritized list of watershed treatment measures to identify problems and suggest actions to solve those problems. These watershed treatment measures and Best Management Practices could include, but not be limited to: seeding, revisions in grazing practices, and the construction of retention ponds and runoff diversion structures.

Policy 1: The Watershed Strategic Plan will guide the management of water and watersheds and will be voluntary and locally led and may be put in motion by the 303D listing of a stream by the Wyoming DEQ. Watershed Management Plans can be prepared for geographical areas with similar problems, identify specific actions to be implemented to achieve specific goals, and prioritize actions based on the severity of the problem and the likelihood of success.

a) Communicate, coordinate, and consult with affected local landowners, permittees and lessees, municipalities, local, state, and federal agencies to assure protection or enhancement of existing water quality. Such protection must be consistent with the State of Wyoming water quality standards.

The District may undertake water quality monitoring and its agents may be guided by a locally led Watershed Advisory Group made up of affected landowners, permittees, lessees, and local, state and federal government to assure compliance. Support from the District, its agents, and partners will be utilized for project design and construction, along with guidance from the Nonpoint-Source Pollution Plan and applicable Wyoming approved Best Management Practices. If construction contracts are necessary, support will be sought from all appropriate local, state, and federal agencies and landowners.

WATER / WATERSHEDS

Water and associated water rights in the County are integral to municipal, industrial, agricultural, and recreational uses. Local industry utilizes and controls substantial agricultural and industrial flow and storage water rights in the County. The agricultural uses of water from the its tributaries are directly associated with viability of agricultural operations throughout the County.

Watersheds within the Cheyenne and Niobrara River Basin are exporting water from the state of Wyoming. Several interdisciplinary planning, management, and implementation groups/agencies exist to address water resource issues in the County. (i.e. Wyoming State Engineer’s Office, Wyoming Water Development Commission ("WWDC"), Wyoming DEQ.) The Upper Niobrara River Compact was signed by Nebraska and Wyoming in 1962. This agreement placed limitations on reservoir supply and direct flow rights. Groundwater studies are stipulated if surface water supplies are impacted by groundwater development. Approximately 6,700 acre feet or two-thirds of the available streamflow is depleted by irrigation and evaporation before the Niobrara leaves Wyoming. The Niobrara River Compact with Nebraska is utilized to facilitate discussions within the
Niobrara River Basin. Adequate water quality and availability is necessary for significant municipal, industrial, commercial, agricultural, and recreational opportunities in Niobrara County.

Water resources are simply supplies of water that can be drawn upon for various uses. The District is charged with facilitating water conservation and utilization within the District. The District is authorized to aid farmers and ranchers with water projects, as well as addressing water supplies district-wide.
4. GOAL: Protect and support the conservation of the water resources of the County.

Objective 4A: Strive to develop the water resources of the County based on adjudicated water rights so as to best protect water quantity and water quality.

Objective 4B: Request that all emergency actions relative to water resources be subject to notice to the District.

5. GOAL: Facilitate and help to fund efforts to protect and enhance the quality and quantity of usable water by promoting and expanding the efficient management and use of water resources.

Objective 5A: Support maintenance, protection, and/or enhancement of existing water quality in the context of watershed management and development.

Objective 5B: Protect and enhance the quantity of water by promoting and expanding the efficient management of rangelands and forests and the use of water resources for healthy watersheds.

6. GOAL: Support development and retention of storage facilities that would allow the capture of excess spring runoff to be utilized later in the year.

Objective 6A: Work with private landowners to identify potential storage sites.

Objective 6B: Support the development and use of water by municipalities, so long as the appropriations and development are based on documented needs for consumptive and beneficial uses.

Objective 6C: Encourage identification and prioritization for development, additional springs, well, and storage facilities within Niobrara County.

7. GOAL: Promote locally-led watershed planning.

Policy 1: Support the protection of appropriated water rights so that "in-county and in-basin" water is made available to the County residents first, and then to Wyoming residents, before being used by non-Basin interests. The District does not support the sale or leasing of water to downstream (out-of-state) users. If the State of Wyoming chooses to lease water to downstream users, revenue derived from the sale or lease of Basin water should be returned to that Basin and be used to improve water storage, water wells, and distribution facilities within the Basin. The District does not support the use, sale, or lease of Basin water unless the storage needs of the Basin have been met or mitigated. This policy also applies to transbasin diversions. The District does not support the use of sale or lease revenues to improve water needs in other areas of the State until the needs of the Basin have been met and or mitigated.

Policy 2: The protection of existing water rights and water uses within Niobrara County is of primary importance to the District’s mandate to conserve rangeland resources, soil, and water to stabilize the agriculture industry, and to protect the tax base. Therefore, changes in water uses for federal,
state, or local purposes that will potentially reduce the available water or adversely affect existing water rights should be carefully considered in relation to the effects on rangeland resources, soil, and water and the agriculture industry, as well as the history, traditions, and custom and culture of the County. The District requests consultation, cooperation, and coordination with all local, state and federal agencies to any water use plans that have any effect on Niobrara County to assure local land management plan consistency.

Policy 3: Oppose the conversion of agriculture water to municipal and industrial uses, while not interfering with the underlying rights to sell or change the water right. Facilitate construction of water storage and other facilities to preserve agriculture water while allowing for the diversification of the community which would otherwise require water.

Policy 4: During periods of drought or other emergencies, local, state, and federal agencies shall work closely with the District, the Wyoming State Engineer, and other local, state, and federal agencies to address availability of water for critical needs, including agriculture and municipal uses.

Policy 5: Encourage and facilitate development of water storage facilities to meet Wyoming water needs.

Policy 6: Under the doctrine of prior appropriation, the District declares that historic and customary beneficial uses under state law, do and should take precedence over any and all in-stream flow use designations established under current Wyoming State Law.

Policy 7: The District requests notification of all proposed interstate and federal water development, conservation or other actions that may have an impact on the water rights or uses in Niobrara County prior to initiating actions.

a) Recommend that any water quality programs (i.e. nonpoint source pollution programs) evaluate, mitigate, and minimize the impacts on Niobrara County's water rights, custom and culture, and economic viability.
b) Recommend that at least one District representative or designee from water resource interests is included in decision-making process for proposed actions by local, state, or federal agencies affecting water resources in the County.
c) Request notice of any actions or regulations which involve water resources on federal and state land within the county. The District will review and comment on local, federal or state actions or changes significant to water resource issues in the County.

IRRIGATION / AGRICULTURE

Irrigated crops contribute to the economic base of the County and are integral to the stability of livestock production, wildlife habitat, and farming while maintaining the local custom and culture. Due to the location and additional water, cropland and irrigated fields often provide key winter habitat for big game and other wildlife.

1. GOAL: Support maintenance and/or enhancement of productive watersheds for the preservation of irrigated agriculture.
Objective 1A: Assist in maintaining healthy rangelands and forests for productive watersheds.

Objective 1B: Assist and promote the continued use of Best Management Practices for erosion control on rangeland and irrigated cropland by local cooperators.

2. GOAL: Protect water rights and irrigation ditch easements.

Objective 2A: Support the enforcement and implementation of Wyoming Water Law.

3. GOAL: Support maintenance and enhancement of water storage and conveyance structures.

4. GOAL: Support opportunities for grazing livestock on private, federal, and state lands, protection of property rights and equitable interests in land, science-based land stewardship, and promote Best Management Practices for the improvement and continued use of all rangelands and irrigated cropland within the County.

Objective 4A: Encourage private land owners, local, state and federal agencies to cooperate in defining desired plant communities on private, state, and federal lands within the County to control soil erosion.

Objective 4B: Support increased productivity of irrigated lands to increase and/or maintain animal unit months (“AUMs”) in Niobrara County.

5. GOAL: Encourage agricultural viability as part of the custom and culture and beneficial impacts on
public land uses in the County.

Objective 5A: Encourage the use of locally-led interdisciplinary groups to address agricultural issues in relation to public land uses on a case-by-case basis.

6. GOAL: Promote public education by providing information to urban and rural communities regarding agriculture, natural resource, and wildlife issues.

Objective 6A: Support and utilize local, state, and federal partnerships for cost-share programs for range improvement and irrigation practices.

Objective 6B: Develop information regarding roles of irrigation and range management to educate the public.

Objective 6C: Provide information to landowners and the general public on regulatory actions and their effects, including but not limited to, the Wyoming Environmental Quality Act, implementing the Federal Water Pollution Control Act, and the Endangered Species Act.

Objective 6D: Support Conservation Districts and their state associations in their efforts to assist resource managers on conservation actions and issues.

Policy 1: Oppose local, state, and federal agency land use plans, regulatory actions, including rules, or management recommendations, which do not address the regulatory impacts and consider mitigation that will decrease impacts on small businesses (including agriculture) and small government entities.

Policy 2. The characterization and conservation of soil and soil resources are fundamental to the proper development of all natural resource uses and are reflected in the legislative declaration of the District. The Niobrara Soil Survey should be used as a point of reference in all development.

FLOODPLAINS / RIVER TERRACES & WETLANDS

Floodplains are relatively broad and smooth valley floors constructed by active rivers and periodically covered with floodwater during periods of overbank flow. Floodplains usually include the riparian and wetland areas. The flood plain is a part of the active erosion and depositional activity of river channels.

River terraces (benches) are abandoned floodplains that formed when their associated rivers flowed at high levels in the past. Many alluvium-filled valleys in Niobrara County have terraces at their margins, which, when irrigated, are some of the most productive farmlands.

Wetlands help regulate water levels within watersheds, improve water quality, and reduce flood and storm damages. Wetlands are most common in floodplains along rivers and streams (riparian wetlands). They also occur in isolated depressions surrounded by dry land (for example: playas, basins, and "potholes"), along the margins of lakes and ponds, and other low-lying areas, where the groundwater intercepts the soil surface or where precipitation sufficiently saturates the soil (vernal pools and bogs). Wetlands include marshes and wet meadows dominated by herbaceous plants;
swamps dominated by shrubs, and wooded swamps dominated by trees.

1. GOAL: Encourage a cooperative approach to wetlands issues that conserves and protects soil and water resources and also protects rangeland and agriculture uses.

Objective 1A: Work with local, state, and federal agencies and landowners to achieve acceptable solutions and mutual benefits, both economic and otherwise, on these issues.

Objective 1B: Participate in the process to develop a consistent definition and accurate delineation of wetlands and lands adjacent to wetlands that can be applied in the District.

Objective 1C: In developing a wetlands definition, attempt to include the following components:

Wetlands are naturally occurring areas of predominantly hydric soils that support hydrophytic vegetation due to existing wetland hydrology. [Glossary, pp. 101-102]. Hydric soils are defined as soils formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part. Id.

Hydrophytic vegetation is defined as development of plant communities specifically adapted for recurring inundation or saturation. Generally there should be a predominance of obligate wetland plants and facultative wetland plants. Id.

Objective 1D: Ensure that regulation of wetlands does not impair property rights.

RIPARIAN AREAS

Riparian areas are zones bordering lakes, reservoirs, potholes, springs and seeps, wet meadows, vernal pools, and ephemeral, intermittent, or perennial streams. They are of prime importance to water quality, water quantity, stream stability, and fisheries and wildlife habitat. Abundant water, forage, and habitat attract a proportionately greater amount of use and conflict than their small area would indicate. They are vital to the livestock grazing industry, and many are also well suited for development as high quality agricultural farmland.

A riparian area is an area along a watercourse or around a lake or pond. It also refers to a “corridor encompasses the stream channel and that portion of the terrestrial landscape from the high water mark toward the uplands where vegetation may be influenced by elevated water tables, or flooding, or by the ability of soils to hold water.” Citing Malcomb Hunter, Robert Naiman states:

"At the smallest scale, the riparian zone is the immediate water's edge where some specialized plants and animals form a distinct community. At a larger scale, the riparian zone is the area periodically flooded by high water, the stream banks and flood plain. At the largest scale, the riparian zone is the band of land that has significant influence on the stream ecosystem, and/or is significantly influenced by the stream.”

BLM describes riparian areas as those terrestrial areas where the vegetation complex and micro climate conditions are products of the combined presence and influence of perennial and/or
intermittent water, associated high water tables and soils which exhibit some wetness characteristics. The term ‘riparian area’ often refers to the zone within which plants grow rooted in the water table of these rivers, streams, lakes, ponds, reservoirs, springs, marshes, seeps, bogs and wet meadows.

Riparian areas are ecosystems that occur along watercourses or water bodies. They are distinctly different from the surrounding lands because of unique soil and vegetation characteristics that are strongly influenced by free or unbound water in the soil. Riparian ecosystems occupy the transitional area between the terrestrial and aquatic ecosystems. Typical examples would include floodplains, stream banks, and lakeshores.

Upland rangelands generally refer to all areas that are not in a riparian area or wetland. The uplands will vary by soil and plant species but do not have natural sources of water that otherwise change soils and plants.

1. GOAL: Encourage a coordinated approach when establishing riparian and upland management plans and encourage the use of Best Management Practices.

Objective 1A: Encourage enhancement of the range resources through planned grazing systems that provide an accurate and verifiable system for comprehensive (short and long-term) monitoring and evaluation of the entire range resource within the grazing system.

Objective 1B: Encourage defining riparian areas as areas of land directly or indirectly influenced by permanent water. Riparian areas have visible vegetation or physical characteristics reflective of permanent water influence. Excluded are such sites as ephemeral streams or washes that do not exhibit the presence of vegetation dependent upon free water in the soil.

Policy 1: Support livestock and other managed uses of watersheds because properly managed multiple uses are compatible and consistent with watershed management.

Policy 2: Exclude from wetlands regulations, including mitigation or compensatory wetlands policies, those artificially-created wetlands that cease to be wetlands when the water project is repaired and the area dries up.

Policy 3: Require water quality monitoring as part of energy and right-of-way development projects to ensure groundwater and surface water quality is not degraded.

RANGELANDS, WOODLANDS AND FORESTS

Rangelands

The majority of the rangelands and riparian zones in the County support an understory or periodic cover of herbaceous or shrubby vegetation amenable to rangeland management principles or practices. The principal natural plant cover is composed of native grasses, forbs, and shrubs that are valuable as forage for livestock and big game. Any land supporting vegetation is suitable for wildlife or domestic livestock grazing, including grasslands, woodlands, shrublands, and forest lands. Rangeland includes lands revegetated naturally or artificially to provide a plant cover that is managed like native vegetation. Rangelands in the County consist of sage brush-steppe,
grasslands, desert shrublands, and wet meadows. Most of the land in Niobrara County is classified as rangeland. The soil and climate make the land best-suited for grass and shrubs, rather than farming. The BLM requires public rangelands to meet or make substantial progress to meet standards, which were developed for Wyoming.

Forests & Woodlands
A small portion of the Thunder Basin National Grassland is located in Niobrara County. This land area is managed pursuant to the laws governing the National Forest System. Most National Forests were reserved from the public domain to provide a perpetual supply of timber for home industries, to prevent destruction of the forest cover, and to maintain favorable conditions of flow. Subsequent legislation directs that the National Forests are to be managed for multiple use and sustained yield, based on standards and guidelines established in regulation and customized to each unit of the National Forest System through the land use planning process.

While there is little commercial logging in Niobrara County, timber is cut for firewood, poles, and other thinning projects are warranted to reduce fuel loads. The forest lands are primarily ponderosa, juniper and cottonwood. Woodland products (i.e. ponderosa, juniper and cottonwood) will be provided as a part of multiple use management while providing reasonable protection to other resources.

1. GOAL: Achieve good rangeland, forest, and woodland health to ensure healthy and vibrant watersheds for current and future generations and to sustain the stability of ranching and agriculture.

Objective 1A: Protect our environmental capital assets by managing mortality and reducing fuel loads on rangeland and forest areas.

Objective 1B: Maintain and restore watershed health by demonstrating active rangeland, forest, and woodland management.

Objective 1C: Enhance and restore habitat.

Objective 1D: Continue to provide a wide variety of trees, shrubs, and seedlings to the community for windbreaks, shelterbelts, and aesthetic value for wildlife and agricultural use.

Objective 1E: Support the early detection and control of noxious and invasive weeds and insect infestations.

2. GOAL: Support and promote a sustainable and continuous supply of forage, timber, wood products and bio-fuels, firewood, wildlife, fisheries, recreation, and water supplies utilizing multiple use on our public rangelands, forests, and woodlands.

Objective 2A: Request to be involved in the designation/management of areas that may require single-use or restrictive-use.

Objective 2B: Support the maximum area of land possible to be excluded from single-use or restrictive-use designations, so that excluded land is available for active and sound management.
Objective 2C: Support local land managers on site-specific management decisions based on sound science, compliance with Wyoming Standards for Healthy Public Rangelands and Best Management Practices.

Objective 2D: Ensure that rangeland health assessments identify all of the causal factors when there is a failure to meet the Wyoming Standards for Healthy Rangelands and that livestock grazing uses are not reduced to compensate for or mitigate the impacts of other causal factors.

3. GOAL: Educate the public on the benefits of multiple use and long-term sustained yield of rangeland and woodland resources.

Objective 3A: Encourage public education documenting through science and practical experience the benefits of active management of rangelands, forest, woodlands and other areas.

Objective 3B: Support cooperation with public land managers, local organizations, boards and governments on the importance of public lands to local infrastructure maintenance.

Objective 3C: Support agreements with federal and state agencies to formalize a working relationship with local, state and federal land managers.

Policy 1: Encourage the creation of a model in Niobrara County that demonstrates how active rangeland management can meet economic needs, while maintaining and restoring watershed health.

Policy 2: Work with local, state and federal agencies in partnership to help assess the state of our rangelands, forests and woodlands.

Policy 3: Explore vegetation management and harvest methods, where applicable, that enhance wildlife habitat, through vigorous new growth and a natural mosaic and that reduce fuel loads.

Policy 4: Support local, regional, state and federal partnership in the manufacture and use of forest and forest by-products, including innovative ways to harvest timber.

Policy 5: Coordinate the monitoring of wildlife species with the Wyoming Game & Fish. Permittees, private landowners, state and federal land managers in order to provide project engineering design, construction and prescribed burning support for resource enhancement. The forestlands/woodlands program will provide support through vegetation treatments for both rangeland and forest areas that will enhance wildlife habitat.

Policy 6: Support the four principal dimensions as outlined by the National Forest County Partnership Restoration Program to address the existing extreme fire potential which are (1) Community-based collaboration with stakeholders; (2) Integration of Best Management Practices that incorporate peer-reviewed science; (3) Expedited implementation of rangeland, forest watershed, and landscape restoration and enhancement projects at the site-specific and landscape levels; and (4) Flexibility in authorities and programming.

a.) Seek cooperating or coordinating agency status where the District has jurisdiction, expertise or
capacity within the District exists, to facilitate input into planning and management, providing review and comments to pre-planning project implementation, EA and EIS document development.

Policy 7: Support the Wyoming Office of State Lands Strategic Plan with respect to management of forest resources on private land to achieve the best long-term return on investment and to promote healthy forests. Support efforts to encourage a similar and compatible policy with respect to forests on federal land that are eligible for harvest or intensive management to reduce the incidence of disease and insect infestation.

Objective 1E: Address the impacts of beetle infestation and disease.

Policy 1: Develop or participate in a coordinated plan to reduce fuel loads in forest areas that are already infested and manage the remaining forested areas to minimize further infestation.

Policy 2: Include in the plan soil conservation and renegotiation to restore the forested areas and improve forest health.

Policy 3: Ensure that recovered wood products are used, whether for building material or biofuels.

**FLORA AND MANAGEMENT OF VEGETATION**

Management of vegetation is based on the flora (plants) of a particular region, district, or geographical period; a description of such plants describes plants living in nature that include both native and introduced plants to the County as well as desirable and undesirable plants. See p. 8-9

As per this Plan, activities depending on native and introduced flora include, but are not limited to: agriculture (livestock carrying capacities, desired plant communities); weed (management); recreation and education (plant identifying, 4-H range judging, etc.); habitat management for domestic and wild animals; and species of concern (management of rare, threatened, and endangered plants or habitat for animal species of concern, including state sensitive species). Vegetation resources may be managed differently on private land, as compared with land owned by the State or the United States. The Plan attempts to consider vegetation resources on all lands, while respecting private land interests and rights.

The encroachment of juniper into rangelands can reduce rangeland diversity and productivity. Similarly, the expansion of decadent and old sagebrush over thousands of acres in Niobrara County threatens multiple uses and the maintenance of healthy rangeland conditions. More aggressive or intensive management of these vegetation communities will enhance and sustain multiple uses and increase rangeland productivity.

Niobrara County enjoys a diverse and abundant plant population. Private, state, and federal lands provide vital plant species managed for various consumptive and non-consumptive uses.

Goal 1: Encourage and facilitate reclamation and mitigation of the forage resource that comes as a result of surface disturbance from oil and gas, utilities, and recreation.

Objective 1A: Encourage land managers and landowners to seek technical assistance to mitigate surface disturbance to facilitate soil and water conservation and re-establishment of native or other
desired vegetation.

2. GOAL: Enhance the current amount of rangeland vegetation, by actively reversing the colonization and encroachment of rangelands by juniper and weed infestations.

3. GOAL: Participate in local plans for sage grouse management to ensure an effective balance between sagebrush habitat for sage grouse and grass vegetation for domestic and wild grazing animals.

4. GOAL: Support and work to identify range management objectives based on site potential, climate and land uses.

Objective 4A: Facilitate and support monitoring and evaluation of rangeland, soil, and water conditions to ensure that management decisions are based on sound and credible data as mandated in state and federal law.

5. GOAL: Support the establishment of habitats that are ecologically sustainable, diverse in species and structure and not manage habitat for the benefit of a single species in the County based on site potential and climate, and set goals for plant management to benefit and protect rangeland resources, soil, and water.

Objective 5A: Support the use of the completed Soil Survey to manage highly erodible soils found in Niobrara County, to maintain productivity, minimize erosion, protect private and public water reserves, water quality, limit severe and critical erosion by restricting or mitigating surface disturbance so as to minimize soil erosion, and to restore degraded areas.

Objective 5B: Request local, state, and federal agencies to work with local public to develop Desired Plant Community goals for management areas. These goals shall provide for a variety of land uses and that will maintain and enhance the rangeland, soil, and water resources to stabilize the ranching and agriculture of the District, and, in turn, protect the custom and culture and economy of Niobrara County. Native vs. non-native species and desirable and non-desirable species shall be identified through a local-input process for the County.

Objective 5C: Request cooperation in identification of and recovery-planning efforts for sensitive, threatened and endangered plant species which evaluate, mitigate, and support the County’s custom and culture, economic viability and community stability.

6. GOAL: Encourage and promote the protection of the grassland resources from the invasion and expansion of juniper, cactus, sagebrush, cheatgrass and invasive species.

Objective 6A: Participate in the review of and encourage the inclusion of control measures for woody species.

Objective 6B: Work closely with local, state and federal agencies to identify areas for sagebrush management and control, based on wildlife habitat needs, without compromising overall rangeland vegetation productivity.
Policy 1: The characterization and conservation of soil and soil resources are fundamental to the proper development of all natural resource use and is a legislative declaration of the District. Utilize the digitized/published soil surveys and complete the Natural Resources Conservation Service accepted Level III Soil Survey (digitized/published) for all lands within Niobrara County.

Policy 2: Utilize the Ecological Sites and Descriptions for management and restoration plans.

Policy 3: Request to be notified by local, state and federal agencies as to any action or regulation which involves plants or vegetation management for wildlife on local, state and federal land within the County. The District will review and comment on local, state and federal actions or changes significant to plant and related wildlife issues in the County.

Policy 4: Recognize that the continued presence or possible listing of any rare plant species as endangered or threatened under the ESA or as sensitive heightens the need for private citizens, local, state and federal agencies to identify desired plant communities for areas within the District.

CONTROLLING WEEDS & PESTS

The spread of noxious and invasive weeds on all land is a national problem that threatens rangeland and farmland productivity. Niobrara County has an aggressive weed control program in place, including full-time County Weed Supervisors and a five-member Weed and Pest Board.

1. GOAL: Support the comprehensive Niobrara County Weed Management Plan and policies they have in place.

Objective 1A: Encourage the implementation of county weed control policies.

Objective 1B: Continue the County commitment to fund weed control programs in Niobrara County. Review and be consistent with Weed & Pest plan or encourage working relationships.

2. GOAL: Support eradication, to the extent possible, of noxious weeds within Niobrara County. [See Appendix Tab J, Declared List of Weeds and Pests, Wyoming Weed and Pest Control Board, as amended.]

Objective 2A: Support the Niobrara County Weed & Pest Board as the weed authority for Niobrara County.

Objective 2B: Encourage the cooperation of local, state and federal governments for procurement of additional funding for NCWPB for the control of weeds on all lands in the County.

Objective 2C: Support NCWPB current and future efforts to identify the location of all noxious weeds and cheatgrass and similar invasive plants, and initiate management and/or eradication.

Objective 2D: Cooperate in noxious weed control to improve the productivity of federally-managed rangelands consistent with local, state and federal law and policies to eradicate noxious and invasive weeds, and to enhance native vegetation.

Objective 2E: Support cooperative agreements and, if necessary, legal actions to assure the protection of all lands from noxious weed invasion or occupation.
Objective 2F: Communicate, coordinate and consult with local, state and federal governments on education about the eradication of invasive alien species.


4. GOAL: Support control of undesirable plants and pests, including mosquitoes, by scientific methods including integrated pest management with consideration given to: competitive planting, bio-control by insects and weed eating mammals, cultural, chemical and mechanical treatments for both plants and pests, by cooperating with local, state and federal governments.

Objective 4A: Work closely with local, state, and federal health agencies to manage and monitor zoonotic and vector-borne diseases, including mosquitoes that transmit viruses, such as West Nile.

Objective 4B: Facilitate public education regarding effects of zoonotic and vector-borne diseases on game and wildlife, including impacts of West Nile virus on sage grouse and sylvatic plague on prairie dogs and mountain lions.

5. GOAL: Oppose efforts of special interest groups to attribute noxious weeds infestation to livestock grazing.

Objective 5A: Educate agency personnel and the public regarding the documented vectors of wind, wildlife, and birds for the transfer of noxious weeds and methods to eradicate infestations.

LIVESTOCK GRAZING

The production of livestock in Niobrara County is necessary to the area economy, tax base, and the livelihood of the ranching/farming businesses and related industries and it is also vital to the well-being and continued health of natural resources on federal, state and private lands. The District shall strive to protect our ranching/farming heritage, as it is a primary foundation of the custom and culture of the County.

The range production of livestock and livestock grazing are management tools that are used to maintain and enhance the rangeland resource. Improving the rangeland resource through livestock grazing benefits watersheds, wildlife, water quality and recreation, as well as providing needed forage for sustaining livestock production and wildlife habitat.

In 1964, Congress directed BLM to manage the public lands for multiple use and sustained-yield. With passage of FLPMA in 1976 and the Public Rangelands Improvement Act (“PRIA”) in 1978, 43 U.S.C. §§ 1901-1908, Congress affirmed the multiple use mandates for public lands but identified livestock grazing along with mineral development, wildlife, and recreation, as primary multiple uses. PRIA directed BLM to intensively manage public lands in order to improve and enhance rangeland conditions. Congress also earmarked $10 million each year to fund range improvement projects, including water development and vegetation treatment.
1. GOAL: Support and facilitate the continued use of private, state, and federal lands for the production of livestock.

   Objective 1A: Support the use of federal and state lands for livestock grazing.

   Objective 1B: Support the recognition and protection all private property rights, including water rights.

   Objective 1C: Support the recognition and protection of the right to graze livestock on public lands through legal recognition of grazing preference rights.

   Objective 1D: Support range livestock production that is environmentally and economically viable.

   Objective 1E: Support locally-led coordinated resource management planning to resolve management conflicts and to ensure involvement of all interests.

2. GOAL: Coordinate with Wyoming Game and Fish Department to ensure that wildlife and big game numbers do not outstrip habitat and to reduce conflicts between rangeland resources for livestock grazing and wildlife forage and habitat needs. Federal land managers must promptly notify the WGFD and request immediate adjustments in wildlife numbers when habitat capacity is exceeded.

3. GOAL: Support management of rangelands to maintain and enhance desired plant communities for the benefit of watersheds, wildlife, water quality, recreation and livestock grazing.

   Objective 3A: Encourage compliance with the all applicable state and federal rangeland and livestock grazing laws, with state law being applied when there is no clear federal preemption.

   Objective 3B: Encourage the use of coordinated range management plans (allotment management plans or coordinated activity plans) for each grazing allotment that allow for the flexibility and updating of management during the ten-year term of the grazing permit. (i.e. water development, juniper/sagebrush control, re-seeding, fencing, salting plans, herding plans and grazing systems).

   Objective 3C: Encourage utilization of rangeland standards and guidelines that are scientifically proven and peer reviewed and work to change standards and guidelines, when they are unnecessary and scientifically controversial or unproven.

4. GOAL: Support and facilitate range improvement projects to benefit rangeland, soil and water resources.

   Objective 4A: Support enhancement of habitat for the benefit of livestock and wildlife through the use of range improvements.

   Objective 4B: Ensure that water projects developed for livestock will be designed so that wildlife can use the water without hazard.
Objective 4C: Support decisions regarding range improvements to be made on an allotment basis, as they are an integral part of the use of state leases, private leases, private lands, other allotments, and the overall operation of each ranch enterprise. Facilitate funding and necessary environmental reviews to reduce costly delays.

Policy 1: The District will support opportunities for livestock grazing on private, state and federal lands. This includes advocating for the protection of equitable property rights, science-based land stewardship, and promotion of Best Management Practices for the improvement and continued use of all rangelands and irrigated cropland within the District.

Policy 2: Use scientifically-sound management practices and the development of planned grazing systems and supporting infrastructure (i.e. fences, reservoirs, spring developments, and vegetation treatments) with short- and long-term monitoring to evaluate whether goals and objectives are being met.

Policy 3: Oppose agency efforts to restrict the development of livestock water or other rangeland improvements.

Policy 4: Work cooperatively with the local ranchers and other interested parties to address resource concerns on a site-specific basis. These cooperative efforts may include, when appropriate, facilitating the Section 8 review, which refers to the requirement that a federal land agency “coordinate, consult, and cooperate” with the permittee or lessee and the state land agencies, when preparing an allotment management plan.

Policy 4: Facilitate the use of prescribed fire and other approved methods to manage sagebrush, control weeds and tree encroachments, and to enhance, maintain or increase current grazing levels.

Policy 5: Recommend local, state and federal agencies cooperate with the District and the agriculture industry to define desired plant communities on local, state and federal lands.

Policy 6: Encourage compliance with FLPMA’s direction that livestock grazing be recognized as one of the primary multiple uses and that any decision to end livestock grazing must be reported to Congress and the BLM must revise its land use plan to reflect the elimination of grazing, and applicable executive orders must be modified. To the extent that BLM uses land use planning as the vehicle to end livestock grazing, it must do so with “careful and considered consultation, coordination and cooperation” with the grazing permittees, the state, and local government entities, including conservation districts.

Policy 7: Work with producers to increase productivity of rangeland to increase and/or maintain Animal Unit Month (“AUMs”) to maximum sustainable levels on rangeland in Niobrara County.

Policy 8: Encourage mechanisms to allow flexibility for grazing allotments or grazing lease agreements, including the subleasing of grazing rights or allotments on state or public lands.

Policy 9: The District may seek cooperative agency status with respect to amendments or revisions of land use plans, activity plans or allotment management plans. When BLM proposes to eliminate livestock grazing, the District will identify person[s] to participate on the planning team, provide
Policy 10: It is the District's position that:

Management of public lands must maintain and enhance agriculture to retain its contribution to the local economy, customs, cultural and heritage as well as a secure national food supply.

Forests, rangelands, and watersheds, in a healthy condition, are necessary and beneficial for wildlife, livestock grazing, and other multiple-uses. Management programs and initiatives that increase forage for the mutual benefit of the watersheds, livestock operations, and wildlife species should utilize all proven techniques and tools.

Most of the public lands in the District were classified as chiefly valuable for livestock grazing and were withdrawn from operation of most of the public land laws to be managed pursuant to the Taylor Grazing Act. The available forage was then allocated between wildlife and grazing preference holders, such that the established grazing preference represented the best professional judgment of the Bureau of Land Management at that time. The government cannot properly change these decisions without amending the original withdrawal and revising the land use plan based upon sound and valid monitoring data.

Forage allocated to livestock may not be reduced for allocation to other uses. Current livestock allocation will be maintained.

The government agencies should support financially the needed structural and vegetation improvements to ensure there is sufficient forage, especially when there is pressure from other land uses, and to maintain or improve overall vegetation and resource conditions.

The continued viability of livestock operations and the livestock industry should be supported on the federal lands within the District by management of the lands and forage resources, by the proper optimization of animal unit months for livestock, in accordance with supportable science and the multiple use provisions of the Federal Land Policy and Management Act of 1976, 43 U.S.C §§1701 et seq., the provisions of the Taylor Grazing Act of 1934, Section 15, and the Public Rangelands Improvement Act, 43 U.S.C. §§1901, et seq.

Land management plans, programs, and initiatives should provide that the amount of domestic livestock forage, expressed in animal unit months, for permitted, active use as well as wildlife forage, be no less than the maximum number of animal unit months sustainable by range conditions in grazing allotments and districts, based on an on-the-ground and scientific analysis. It opposes the relinquishment or retirement of grazing animal unit months in favor of conservation easements, wildlife, horses and other uses.

It opposes the transfer of grazing animal unit months to wildlife or horses.

Any reductions in domestic livestock animal unit months must be temporary and scientifically based upon rangeland conditions.

Policies, plans, programs, initiatives, resource management plans, and forest plans may not allow
the placement of grazing animal unit months 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 animal unit months that are placed in a suspended use category should be returned to active use when range conditions improve.

Policies, plans, programs, and initiatives related to vegetation management should recognize and uphold the preference for domestic grazing over alternate forage uses in established grazing districts while upholding management practices that optimize and expand forage for grazing and wildlife in conjunction with state wildlife management plans and programs in order to provide maximum available forage for all uses.

In established grazing districts, animal unit months that have been reduced due to rangeland health concerns should be restored to livestock when rangeland conditions improve, and should not be converted to wildlife use.

The proper management and allocation of forage on public lands is critical to the viability of the District's agriculture, recreation and tourism industry.

Management of forage resources directly affects water quality and water yields.

Increases in available forage resulting from conservation practice, improved range condition, or development of improvements by the livestock operators or other allocated forage user will be credited to that use.

Increases in available forage resulting from practices or improvements implemented by managing agencies will be allocated proportionately to all forage allocations, unless the funding source specifies the benefactor.

Upon termination of a permit, livestock permittee will be compensated for the remaining value of improvements or be allowed to remove such improvements that permittee made on his/her allotment.

Forage reductions resulting from forage studies, fire, drought or other natural disasters will be implemented on an allotment basis and applied proportionately based on the respective allocation to livestock, wildlife and wild horses. Reductions resulting from forage studies will be applied to the use responsible for the forage impact.

Permittee may sell or exchange permits. Such transaction shall be promptly processed. Changes in season of use or forage allocation must not be made without full and meaningful consultation with permittee.

The permitted seasons of use set forth in a management plan may be adjusted and still be in conformance with the plan if;

1. meeting, maintaining, or making progress towards meeting for range management standards officially adopted by the managing agency
2. managing agency and the permittee sign an agreement documenting monitoring plan
3. with coordination, consultation and cooperation, the managing agency develop grazing
management practices determined necessary including those that provide for physiological requirements of desired plants.

Livestock allocations must be protected from encroachment by wild horses and wildlife.

Permanent increase or decreases in grazing allocations reflecting changes in available forage will be based on the vegetative type of available forage and applied proportionately to livestock or wildlife based on their respective dietary need.

Policy 11: Federal law provides that the seasons of use are part of the grazing permit and these terms cannot be unilaterally changed.

Policy 12: NEPA documents addressing the impacts from field development must also provide for mitigation and compensation to the affected ranchers for loss of grazing and disruption.

FIRE MANAGEMENT

The District supports the sound use of fire, such as in prescribed burns, thinning, or as vegetative treatments, and salvage logging in burned forest areas. Wildfires should be aggressively suppressed and prevented when private property is threatened.

The District supports sound land management policies, including prescribed burns or use of wildfire to reduce fuel loads and the risk of catastrophic wildfire. The District recognizes that intense wildfires harm organic material in the soils, increase soil erosion and pollute water, and cause significant damage to rangeland resources, water treatment facilities, irrigation systems, and the loss of fish and wildlife habitat. When forested or rangeland areas are not managed and fuel loads build up, the wildfire managed under a “let it burn” policy can lead to catastrophic consequences. While natural wildfire may allow the landowner to improve vegetation, these situations are distinguished from use of “let it burn” policies in roadless or wilderness study areas that allow wildfires spread or to destroy property and threaten communities.

Fire suppression policy should be guided by the need to achieve the highest level of protection for human safety and private property. Fire suppression may be necessary in areas where fire would endanger human safety and private property or valuable vegetation that supports and expands multiple uses or threatens habitat of sensitive species. The blanket fire suppression policy of the past has contributed to the extensive juniper piñon pine/conifer encroachment and decadent habitats. On rangeland and grassland areas, the combination of weather, drought and reduced use can also lead to fuel loading that facilitates larger, more intense wildfires. The role of wildfire and fire suppression in the context of maintaining sagebrush habitat is also controversial, with some evidence suggesting that past fire suppression decreased overall forage productivity and sagebrush habitat.

1. GOAL: Where appropriate, encourage limited utilization of fire and, otherwise, encourage fire suppression, to support and expand multiple uses and to achieve vegetation management goals.

Objective 1A: Encourage utilization of fire suppression in areas where fire would endanger human safety and private property or valuable vegetation that supports and expands multiple uses and/or provides critical habitat for sensitive species.
Objective 1B: Participate in consideration of a limited and judicious use of wildfire, rather than favoring a “let it burn” policy, for areas where invading and expanding shrubs and trees are reducing the value of the rangeland resources.

Objective 1C: Encourage development of policies for grazing rest prescriptions related to either wildfires or prescribed burns on a site-specific basis taking into account the needs of the vegetation and flexibility to meet the needs of the rancher.

Objective 1D: Encourage development of vegetation treatments and use of livestock grazing to keep fuel loads within appropriate limits.

Objective 1E: Encourage the adoption of the following policies by regulatory entities:

Policy 1: Where rest prescriptions are appropriate, they may include the year of the burn, light late-season use in the year following the burn or moderate late season use in the second year following the burn.

Policy 2: Post-fire grazing will not be limited when monitoring and evaluation produces relevant, accurate data that demonstrates grazing will not unduly harm the range.

Policy 3: In the planning of prescribed burns, where feasible, market the renewable timber resource while reserving desirable seed trees, before burning.

Policy 4: Fire should not replace timber harvest as the primary forest management tool.

WILDLIFE

The term “wildlife” describes animals living in nature that are not domesticated or tamed. As per this Plan, activities in the County that depend on wildlife, include but are not limited to: hunting (elk, deer, antelope, mountain lion, coyotes, grouse, rabbits, waterfowl, etc.); aquatic wildlife (fishing, managing endangered fishes etc.); passive recreation (bird watching, wildlife viewing, etc.); and species of concern (bald eagle, black-footed ferret, mountain plover, sage grouse).

Hunting big game, waterfowl and upland game birds has been a traditional part of life in the County even before the first settlers. In the early days, hunting was necessary for survival and, though today it is less essential, it still provides a food resource and recreation for many people. As such, it is a component of the custom and culture of the County.

The County is renowned for its big game hunting and provides excellent hunting for County residents and visitors. Employment as guides, selling supplies and equipment, meals, fuel and lodging to hunters provide income for County residents and contributes to the overall county economy.

Increased wildlife populations in some areas of the County have taxed the available habitat. Wildlife often moves onto private property in large numbers through migration and grazing habits. This intensifies competition for available forage and exacerbates conflicts between wildlife habitat and management objectives to maintain rangeland conditions for livestock grazing. There is a real
need for coordinated wildlife management, inventorying and harvest in order to balance habitat availability and wildlife populations.

The County enjoys a diverse and abundant game and non-game wildlife populations. This resource provides a variety of recreational opportunities and potential economic benefits. Wildlife interests should be considered in all public land use/resource development decisions and the District supports responsible wildlife management practices that complement other County interests. The District supports reasonable critical habitat, seasonal closure, and buffer zones to restrict uses, so long as these regulations and policies do not create a "single-use" status. Habitat classifications, seasonal closures and buffer zones for specific species need to be adapted and adjusted to accommodate other resource uses and/or development in order to meet the spirit and direction of multiple uses.

1. GOAL: Support the maintenance and improvement of habitats in order to sustain viable and harvestable populations of big game and upland game species, as well as wetland-riparian area habitat for waterfowl, fur-bearers, and a diversity of other game and non-game species without sacrificing forage for range and agriculture interests and, further ensuring that wildlife management and habitat objectives reduce and/or avoid conflicts with other multiple uses.

Objective 1A: Request cooperation and coordination with the local, state and federal agencies to ensure a sustained harvest of game birds, fish, and mammals, which is beneficial to these game populations.

Objective 1B: Support wildlife management objectives and numbers based on what the range conditions and habitat can support. Wildlife habitats should be managed for sustainable wildlife populations that take into account obligations for livestock grazing and competing resource management objectives.

Objective 1C: Support reasonable and science-based protection and restoration of critical winter range habitat, while respecting private property and considering the economic effects.

Objective 1D: Recommend that crucial or critical habitat designations consider economic impacts to the human environment, possible conflicts with other land uses, and protection of private property rights.

Objective 1E: Recommend local, state and federal agencies research and provide funding opportunities and compensation to landowners for resource enhancement that benefits wildlife.

Objective 1F: Request the inclusion of at least one NCD board member or designee to represent wildlife interests for any team-based decision making process by local, state or federal agencies which affects wildlife resources in the County.

Objective 1G: Support mitigation measures when conflicts with wildlife and livestock occur, in order to protect the range resource in a stable or improved trend. If reductions in grazing are required, allocations to wildlife and livestock will be reduced proportionately based on the quantified role that can be attributed to grazing with other causal factors, in accordance with Wyoming Standards for Healthy Rangelands in order to ensure that other resource uses are adequately protected.
Objective 1H: Oppose closures or restrictions in traditional winter range areas for livestock permittees and oil and gas operators as both industries are heavily regulated and for the most part do not adversely affect wintering big game.

2. GOAL: Coordinate with the Wyoming Game & Fish Department to ensure that all affected landowners, lessees and permittees are consulted when developing specific Wildlife Management Plans for the County.

Objective 2A: Evaluate and comment on Wildlife Management Plans to ensure that they include annual head count, population targets, harvest guidelines, special hunts to mitigate damage to private property and rangeland resources, and guidelines for future site-specific management plans affecting upland, water fowl and big game habitat to meet the health of vegetation communities and rangeland health standards.

Objective 2B: Evaluate and comment on Wildlife Management Plans to achieve the objective of maintaining healthy wildlife populations balanced with resource carrying capacity and other land uses.

Objective 2C: Encourage rangeland and forest studies to monitor wildlife relationships to the available habitat and impacts of wildlife on vegetation enhancement projects.

Objective 2D: Help to fund cooperative studies with willing private landowners on wildlife damage to rangeland resources and related concerns.

Objective 2E: Help to fund the study of wildlife population fluctuations related to both habitat condition and other non-habitat impacts, which affect reproduction and survival.

Objective 2F: Encourage development of a recordkeeping system that tracks the incidence and disposition of wildlife damage on federal, state and private lands.

Objective 2G: Coordinate with local, state and federal agencies adjacent to the State of Nebraska, in counties that border Niobrara County on plans and regulations regarding wildlife to ensure consistency with this Plan.

Objective 2H: Encourage cooperation between local, regional, state and federal governments and private landowners in the management of big game and non-game wildlife species, including threatened and endangered species and state sensitive species populations.

Objective 2I: Encourage opening of access roads for late-season hunts when expected harvest quotas have not been met while preserving the integrity of other resource values. Encourage landowners on a voluntary basis to provide access onto private lands if a large number of targeted species are residing on private lands during the late-season hunt period, or if the landowner controls access to public land where the targeted animals are residing.

Objective 2J: Coordinate with the Wyoming Game & Fish to ensure consultation with all affected landowners, lessees and permittees in the development of specific wildlife population targets,
3. GOAL: Support the scientifically-based and peer-reviewed management of wildlife resources in the County to meet the multiple-use desires and objectives and the conservation of rangeland resources, soil, and water while respecting the legal grazing rights of ranching and agriculture interests and meeting other multiple use objectives, including mineral and energy development.

Objective 3A: Encourage wildlife management practices that sustain wildlife resources and habitat without measurably degrading other multiple use activities or private property rights.

Objective 3B: Support game herd population objectives and management decisions that will benefit the wildlife resource, including species viability, while taking into consideration and mitigating competition between wildlife species and domestic livestock.

Objective 3C: Recommend wildlife management agencies dedicate funds to compensate landowners for game damage based on problematic site needs.

Objective 3D: Recommend that the results from the Small Water Development Projects Program currently conducted by Wyoming Water Development Commission be implemented to increase water storage capacity to meet needs of agriculture, industry, recreation, municipalities and endangered fish.

Objective 3E: Recommend that regulatory agencies adopt bond release criteria for mine reclamation lands based on established criteria for habitat goals (topographic relief, surface water management techniques, establishment of diverse vegetation).

Objective 3F: Discourage the release through introduction or re-introduction of non-domesticated exotic [non-native] wildlife species, unless it is shown that there is adequate forage and habitat before introduction or re-introduction and that introduction or reintroduction will have no significant impact on existing wild game populations and domestic livestock grazing; i.e., wild turkeys, chuckers and pheasants.

Objective 3G: Recommend that wildlife management agencies dedicate financial and personnel resources to predator management. Encourage sportsmen, landowners and private citizens concerned with the unreasonable take of wild game and domesticated stock by predators to support funding for predator control, including the purchase of management stamps which are issued through licensing agents.

Objective 3H: Request to be notified by local, state and/or federal agencies of any actions or regulations that involve wildlife on private, state and federal land within the County. The District may review and comment on state or federal actions or changes significant to wildlife issues in the County.

4. GOAL: Ensure that proposed wildlife introductions on federal lands be evaluated by consulting with state and local government entities and involving the public. Wildlife introductions and populations that may encroach onto state and private lands will be planned and evaluated based on consistency with local land use plans in consultation with local government entities and with public
involvement under NEPA, when it applies.

Objective 4A: Cooperative management agreements between permittees, agencies, and conservation organizations will be allowed, wildlife use will be limited to the allocated forage. Wildlife numbers in excess of those for which forage has been provided should be considered in trespass and removed.

5. GOAL: Mediate management of wildlife and wildlife habitat conflicts and competition with range resource management objectives for livestock grazing.

Objective 5A: Oppose the conversion of livestock AUMs to wildlife AUMs. Forage allocations should be based on recognized grazing preference rights and the results of scientific forage studies identifying available forage for wildlife and livestock.

Objective 5B: Recommend that season-of-use conflicts between livestock and wildlife be addressed by revisiting the wildlife population objectives and in annual allotment operating plans to provide for maximum flexibility to allow permittees to best utilize forage allocations for livestock.

Objective 5E: Support partnerships to monitor the fragmentation of wildlife habitat.

Policy 1: Encourage the use of local, state and federal cost-share programs for wildlife habitat enhancement.

Policy 2: Support participation in local, regional, state and federal planning efforts that affect wildlife resources in the County.

Policy 3: Encourage formal agreements with appropriate local, state and federal agencies in developing and implementing plans for improving management of game and non-game wildlife populations in the County.

Policy 4: Participate in proposals to introduce or re-introduce wildlife to ensure that the proposal is consistent with local land use plans, that local government entities are consulted and that public involvement is encouraged.

Policy 5: Support efforts to responsibly reduce predation of sensitive species, increase hunting and fishing opportunities within appropriate carrying capacities, decrease game damage conflicts, and generally ensure that wildlife numbers do not lead to habitat and other management conflicts with other rangeland resource uses and management objectives, including ranching, agriculture, and mineral development since ranching, mining, energy development and hunting are all important to the custom and culture of the County. Actively support management solutions that will avoid converting livestock AUMs to wildlife AUMs.

Policy 6: Support responsible land management that adjusts for wildlife habitat needs, when it is appropriate and supported by sound science.

Policy 7: Well-managed resources uses are compatible with healthy and sustainable wildlife populations.
RECREATION

The County has a wide array of recreational and tourism opportunities for residents and visitors alike. Visitors to these areas have a direct impact by drawing on county-provided infrastructure such as, law enforcement, emergency medical and waste disposal services and have a major impact on the area economy and tax base. Store owners, restaurants, hotels and motels, outfitters and many more interests depend on seasonal recreation and tourism for their livelihoods. Activities that traditionally define recreation and tourism in the County, include, but are not limited to: big game hunting, trapping, fishing, off-road vehicle use, mountain biking, hiking, camping, bird and wildlife watching.

1. GOAL: Encourage a broad spectrum of public land recreational opportunities in the County, while protecting and conserving natural resources consistent with the Plan.

Objective 1A: Encourage recreational activities that enhance opportunities for economic development and maintain the custom and culture of the County.

Objective 1B: Encourage recreational activities on the lands in the County that increase the capacity for federal and state land resources to provide more economic return to the County.

Objective 1C: Locate and assess the areas where recreation uses are having adverse resource impacts.

2. GOAL: Encourage recognition of the social, cultural and economic significance of recreation in the region, and encourage implementation of policies that will evaluate the viability and impacts of various recreational opportunities, while ensuring protection of other resources and resource use. Conservation of rangeland, water and soil resources.

3. GOAL: Encourage implementation of plans and programs that provide a balance of motorized and non-motorized recreational opportunities in the County.

4. GOAL: Support recreation in the management of state and federal lands that are consistent with the multiple uses of these lands, and to promote the continuation of historical access on state and federal lands.

Objective 4A: Encourage private sector development of recreation services and programs.

Objective 4B: Support the BLM Tread Lightly program as part of efforts to conserve soil resources.

Objective 4C: Request to be notified of proposed management and fee options for recreation areas.

Objective 5: Maintain existing levels of recreation facilities and areas, including those for motorized use, and increase where there is demand for additional recreation, including motorized recreation.

Policy 1: Resource development and recreation are not exclusive.
Policy 2: Recreation should not favor one type to the exclusion of others.

PREDATOR CONTROL

The Animal Damage Control program is conducted with the cooperation of the Animal, Plant Health Inspection Service-Animal Damage Control, Wildlife Services (“APHIS-ADC, WS”) of USDA pursuant to the Animal Damage Control Act. In 1999, the Wyoming legislature established the Animal Damage Management Board, which administers animal damage control in Wyoming and provides additional funding from hunting licenses to participating predatory districts, Wyo. Stat. 11-6-302. The Wyoming Animal Damage Management Board, in cooperation with the Department of Agriculture, the Game and Fish Commission, and the local predatory animal control boards are responsible for animal damage control with APHIS-ADC, WS. Wyo. Stat. §§11-6-201, 205, 206. The 23 predatory animal control boards administer the funds, which are from predatory animal control fees, Wyoming Department of Agriculture, Wyoming Game and Fish, and USDA, Wyo. Stat. §§11-6-205, 210.

The Animal Damage Management Board is composed of state officials, representatives of the livestock industry, Wyoming Game and Fish Commission, non-consumptive users of wildlife, and one urban representative, Wyo. Stat. 11-6-303.

Predator control in Wyoming centers primarily on preventive control of coyotes and foxes, which have hit unprecedented numbers in the last 15 years. The coyote control program also tracks sylvatic plague, since the virus antibodies of the plague can be found in coyote blood. Wyoming Game and Fish currently tests blood samples and reports the data to the National Center for Disease Control.

1. GOAL: Encourage control of predatory animals to reduce property damage and to protect wildlife and to protect the local economy and tax base, including the viability of the agriculture community.

Objective 1A: Support trapping as a historic and environmentally-sound method of controlling predatory animals.

Objective 1B: Encourage protection of private lands bordering federal and state lands from predatory animals and property damage.

Objective 1C: Encourage good husbandry and sound environmental restraints, including the option of chemical control.

Objective 1D: Encourage retention of and expansion of an animal damage control plan for the protection of livestock and crops through the county predator boards and the control of disease-carrying animals.

Objective 1E: Support predator control based on a balance between the best science available, economics, and logistics, evaluated on a case-by-case basis utilizing currently recognized methods of predator control that remain as viable options for predator control, until such time that new and better technology offers new options.
2. GOAL: Support management of predator populations at levels consistent with the optimum utilization of forage by wild and domestic ungulates.

Objective 2A: Encourage formal agreements with local, state and federal agencies to reduce the predation on wildlife and livestock and promote interstate cooperation in the tri-state area by initiating agreements with Nebraska and South Dakota conservation districts and counties that border Niobrara County.

3. GOAL: Support control of predators, rodents and insects, which are disease-bearing vectors that are a recognized threat to public health.

Objective 3A: Encourage coordination, communication and cooperation between local, state and federal health officials, along with veterinarians, weed and pest authorities and predator boards.

Policy 1: Coordinate, communicate and cooperate with local, state and federal agencies (i.e., Predatory Animal Boards, Weed and Pest Boards) regarding pest and predator control actions and regulations in and affecting Niobrara County.

Policy 2: Reintroduction and-introduction plans should provide for compensation to livestock operators for actual value of loss, including replacement cost, including direct and incidental expenses relating to the loss, and prompt payment thereof.

AIR RESOURCES

The air quality of the County is one of the area’s greatest resources. The District is committed to protecting its air resources. Air quality problems do exist but are usually site specific. The dust generated by unpaved access roads, mining operations and oil and gas extraction is also marginal and site specific.

The State of Wyoming has the authority and responsibility to regulate air quality impacts within the state, including Class I air sheds. In accordance with Wyoming’s Environmental Quality Act, the DEQ Air Quality Division is responsible for implementing the state’s air quality standards and regulations, Wyo. Stat. §§35-11-201-214. The Division’s air quality program is composed of four separate compliance areas:

(1) A permit program for the construction of new sources and modification of existing sources. The primary purpose of this program is to assure compliance with ambient standards set to protect public health and to assure that best available control technology is utilized to reduce and eliminate air pollution emissions.

(2) An operating permit program for all major sources of air pollution including major sources of hazardous air pollution. This includes permitting to continue operations after a given date; renewal of permits every five years, and the annual payment of an emission fee sufficient to fund the cost of the program.

(3) A facility inspection and compliance program to assure facilities maintain pollution control equipment at high collection efficiencies and maintain compliance with emissions standards and
permit conditions. This includes compliance with state and federal asbestos removal standards, which protect the public from exposure to asbestos fibers in ambient air.

1. GOAL: Cooperate, coordinate and consult with private, state and federal landowners to reduce, eliminate, or mitigate any site-specific degradation of air quality.

Objective 1A: Request to be notified of any present and future air quality designations within the County.

Objective 1B: Provide assistance to business, industry and land management agencies including, but not limited to, the use of planting windbreaks and living snow fences to reduce or eliminate dust.

Policy 1: Request to be notified of and participate, as appropriate, in any local, state, regional and federal land planning processes that impact managing and monitoring air resources in and affecting the County.

Policy 2: Support compliance with local, state and federal air quality laws and regulations. State of Wyoming DEQ is responsible for issuing appropriate air quality permits, determining Best Available Control Technology, and setting air quality standards in compliance with the Wyoming Environmental Quality Act, which implements the federal Clean Air Act, Wyo. Stat. §§35-11-201, 202, 203. The installation (if necessary) and operation of monitoring stations will require cooperation and funding from various federal, state, and local agencies.

Policy 3: Support air quality compliance programs that address all of the causal factors affecting air quality.

VISUAL RESOURCES

Visual resources in the County are a composite of landforms, human and animal life forms, water features, cultural features, terrain, geologic features and vegetative patterns which create the visual environment. These visible physical features are important to the landscape and the scenic quality of the County.

1. GOAL: Support the protection of the visual resource while maintaining economic stability and the underlying land use allocations.

Objective 1A: Request coordination with local, state and federal planning actions that affect the visual resource and VRM classifications that affect land uses.

2. GOAL: Protect private land uses and state land rights and federal land use allocations by adjusting VRM classifications to be consistent with the land uses.

Objective 2A: Oppose the use of VRM classifications that will impair or impede land uses on private and state lands.

Objective 2B: Oppose the use of VRM classifications that undercut the federal land use allocation,
including grazing permits, special use permits, and oil and gas leases.

**WASTE MANAGEMENT**

The disposal and clean up of solid wastes are regulated by Wyoming DEQ pursuant to authority delegated in the Resource Conservation Recovery Act, Wyo. Stat. §§35-11-101 to 35-11-105. Waste management issues arise in context of landfill sites for local governments and reclamation and site management for mining and oil and gas operations. State and federal law govern the standards for managing landfill sites and industrial development that generates various waste products. The District, however, has a direct interest in ensuring that the soil and water resources are protected. To accomplish this objective, the District will actively participate in landfill and other waste management site issues as well as related land management decisions regarding the management and clean up of industrial sites.

1. **GOAL:** The District may communicate, coordinate and consult with private landowners, local business, local, state and federal governments on issues relating to existing and future landfill sites.

   **Objective 1A:** Utilize current Best Management Practices to protect water resources, inform and achieve community awareness, and encourage the public to participate in waste management issues.

   **Objective 1B:** Encourage the reuse and recycling of materials.

   **Objective 1C:** Encourage municipal and county governments to provide levels of service adequate to meet the community's social, environmental, economic needs and obligations.

   **Objective 1D:** Research new markets for agriculture waste products.

2. **GOAL:** The District may participate in development decisions to ensure that soil and water resources are protected and conserved.

   **Policy 1:** Educate and inform local citizens concerning new markets for waste products.

**WILD AND SCENIC RIVERS**

The Wild and Scenic Rivers Act provides for identification and designation of individual river segments for study and recommendation of river segments as a wild, scenic or recreation river. The Act protects "certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values."

Designation under the Wild and Scenic Rivers Act also withdraws a ½ mile corridor on each side of the river from the mining, and other appropriation laws and mineral leasing, subject to valid existing rights, contracts, and privileges. Examples of valid existing rights would include mineral leases, rights-of-way permits and R.S. 2477 rights-of-way. Traditionally grazing permits are called a privilege, since the right to graze is a privilege and does not convey any right, title or interest in the land. Permits and contracts are also valid existing rights but depending on the terms of the
contract or permit, BLM may be able to modify the use. A mineral lease is recognized to be a property right and is construed like a contract. A valid existing right, like a valid mining claim, may be subject to less regulation.

BLM and the Forest Service must assess whether to recommend water ways for wild or scenic designation as part of the land use planning process. The Niobrara River is designated as a Wild and Scenic River in Nebraska.

1. GOAL: Participate in local, state and federal land planning processes for the designation and management of any Wild and Scenic River segments or similar designations in and adjacent to Niobrara County.

Objective 1A: Participate in proposals for Wild and Scenic River segment or similar designation in and adjacent to the County to protect the water resources in Niobrara County and future opportunities to develop and utilize such resources.

Objective 1B: Uphold the legal requirements and qualifications set forth by the Wild and Scenic Rivers Act, including those providing for the continuation of existing uses, privileges and contracts for designated rivers in and adjacent to or affecting Niobrara County.

Objective 1C: Review any proposed Wild and Scenic River recommendations in relation to the impacts on natural resource based industries, the economic stability of the County, and on the custom and culture of the citizens of Niobrara County and the ability to further develop and utilize water resources in the District.

Policy 1: The District will carefully evaluate Wild and Scenic River proposals to determine the impact on water rights and the ability to utilize water rights in the future and will work closely with the BLM and the Forest Service and the County to ensure that existing and future water development opportunities are protected and that unsuitable rivers are removed from consideration at the earliest opportunity.

THREATENED AND ENDANGERED / SENSITIVE SPECIES

The keystone of good environmental stewardship lies in a healthy resource base. Endangered and threatened species, as well as all plants and all animals, depend on the intricate balance of stable ecological, economic and social functions of the immediate local community.

The Endangered Species Act (“ESA”), protects individual species of plants and animals wherever they occur when it is determined that the continued existence is threatened or endangered. The ESA provides for listing of species through rulemaking, 16 U.S.C. §1533(a), and within a year after listing, the identification of critical habitat for the species. The Interior Department, through the USFWS, administers the ESA, with the exception of certain marine mammals and an adromous fish, which are under the jurisdiction of the National Marine Fisheries Service.

Only biological evidence is relevant to the decision whether to list, but economic and social impacts are to be considered in the designation of critical habitat once a species is listed, it cannot be “taken,” which is broadly defined to mean any direct harm to the species or harassment, which, in
turn, includes disruption in activities or loss of critical habitat if a ‘take’ is likely to occur on private land, the landowner must secure a takings permit under Section 10 of the ESA, and often does so under a habitat conservation plan which also requires compliance with NEPA.

For any federal project that may affect a listed species, the federal agency must first do a biological assessment, and then refer the issue of the impact to the USFWS, for actions that “may affect” the species. The USFWS must determine if the action will jeopardize the continued existence of the species and make conservation recommendations. The proposed action cannot go forward until the USFWS completes its review and concludes that the project will not jeopardize the species. If the USFWS makes a jeopardy finding, the project is essentially stopped, despite the right to appeal to the ESA Committee.

The ESA is the basis for several planning mechanisms:

- Recovery plans for listed species that set population and viability goals and define when a species might be eligible for delisting;
- Reintroduction plans, which govern introductions of listed species as part of a recovery effort;
- Habitat conservation plans which allow land uses on private lands to go forward even when a ‘take’ of a listed species may occur; mitigation of adverse effects is usually part of the plan;
- Conservation plans or agreements, often between states and USFWS, adopt management actions to avoid listing the species;
- Candidate conservation agreements, under which a landowner commits private land to management for the species, may also have ‘safe harbor’ provisions that assure that the landowner need not take any additional mitigation measures if the species is listed.

All of the above plans and agreements require some form of NEPA process, which provides an opportunity for public involvement.

1. GOAL: Participate in local, state and federal rulemaking and planning regarding the designation and management of any species designated in any category or classification for protection or consideration of protection, under the ESA in and adjacent to Niobrara County.

Objective 1A: Encourage compliance with the applicable state and federal statutes, including preparation of an environmental impact statement when critical habitat is designated.

Objective 1B: Participate fully with local, state and federal agencies to prepare an analysis of local economic and social impacts that any such critical habitat designation will have on the County.

Objective 1C: Consider the information from the socio-economic impacts when developing a coordinated management plan with local, state and federal agencies for the management of any species designated for protection under the Endangered Species Act in and affecting the County.

Objective 1D: Investigate and oppose, when appropriate, any threatened or endangered species designation that may disrupt uses of the land and is not consistent with the Plan.

Objective 1E: Enforce the requirement that critical habitat designations take local socio-economic impacts into account. Areas may be excluded as critical habitat based upon economic impacts unless the failure to designate the area as critical habitat would result in extinction of the species.
Objective 1F: Request cooperating agency status and participate in the coordinated preparation of recovery plans, reintroduction plans, habitat conservation plans, conservation plans or agreements, and candidate conservation agreements for species occurring within or adjacent to or affecting the County.

Objective 1G: Continue to provide education and information concerning state and federal wildlife agency purchases or leases of riparian easements and other land acquisitions for endangered species habitat based on the impacts these activities have on individual property rights and the ability to develop, utilize and conserve the water resources.

Objective 1H: Encourage cooperation between private landowners and local, state and federal governments to most effectively achieve protection of endangered and threatened species, rather than imposing land-use restrictions and penalties.

2. GOAL: Support participation in all decisions and proposed actions, including NEPA procedures for an Environmental Assessment (“EA”) or Environmental Impact Statement (“EIS”), which affect the District, regarding sensitive, threatened, or endangered species recovery plans, introduction or reintroductions, habitat conservation plans, conservation agreements or plans, or candidate conservation agreements.

Objective 2A: Oppose the introduction or transplant of threatened and endangered species within the boundaries of the County, unless the District and the County consent and it is done pursuant to specific terms and conditions that avoid disrupting existing land uses.

Objective 2B: Request more effective management of, including but not limited to, grizzly bear and Canadian gray wolf populations and their confinement to only Yellowstone National Park.

Objective 2C: Recommend that proponents of protection, recovery activities, and other threatened and endangered and sensitive species programs finance the activities, including public involvement and compensation to the affected landowners.

Objective 2D: Recommend that federal agencies respect distinctions between special status species (state sensitive species, etc.) and those listed under the ESA.

Objective 2E: Participate in appropriate legislation and regulations directing management of threatened and endangered species and state sensitive species.

3. GOAL: Support delisting of species once population goals set out in recovery plans are achieved.

Policy 3: Recovery plans must clearly state goals and describe the point that recovery is accomplished.

4. GOAL: Explore alternatives to listing, which may include conservation plans and related conservation agreements with local, state and federal agencies to address possible threats to species and their habitat and to avoid official listing.
Objective 4A: Support and participate in conservation plan initiatives as an alternative to listing the sage grouse with the added condition that the respective conservation plan include criteria to evaluate existing data and science and to evaluate the effectiveness of the proposed conservation measures.

Objective 4B: Support the use of candidate conservation agreements with assurances for private land and candidate conservation agreements for federal lands as a mechanism to provide habitat for candidate species while allowing current land uses to continue.

Policy 1: Decisions to list a species as threatened or endangered need to be made on the basis of sound data and research that accurately assess the status of the species. When relatively little is known about the species and its history, the Interior Department should delay listing, since it is very difficult to delist a species, even when it is later determined to have been erroneously listed as threatened or endangered. The pending status of review of the western sage grouse is one example, where it remains a game species in most western states and is still being considered for protection under the ESA.

Policy 2: Recovery efforts and/or conservation plans for threatened or endangered species should consider impacts to local interests. These interests include resource use and development activities such as but not limited to, ranching, agriculture, mining, oil and gas exploration and production, sand and gravel, wood products, power development and recreation.

Policy 3: The District supports recovery efforts for threatened and endangered species which evaluate, mitigate and support Niobrara County's custom and culture and economic viability and community stability.

Policy 4: Any black-footed ferret introductions would be accomplished pursuant to the black-footed ferret introduction plan developed for the Thunder Basin National Grasslands. If any black-footed ferret enters Niobrara County as a result of nonessential experimental black-footed ferret introductions on lands adjoining Niobrara County, these animals would carry the same nonessential experimental designation that they carried on the lands into which they were originally introduced.

Policy 5: When planned introductions affect Niobrara County, the planning process will include NEPA analysis that will consider the appropriate number of animals to be introduced, the location of the target population and distribution, impacts on other multiple uses and the recreational opportunities to be provided.

Policy 6: Wildlife introductions and existing populations on non-BLM lands that "spill over" or migrate to BLM lands will be considered in trespass and will be removed, unless those populations and specific habitat boundaries are provided for in this Plan.

Policy 7: Recommend endangered fish recovery efforts continue only when based on a balance of scientific justification, conserving past and future adjudicated water rights, economic viability and community stability of the County.

Policy 8: Support the Joint Resolutions of the 2002 Mega Ag Convention.
Policy 9: Promote the interpretation of the ESA that the economic consequences must be considered with respect to the following actions: the jeopardy review to ensure that no proposed federal action will jeopardize the continued existence of a listed species, any approval of takings permits and designation of critical habitat. In addition, the USFWS must also include actions to mitigate the effects of designation of critical habitat.

Policy 10: Request that the USFWS follow the holding of the U.S. Supreme Court and acknowledge that economic consequences and/or a potential for a taking of private property are explicit concerns of the ESA. Moreover, USFWS evaluation of proposed federal actions under the ESA will carefully weigh the potential jeopardy to the species against other factors, including the species use of private lands, ongoing conservation or management efforts on private and state land, and the existence of scientific controversies regarding the status of the species. Any reasonable alternatives will also take into account the social and economic factors. The USFWS will also communicate, coordinate and consult with the District and Niobrara County and potentially impacted property owners.

Policy 11: Recommend management activities for habitat of endangered, threatened or sensitive species be designed to benefit those species through habitat improvement. Current BLM policy treats candidate species and special status species (state sensitive species, etc.) as federally listed threatened and endangered species. This policy should cease until such time as NEPA analysis is completed for each such candidate or sensitive species, or they become listed pursuant to 16 U.S.C. §1533. The District’s preferred management of these species would be development of conservation plans or agreements that would preclude federal listing.

Policy 12: To the greatest extent possible, any introductions or re-introductions of threatened or endangered species into the County or on lands adjacent to the County will be designated as nonessential experimental populations, and none will be introduced without NEPA compliance and public input. The boundaries of the County would be the boundaries for such nonessential experimental designated introductions. Public involvement, including the District, would be involved in developing plans for such introductions and decisions as to whether to implement such plans. Such introductions will not place an undue burden on other resource uses, including but not limited to, livestock grazing, oil and gas, recreation and mining.

CULTURAL, ARCHEOLOGICAL, GEOLOGICAL AND PALEONTOLOGICAL RESOURCES

Balancing the need for existing land uses and the classification, recording, and protection of cultural and archeological sites presents a significant challenge for local, state and federal agencies, which manage state and federal lands in the County. Although the Archaeological Resources Protection Act (“ARPA”) of 1979 provides strict and meaningful penalties against vandals caught destroying sites on land, local, state and federal land managers do not have the resources to completely record or protect all sites warranting special care. However, most sites found in the County are open-lithic scatters with a few tools and flakes not likely to be noticed by the general public. The District recognizes the need to develop public education and stewardship programs, which increase awareness about cultural sites in the County. Public education programs should focus on responsible visitation, the history and meaning of various sites found on public lands and the impacts of surface collecting and excavating existing sites. Site protection strategies need to be balanced with other current and future land uses.
The County contains many special features, which due to their remote and rugged nature, are largely self-protected. When an imminent threat to these special features is identified, mitigation efforts necessary to protect significant scientific, educational and recreational values will be identified. Many other special features are susceptible to damage by recreation seekers.

The District is also entitled to participate in proceedings and actions taken under the Advisory Council on Historical Preservation (“ACHP”). The District may not always need to be a consulting party, but will when the archeological and cultural resource reviews directly affect the District’s mandate to conserve rangeland, soil and water resources and to stabilize the ranching and agriculture industry, as well as the mining and oil and gas industries.

1. GOAL: Encourage the preservation of all parts of our cultural heritage.

Objective 1A: Facilitate the recognition of special features in the County, which may include: mines, mills, expedition routes, stage stops, livestock trail routes, horse corrals, campsites, buffalo jumps, pictographs and quarries.

2. GOAL: Support expansion of opportunities for scientific study, educational and interpretive uses of cultural and paleontological resources.

Objective 2A: Recognize the unique archeological features that occur on private, state and federal lands across the County. The District supports protection of private property owner's rights.

Objective 2B: Support responsible stewardship on cultural sites balancing resource protection with multiple uses.

3. GOAL: Support balancing the current and future land uses dictated by custom and culture with the protection of cultural sites.

Objective 3A: Support the resolution of conflicts between cultural or paleontological resources and other resource uses.

Objective 3B: Request that local, state and federal agencies notify the District of any actions or regulations, which may impact cultural and archeological resources on state and federal land within the County. The District will review and comment on state or federal actions or changes significant to cultural and archeological resources in the County.

Policy 1: Recommend local, state and federal agencies not jeopardize existing land uses, such as oil and gas exploration, mining, road maintenance, grazing and recreation through the protection of cultural and archeological sites. Compliance can be accomplished with mitigation measures that affect a balance of existing uses and the need to protect cultural sites.

Policy 2: Acknowledge that sites eligible for or listed on the NHRP will be managed for their local, regional and national significance, under the guidelines of the National Historic Preservation Act, (especially sections 106 and 110) and ARPA).

Policy 3: Request to be recognized by federal agencies as a consulting party under Section 106 of the
National Historic Preservation Act and subsequent amendment. Consulting party status will allow the District to work with local, state and federal agencies to facilitate typical multiple use activities when sites do not offer unusual or special cultural and archeological values.

Policy 4: Sites eligible for or listed on the NHRP will be managed to ensure against adverse effects through proper mitigation, if disturbance or destruction is not avoidable. Management prescriptions for sites that are not eligible for the NRHP will be determined on a case-by-case basis according to values and impacts involved.

Policy 5: Support development including, but not limited to, roads, pipelines and power lines that may cross trails in areas where previous disturbance has occurred and/or where the trail segment has lost the characteristics that contribute to its National Register significance.

Policy 6: Preserve evidence of historic farming and ranching are important resources to the state and area.

Policy 7: Oppose historical trail management of roads that are used by the public and were established by public use.

COMMUNICATION / TECHNOLOGY

1. GOAL: Support working with other counties within the region to ensure that the County's telecommunications and informational highway interests are heard and addressed to protect and promote the health, safety, and general welfare of the citizens of the County.

Objective 1A: Support increasing the number of adequate broadband T1-lines available for government, business and non-profit organizations.

Objective 1B: Encourage the introduction of the newest technology for accessibility from all areas within the County. Such technology should include but not be limited to:

• Hyper Spectral Imagery
• Cellular Telephone coverage
• Infra-Red Imagery
• Remote location access
• Geographic Information Systems (“GIS”) mapping
• Digitized Soil Survey
• Global Positioning Systems (“GPS”)
• Electricity

Policy 1. Communications and associated technology are essential to the long-term vitality of the County. Construction of communication and technology infrastructure requires rights-of-way across federal land. Recent proposals to restrict new rights-of-way across public land threaten the ability of the County to develop the necessary technological infra-structure necessary to support communication and technological services.

Policy 2: Recognize and provide for the fact that some communication equipment is site sensitive
and should have priority over other uses.

THE CONTINUING PROCESS

The District recognizes that the Plan is dynamic and adaptive and will be updated as needed. It will require the cooperation, work and dedication of many county residents. The ongoing planning will include consideration of historic, current and future land uses in Niobrara County.

GOAL 1: This Land Resource Plan and Policy shall be the basis for enforcing the FLPMA consistency requirements for public land management.

Policy 1: Land and natural resources are essential to local industry and residents. It is the policy of the District that the design and development of all federal and state land dispositions and acquisitions, including boundary adjustments or land exchanges, be carried out for the benefit of individual property owners and to the benefit of the citizens of Niobrara County. DISTRICT LAND AND RESOURCE USE PLAN AND POLICY
Glossary of Terms

Access – A way of admittance, approach, entrance, passage, or ingress and egress.

Activity Plans – Allotment Management Plans (“AMPs”), Habitat Management Plans (“HMPs”), Watershed Management Plans (“WMPs”), Wild Horse Management Plans (“WHMPs”), and other plans developed at the local level to address specific concerns and accomplish specific objectives.

Agriculture – The art and science of growing crops and raising and breeding livestock. As per this Plan, activities which traditionally define agriculture in Niobrara County include, but are not limited to, cattle and sheep ranching; hay, grain and other small and large grain crop production; and alternative livestock (domestic and wild).

Air Quality – The amount of pollutants in the atmosphere determine the area’s air quality. Federal and state law regulate as pollutants particulates, carbon dioxide, sulfur dioxide, nitrogen oxide, ozone, particulates, and other toxic air pollutants. National ambient air quality standards or “NAAQs” set maximum levels of pollutants.

Management systems include abatement and other measures to improve air quality, and to maintain air quality within a defined range. Ultimately the desired levels of air quality and the measures to be implemented are a political choice. This choice is usually based on subjective assessments of economic and social costs, benefits, feasibility, and other considerations. Air quality management strategies are not linear processes. Feedback is important to refine the strategy and help align it with circumstances, capabilities and needs.

Airshed – A geographic area that, due to topography, meteorology and climate share the same air.

Animal Unit Month (“AUM”) – The quantity of forage required by one mature cow and her calf (or equivalent, in sheep or horses, for instance) for one month. The amount of forage needed to sustain one cow, five sheep, or five goats for a month. In the United States, a full AUMs fee is charged for each month of grazing by adult animals if the grazing animal (1) is weaned, (2) is 6 months old or older when entering public land, or (3) will become 12 months old during the period of use.

Archaeology – The art and science of studying history from the remains of early human cultures as discovered chiefly by systemic excavations. Cultural resources are evidence of patterns from a way of life of a specific period, race or people. As per this Plan, items and activities which traditionally define archeological and cultural resources in the County include, but are not limited to, arrowheads, petroglyphs, pictographs, medicine wheels, bone hunting, rock hounding and historic trails.

Archaeological and Historic Preservation Act 1974 – Provides for “the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen’s communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency or (2) any alteration of the terrain caused
as a result of any Federal construction project or federally licensed activity or program.” 16 U.S.C. §469.

Areas of critical environmental concern or ACEC – Defined as “areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards.” 43 U.S.C. §1702(a).

Archeological Resources Protection Act 1979 – Protects “archaeological resources and sites which are on public lands and Indian lands.” The Act also promotes cooperation and information sharing between federal and state governments, the professional archaeological community, and individuals. 16 U.S.C. §470aa(b).

Archeological Resources – “Any material remains of past human life or activities which are of archaeological interest, as determined under uniform regulations promulgated pursuant to this chapter. Such regulations containing such determination shall include, but not be limited to, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials or any portion or piece of any of the foregoing items. Nonfossilized and fossilized paleontological specimens, or any portion or piece thereof, shall not be considered archaeological resources under the regulations under this paragraph, unless found in archaeological context. No item shall be treated as an archaeological resource under regulations under this paragraph unless such item is at least 100 years of age.” 16 U.S.C. §470bb(1).

Candidate Conservation Agreement – The USFWS by policy may enter into an agreement with a state agency, local government or private landowner to protect or manage habitat for a species that is proposed for listing but is not yet listed. Under the terms of the agreement, generally an agreed upon amount of land is set aside or earmarked to be conserved for the candidate species. The landowner may also receive compensation and assurances that if the species is listed, the landowner will not be required to adopt additional conservation measures.

Communication – The exchange or transfer of information using the technology of transmission systems.

Community Stability – Combination of factors to promote and sustain the viability of a community, including local economy, custom, and culture.

Conservation Plan – This term refers to situations when a state or states develop a management plan to protect a species that is proposed for listing under the ESA to persuade the USFWS not to list a species. The plan may be based on memorandum of agreement between federal and state agencies and may involve more than one state.

Cooperation – “To act jointly or concurrently toward a common end.” Black’s Law 5th Ed. at 302.
Coordinated Resource Management ("CRM") – A group of people working together to develop common resource goals and resolve natural resource concerns. CRM is a people process that strives for win-win situations through consensus-based decision-making.

Coordination – “Adjusted to, in harmony with.”  Id. at 303.

Consistency – “Having agreement with itself or something else; harmonious; congruous; compatible; not contradictory.”  Id. at 279.

Consultation – A conference between two or more people to consider a particular question.

Culture – The body of customary beliefs, social forms, and material traits including the traditions of racial, religious and social groups; their morals, knowledge, customs, religions, law, beliefs, superstitions and art.

Custom – As used in this Plan, custom is defined as the usage or practice of the people, which by common adoption and acquiescence, and by long and unvarying habit, has become compulsory, and has acquired the force of a law with respect to the place or subject-matter to which it relates, and a habitual practice, more or less widespread, which prevails within a geographic or sociological area.

Customs – The way people implement their culture—the way they traditionally use the land, make a living and act toward each other. Customs are the visible and tangible manifestations of the shared beliefs that bind a group of people into a community. In law, customs consist of “long established practice or usage, which constitutes the unwritten law, and long consent to which gives it authority. Customs are general, which extend over a state or kingdom, and particular, which are limited to a city or district.”

de facto Wilderness Management – Land management policy that is imposed without congressional direction or authority that mirrors or is similar to the management of areas designated by Congress as wilderness pursuant to the 1964 Wilderness Act. The management restrictions and prohibitions include: the prohibition of construction of new roads; restriction or prohibition on reconstruction or maintenance of existing roads; prohibition of mining or mineral development; restrictions on activities that would require permanent structures or facilities, or restrictions on motorized vehicle use or the use of mechanical tools or means of travel.

Desired Plant Community – A plant community which produces the kind, proportion and amount of vegetation necessary for meeting or exceeding the land use plan/activity plan objectives established for an ecological site(s). The desired plant community must be consistent with the site’s capability to produce the desired vegetation through management, land treatment, or a combination of the two.

Disruptive Activities - Human activities that directly interfere with key biological processes such as breeding, and which will have measurable and long-term impacts.

Ditch Easement – A right-of-way across land granting the right to construct and maintain a ditch. On public land, a right-of-way was granted across unreserved public lands when a ditch or a canal
was constructed pursuant to R.S. 2339 and 2340, Act of July 26, 1866, ch. 262, Sec. 9, 14 Stat. 253, 254. These laws were repealed when Congress enacted FLPMA in 1976.

Ecological Site – An area of land with specific physical characteristics that differs from other areas both in its ability to produce distinctive kinds and amounts of vegetation and in its response to management.

Economics – Pertaining to the development and management of the material wealth of a government or community.

Erosion – (v.) Detachment and movement of soil or rock fragments by water, wind, ice, or gravity. (n.) The land surface worn away by running water, wind, ice or other geological agents, including such processes as gravitational creep.

Flora – The wild plants of a particular region, district or geographical period; a description of such plants.

Forestland – Land that is now, or is capable of becoming, at least 10% stocked with forest trees and that has not been developed for non-timber use (“BLM”). As defined by the USDA Forest Service is land that is at least ten percent covered with trees (Forested Landscapes in Perspective, 1998).

Forest Health – A measure of the robustness of forest ecosystems. Aspects of forest health include biological diversity; air and water productivity; natural disturbances; and the capacity of the forest to provide a sustaining flow of goods and service for people.

This term is often used to express a collection of concerns – with respect to the alleged deterioration in the forest conditions, including both current problems and (e.g. – insect and disease infestations, wildfires, and related tree mortality) and risks of future problems (e.g. – too many small-diameter trees) (overstocking), excess biomass in an unnatural mix of tree species in mixed stands.

Forms of Production – The forms of production component include the things you have or need to produce to retain or attain the desired quality of life.

The derived forms of production statement of the District reads as follows: “The quality of life we strive for will be achieved by continuing to maintain and enhance sustainable and optimum production of renewable and non-renewable resources and to encourage and support the motive and means to enhance economic opportunity and education.”

Future Resource Base – The future resource base component includes the people, land and community we live in and the services available, and what we will need to sustain and enhance our quality of life and forms of production.

The derived future resource base statement of the District reads as follows: “Through the efforts of cooperation and communication among the local people, our community will have a beneficial impact on sustaining a strong and viable multiple-use of our lands, including agricultural, industrial,
mineral production, commercial, recreational and historical uses, which together will provide the continued ability to generate wealth and growth and needs of our community.”

Geophysical Exploration – The use of geological and geochemical techniques, including, but not limited to, core and test drilling, well logging techniques, and various sampling methods; in order to produce information and data in support of possible mineral resource exploration and development activities, including pipelines. It also includes any operation using gravity, magnetic and seismic survey methods to produce geologic information and data in support of possible mineral resource exploration and development activities.

Grazing Management Practices – Grazing management practices include such things as grazing systems (rest-rotation, deferred rotation, etc.), timing and duration of grazing, herding, salting, etc. They do not include physical range improvements.

Guidelines (For Grazing Management) – Guidelines provide for, and guide the development and implementation of, reasonable, responsible, and cost-effective management actions at the allotment and watershed level which move rangelands toward statewide standards or maintain existing desirable conditions. Appropriate guidelines will ensure that the resultant management actions reflect the potential for the watershed, consider other uses and natural influences, and balance resource goals with social, cultural/historic, and economic opportunities to sustain viable local communities. Guidelines, and, therefore, the management actions they engender, are based on sound science, past and present management experience and public input.

Habitat Conservation Plan – The USFWS will approve a plan to protect habitat for a species listed under the ESA located on private land. The habitat conservation plan allows private landowners to use or develop the land, even though the activities may adversely affect a listed species. The plan will also include a “takings permit” which will permit the incidental loss of habitat or potential harm to a listed species.

Habitat Fragmentation – An event that creates a greater number of habitat patches that are smaller in size than the original contiguous tract(s) of habitat.

Habitat Loss – The permanent or effectively permanent removal of habitat cover needed by a particular wildlife species.

Highway – Includes, but is not limited to, pedestrian trails, horse paths, livestock trails, wagon roads, jeep trails, logging roads, homestead roads, mine-to-market roads, alleys, tunnels, bridges, dirt or gravel roads, paved roads and all other ways and their attendant access for maintenance, reconstruction and construction.

Indicator – An indicator is a component of a system whose characteristics (e.g., presence, absence, quantity and distribution) can be measured based on sound scientific principles. An indicator can be measured (monitored and evaluated) at a site- or species-specific level. Measurement of an indicator must be able to show change within timeframes acceptable to management and be capable of showing how the health of the ecosystem is changing in response to specific management actions. Selection of the appropriate indicators to be monitored in a particular allotment is a critical aspect of early communication among the interests involved on the ground.
The most useful indicators are those for which change or trend can be easily quantified and for which agreement as to the significance of the indicator is broad based.

Intention – A determination to act in a certain way: resolve. Synonyms for intention/intent are: purpose, design, aim, end, objective, goal, mean or what one proposes to accomplish or attain.

Irreversible and Irretrievable Commitment of Resources – NEPA requires that each EIS address the resources that will be permanently lost or committed as a result of the project. When oil is produced from a well it is lost or committed and cannot be later developed. Vegetation resources associated with a well pad are not irreversible committed because the site can be reclaimed.

Jeopardy Review – The USFWS, pursuant to the ESA, must evaluate all federal actions that may adversely affect a species that is listed under the ESA to determine whether the proposed action is likely to jeopardize the continued existence of the species. 16 U.S.C. §1536. As part of the jeopardy review, which is also called a “Section 7 review,” USFWS prepares a biological opinion, makes a determination regarding jeopardy, and recommends additional conservation measures that would mitigate the impacts on the species. If the USFWS makes a finding of jeopardy, the proposed federal action may not proceed.

Land Designation – The classification of tracts of land by Congress or a land managing agency to recognize distinctive and unique characteristics or uses.

“Let it Burn” – A land management policy (and philosophy) that limits or ends fire suppression in order to reintroduce the role of natural wildfire into an ecosystem. This policy is most often used in wilderness areas, where the use of fire fighting equipment and tools is generally prohibited, or in the more remote areas of the National Park System. It also substitutes wildfire for logging or grazing to recreate pre-settlement environments.

Litter – The uppermost layer of organic debris on the soil surface, essentially the freshly fallen or slightly decomposed vegetal material.

Locatable Minerals – Minerals subject to exploration, development and disposal by staking mining claims as authorized by the Mining Law of 1872 (as amended). This includes valuable deposits of gold, silver and other uncommon minerals not subject to lease or sale.

Management Actions – Management actions are the specific actions prescribed by the BLM to achieve resource objectives, land use allocations or other program or multiple use goals. Management actions include both grazing management practices and range improvements.

Memoranda of Understanding (“MOU”) – An instrument setting forth the terms of an informal agreement, most often between a state or local government and a federal agency to establish operational arrangements or information sharing. It may also regulate technical or detailed matters, such as terms for mutual maintenance of roads or other facilities. It is typically in the form of a single instrument and may not require ratification.

Memorandum of Agreement (“MOA”) – It is very similar to an MOU but will be worded as agreement rather than general understanding. Like an MOU, it will document an informal
agreement between federal agencies, or divisions/units within an agency or department, or between a federal and state agency or unit of local government and will delineate tasks, jurisdiction, standard operating procedures or other matters which the agencies or units are duly authorized and directed to conduct.

Minerals – Naturally occurring homogeneous substances formed by organic or inorganic processes found on the surface or in the earth; deposits having some resource values such as coal, sand and gravel, precious and semi-precious metals, fossils and gemstones.

Multiple Land Use – Use of land for more than one purpose, for example, grazing of livestock, recreation and timber production. The term may also apply to the use of associated bodies of water for recrecational purposes, fish and water supply. (UN).

Multiple-use – Multiple uses of the national forests means the “harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.” Multiple Use and Sustained Yield Act of 1960 (P.L. 86-517, June 12, 1960) as amended. Multiple use implies a sustained yield of outdoor recreation, range, timber, watershed and wildlife and fish values.

Multiple use of the public lands managed by the Bureau of Land Management means: “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 nonrenewable 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.” Federal Land Policy and Management Act, 43 U.S.C. §1702(c).

Multiple-use land – A combination of balanced and diverse resource uses that considers long term needs for renewable and nonrenewable resources including recreation, rangeland, timber, minerals, water shed and wildlife along with scenic, scientific and cultural values.

Multiple-use Management – The management of all of the various renewable surface resources of national forest lands, for a variety of proposes such as recreation, range, timber, wildlife and fish habitat, and watershed.

Non-impairment management – The standard for determining whether to allow actions or activities on public lands that have been classified as wilderness study areas either by Congress or the Bureau of Land Management. The action or activity may be allowed so long as the impacts will not impair
the areas suitability for wilderness or will not degrade the wilderness values so as to preclude its inclusion in the National Wilderness Preservation System.

No surface occupancy (“NSO”) – This term refers to a condition attached to a mineral lease which prohibits surface occupancy or development activities on the land. NSO is not a recognized term for other land uses or permits.

Objective – An objective is a site-specific statement of a desired rangeland condition. It may contain qualitative (subjective) elements, but it must have quantitative (objective) elements so that it can be measured. Objectives frequently speak to change. They may measure the avoidance of negative changes or the accomplishment of positive changes. They are the focus of monitoring and evaluation activities at the local level. Objectives may measure the products of an area rather than its ability to produce them, but if they do so, it must be kept in mind that the lack of a product may not mean that the standards have not been met. Instead, the lack of a particular product may reflect other factors such as political or social constraints. Objectives often focus on indicators of greatest interest for the area in question.

Open Space – Any parcel or area of land or water that is essentially unimproved and is set aside, dedicated or reserved for public or private use for the enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets, and off street parking and other improvements that are designed to be incidental to the natural openness of the land. An area of a lot either left in a natural state or receiving permeable vegetative landscape treatment such as ponds and lakes, either natural or manmade; and water features, grass shrubs, flowers, trees, ground cover, etc.

Prescribed burn – The deliberate use of fire to improve vegetation conditions or to reduce fuel loads in forests, grassland or rangeland areas.

Public lands – The term “public lands” means “any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, except-- (1) lands located on the Outer Continental Shelf; and (2) lands held for the benefit of Indians, Aleuts, and Eskimos.” 43 U.S.C. §1702(e).

Range – Rangelands, forests, woodlands and riparian zones that support and understory or periodic cover of herbaceous or shrubby vegetation amenable to rangeland management principals or practices. Land on which the principal natural plant cover is composed of native grasses, forbs, and shrubs that are valuable as forage for livestock and big game. Any land supporting vegetation suitable for wildlife or domestic livestock grazing, including grasslands, woodlands, shrublands and forest lands.

Range Condition – The current productivity of a rangeland relative to what the land could naturally produce based on the site’s soil type, precipitation, geographic location and climate.
Range Improvements – Range improvements include such things as corrals, fences, water developments (reservoirs, spring developments, pipelines, wells, etc.) and land treatments (prescribed fire, herbicide treatments, mechanical treatments, etc.).

Range Management – The art and science of planning and directing range use intended to use the sustained maximum animal production and perpetuation of the natural resources.

Rangeland – Land on which the native vegetation (climax or natural potential) is predominantly grasses, grass-like plants, forbs or shrubs. This includes lands revegetated naturally or artificially when routine management of that vegetation is accomplished mainly through manipulation of grazing. Rangelands include natural grasslands, savannas, shrublands, most deserts, tundra, alpine communities, coastal marshes and wet meadows.

Rangeland Health – The degree to which the integrity of the soil and ecological processes of rangeland ecosystems are sustained.

Recovery Plan – The ESA requires the USFWS to prepare a plan to improve the status of a listed species to the point where the species need no longer be listed. A recovery plan typically sets population goals, identifies tasks to reverse or arrest the decline of a species and criteria for delisting the species.

Recreation – An action or lack thereof, which results in relaxation, entertainment, and is enjoyed by those who participate.

Reintroduction Plan – Under the ESA, a reintroduction plan is a specialized recovery plan designed to restore a threatened or endangered species to its historical habitat. A reintroduction plan will document the habitat area to be occupied and specific management actions to be taken to ensure the successful reintroduction of the listed species. Alternatively, a reintroduction plan by a state wildlife agency will return fish, game or other wildlife to an area where they have been extirpated.

Research Natural Area (“RNA”) – A type of area of critical environmental concern or ACEC under BLM land use planning process where natural ecological and physical processes are allowed to occur and human activities are prohibited if they will interfere with the natural processes. Under Forest Service land use policy, a RNA is an area identified as a reference area to evaluate the impacts of management in similar environments, including areas for research and areas to be protected for biodiversity or threatened, endangered and sensitive species.

Resource Advisory Committee – As used in this Plan, the Resource Advisory Committee will refer to any committee established by the District to provide advice regarding various land and conservation issues. The term also refers to advisory committees established by the Bureau of Land Management to provide the BLM with advice regarding public land management issues, especially relating to livestock grazing pursuant to 43 C.F.R. Subpart 1784.

Rights-of-way – This term generally refers to “an easement, lease, permit, or license to occupy, use, or traverse lands” and such right may be created by federal or state statute, deed, contract or agreement, or permit. A right-of-way may also include: Any road, trail, access or way upon which construction has been carried out to the standard in which public rights-of-way were built within
These rights-of-way may include, but not be limited to, horse paths, cattle trails, irrigation canals, waterways, ditches, pipelines or other means of water transmission and their attendant access for maintenance, wagon roads, jeep trails, logging roads, homestead roads, mine to market roads, and all other ways.

Riparian – An area of land directly influenced by permanent water. It has visible vegetation or physical characteristics reflective of permanent water influence. Lakeshores and streambanks are typical riparian areas. Excluded are such sites as ephemeral streams or washes that do not have vegetation dependent on free water in the soil.

Riparian Area – An area along a watercourse or around a lake or pond.

“Riparian areas are ecosystems that occur along watercourses or water bodies. They are distinctly different from the surrounding lands because of unique soil and vegetation characteristics that are strongly influenced by free or unbound water in the soil. Riparian ecosystems occupy the transitional area between the terrestrial and aquatic ecosystems. Typical examples would include floodplains, stream banks, and lakeshores.” USDA LRAC.

“Riparian areas have one or both of the following characteristics: 1) distinctively different vegetative species than adjacent areas, and 2) species similar to adjacent areas but exhibiting more vigorous or robust growth forms. Riparian areas are usually transitional between [river or] wetland and upland.” US FWS.

Riparian landscapes occur in the saturated soils along the streams of the County. Riparian or streamside areas are a valuable natural resource and impacts to these areas should be avoided whenever possible. Riparian vegetation plays an important role in protecting streams, reducing erosion and sedimentation as well as improving water quality, maintaining water table, controlling flooding, and providing shade and cover.

Riparian Zone – Those terrestrial areas where the vegetation complex and micro climate conditions are products of the combined presence and influence of perennial and or intermittent water, associated high water tables and soils which exhibit some wetness characteristics. Normally used to refer to the zone within which plants grow rooted in the water table of these rivers, streams, lakes, ponds, reservoirs, springs, marshes, seeps, bogs and wet meadows. (BLM).

“At the smallest scale, the riparian zone is the immediate water’s edge where some specialized plants and animals form a distinct community. At a larger scale, the riparian zone is the area periodically flooded by high water, the stream banks and floodplain. At the largest scale, the riparian zone is the band of land that has significant influence on the stream ecosystem, and/or is significantly influenced by the stream.” Malcomb Hunter.

Significantly – This term is used in the National Environmental Policy Act regulations, 40 C.F.R. §1508.27, to define when a proposed action may significantly affect the human environment.

Significantly as used in NEPA requires considerations of both context and intensity:

(a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a
site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

(b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

(2) The degree to which the proposed action affects public health or safety.

(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

(8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

Site Condition – This term describes existing soil, vegetation, wildlife and the physical site, in the context of precipitation and climate.

Special Land Use Designations – Refers to the classification or designation tracts of land by Congress or a federal agency to recognize and protect distinctive or unique characteristics. Designations by Congress are permanent and may include national monuments, national parks, national park preserves, national wildlife refuges, national recreation areas, national seashores, wild, scenic or recreation rivers, national forests and wilderness. The President may also establish national monuments, which are permanent unless modified by another President or Congress. Federal law
may delegate the authority to various federal agencies to make special land use designations. The Interior Department Secretary may designate wildlife refuges; the Bureau of Land Management through its land use plans may establish special recreation areas, areas of critical environmental concern, resource natural areas, and until 1991, wilderness study areas. The Forest Service through its land use plans establishes special interest areas and research natural areas.

There are more than 40 recognized special land designations exist nationwide. Pursuant to this Plan, multiple use is not a special land designation, rather it is a concept and management practice for most lands in Niobrara County not assigned a special land designation.

Species of Concern or Special Status Species – This term includes species that have been proposed for listing under the Endangered Species Act or have already been listed as threatened or endangered, as well as species that are on the candidate list published in the Federal Register. The term also includes any state-listed species or any “sensitive species” identified by the BLM State Director, which includes the above categories and might also include species undergoing downward trends due to changes in habitat capability or populations or which occupy specialized habitats.

Spill Over – This term refers to the movement of introduced or reintroduced wildlife into areas where they were not intended to be in the plan. The presence of such species will greatly limit land uses, especially when the species is protected under the ESA or other federal and state laws.

Split Estate – A tract of land where title to the surface estate is separate from title to some or all of the mineral rights. Split estates are common in the western United States, because private land conveyed under the homestead or stock raising homestead acts reserved the mineral rights to the United States. Under common law, the mineral estate is dominant and can be developed over the objections of the surface owner. Modern laws and case decisions have modified the rule but still recognize the right of the mineral owner to develop the mineral estate, even when the surface owner objects. If the United States owns the surface, it will require the mineral owner to reclaim the surface, secure permits to build roads and other facilities and post reclamation bonds. If the surface is owned by a private landowner, then federal reclamation laws do not apply but state laws will.

Standards – Standards are synonymous with goals and are observed on a landscape scale. Standards apply to rangeland health and not to the important by-products of healthy rangelands. Standards relate to the current capability or realistic potential of a specific site to produce these by-products, not to the presence or absence of the products themselves. It is the sustainability of the processes, or rangeland health, which produces these by-products.

Surface disturbing activity – Refers to development activities that involve the removal of vegetation, topsoil, or overburden where there is a physical change to the surface, such as activities associated with mineral or energy development, rights-of-way, road construction or reconstruction. It does not include incidental disturbances associated with the construction, reconstruction, or maintenance of fences or corrals or stock tanks, livestock or wildlife grazing, or recreation uses.

Sustainable Yield – The yield from a renewable resource that can produce continuously at a given intensity of management.
Sustained Yield – A “high-level” output of renewable resources that does not impair the productivity of the land. The continuation of a healthy desired plant community.

Takings in context of Endangered Species Act – Includes harm to a protected species when an act actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. 50 C.F.R. §17.3.

Takings in context of property and right to compensation – A ‘taking’ of property is generally defined as to deprivation of the right of use and enjoyment of the property. The ownership of property is often described as a “bundle of sticks” which includes mineral rights, rights of access, rights to use the surface, and rights to use the fruits raised from the surface, such as crops or grass. When land use regulation by federal, state or local government interferes with one of those rights in the bundle of sticks, a taking occurs only if it deprives the owner of all of his bundle of sticks or “investment-backed expectations.” More recent decisions will find a taking when the deprivation is total but temporary or when the deprivation precludes an essential element of the property right, such as the right to exclude others. Federal land agencies enjoy a much greater presumption of authority to limit the exercise of private property rights and successful takings cases more often involve disputes with a local government or state agency.

Terms and Conditions – Terms and conditions are very specific land use requirements that are made a part of the land use authorization in order to assure maintenance or attainment of the standard. Terms and conditions may incorporate or reference the appropriate portions of activity plans (e.g., Allotment Management Plans). In other words, where an activity plan exists that contains objectives focused on meeting the standards, compliance with the plan may be the only term and condition necessary in that allotment.

Thoroughfare – Term means according to its derivation, a street or passage through which one can fare (travel); that is, a street or highway affording an unobstructed exit at each end into another street or public passage. If the passage is closed at one end, admitting no exit it is called a “cul de sac.”

Title V of FLPMA – In 1976, Congress repealed almost all laws granting rights-of-way for various purposes and established a single title under which rights-of-way would be granted across public lands for any purpose, including power transmission lines, roads and pipelines.

Tracea – In old English law, the track or trace of a felon, by which he was pursued with the hue and cry; a foot-step, hoof-print or wheel track.

Trails – A trace is pathway made by passage of man-animal routing of extended travel. Vestiges of an established pathway by which man has persistently walked or trailed game or sought the easiest traverse of land establishing right-of-way access of natural law by horseback, travois, etc.

Trailhead – This term refers to the elements of managing historic trails and includes the linear landscapes, visual resources or viewshed, historic context and the corridor of the trail itself.
Tread Lightly – A BLM program to encourage recreation users to avoid damage to natural resources by leaving no or little evidence of recreation use.

Undue and unnecessary degradation – This term applies to activities on public lands managed by the Bureau of Land Management which is required to ensure that surface activities do not cause ‘undue or unnecessary degradation.’ BLM defines those impacts as being greater than those that would normally be expected from an activity being accomplished in compliance with current standards and regulations and based on sound practices, including use of the best reasonably available technology.

Upland – Those portions of the landscape which do not receive additional moisture for plant growth from run-off, streamflow, etc. Typically these are hills, ridgetops, valley slopes and rolling plains.

Visibility Protection Plan – A plan that implements the requirements of the Clean Air Act.

Visibility or Visibility Impairment – Visibility refers to amount or lack of haze that obscures the ability to see great distances. Visibility impairment measures the extent of haze composed of various air pollutants which manifest as a white or brown haze. This is a major issue with respect to national parks and wilderness areas, which are Class I air quality areas and are given the highest level of protection.

View – The sight or prospect from a particular point, typically an appealing sight.

Viewshed – The geographic area surrounding the visual area to be inventoried and managed.

Visual Condition Class – The Clean Air Act recognizes four air quality classes with Class I applying to national parks and wilderness areas and Class II applying to all other federal land areas, such as National Forests, National Wildlife Refuges, and public lands. Visual conditions are affected by particulates, emissions including ozone, sulfur oxide, nitrogen oxide, carbon dioxide and the chemical reactions caused by humidity and sunshine.

Visual Quality or Visual Resource Management Objective – Standards established in land use plans prepared by the Forest Service or the Bureau of Land Management to apply to specific land areas based on the scenic qualities and land uses. The land use plans may require modifications to facilities to reduce the visual impacts.

Visual Resource – A part of the landscape important for its scenic quality. It may include a composite of landforms, water features, cultural features, terrain, geologic features OR vegetative patterns which create the visual environment. 2. The visible physical features of a landscape. (BLM).

Visual Resource Management ("VRM") – The designation of BLM surface lands for visual resource protection and management as part of the land use planning process. The VRM classification takes into account scenic values, sensitivity based on land uses permitted and distance or remoteness. See BLM H8410-1.

Visual Resource Management Classes – The BLM handbook recognizes four VRM classes: Class I, to preserve nationally designated wilderness areas; Class II, to preserve scenic values, including areas of critical environmental concern, Class III, to permit some change in landscape character and Class IV, to allow moderate to major changes in the landscape.
Waste – Refuse; worthless or useless matter.

Water – All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems and all other bodies of water above or below ground which are partially or wholly in the state, border on the state or are within the jurisdiction of the state. Private waters that do not combine or have a junction with natural surface or underground waters are not included (for example, and isolated farm pond that does not infiltrate to ground water or connect to surface water). All springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State are subject to its jurisdiction.

Watershed – The total land area, regardless of size, above a given point on a waterway that contributes runoff water to the flow at that point. It is a major subdivision of a drainage basin. The United States is generally divided into 18 major drainage areas and 160 principal river drainage basins containing about 12,700 smaller watersheds. The entire region or land area that contributes water to a drainage system or stream, collects and drains water into a stream or stream system or is drained by a waterway (or into a lake or reservoir). More specifically, a watershed is an area of land above a given point on a stream that contributes water to the streamflow at that point. A region or area where surface runoff and groundwater drain to a common watercourse or body of water. The area drained by a river or river system enclosed by drainage divides. An area of land that drains to a single water outlet. A watershed is also known as a sub-basin.

Weed – Any plant growing where it is not desired; a plant out of place, or unwanted plants, which, may be growing in a magnitude of situations.

“Declared weed” – Any plant, which the board and the Wyoming Weed and Pest Council have found, either by virtue of its direct effect, or as a carrier of disease or parasites, to be detrimental to the general welfare of persons residing within a district. W.S. 11-5-102 (viii).

Noxious weed – A weed that is recognized as a threat to native plants due to its invasive character.

Wetlands – Permanently wet or intermittently water-covered land areas, such as swamps, marshes, bogs, muskegs, potholes, swales and glades. Areas that are inundated by surface or ground water with a frequency sufficient to support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, wet meadows, river overflows, mud flats and natural ponds.

Although federal agencies, states and text book authors vary in the way in which they define wetlands, in general terms, wetlands are lands where water covers the soil or is present either at or near the surface of the soil or within the root zone, all year or for varying periods of time during the year, including during the growing season. The recurrent or prolonged presence of water (hydrology) at or near the soil surface is the dominant factor determining the nature of soil development and the types of plant and animal communities living in the soil and on its surface. Wetlands can be identified by the presence of those plants (hydrophytes) that are adapted to life in the soils that form under flooded or saturated conditions (hydric soils) characteristic of wetlands.
There also are wetlands that lack hydric soils and hydrophytic vegetation, but support other organisms indicative of recurrent saturation (NAS 1995).

The federal regulations implementing Section 404 of the Clean Water Act define wetlands as: Those areas that are inundated or saturated by surface or ground water (hydrology) at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation (hydrophytes) typically adapted for life in saturated soil conditions (hydric soils). Wetlands generally include swamps, marshes, bogs, and similar areas (40 C.F.R. §232.2(r)).

Jurisdictional wetlands, which are regulated by the U.S. Army Corps of Engineers ("US COE" or "Corps") under Section 404, must exhibit all three characteristics: hydrology, hydrophytes and hydric soils (US ACOE 1987). It is important to understand that some areas that function as wetlands ecologically, but exhibit only one or two of the three characteristics, do not currently qualify as Corps jurisdictional wetlands and thus activities in these wetlands are not regulated under the Section 404 program. Such wetlands, however, may perform valuable functions.

Another federal agency, the U.S. Fish and Wildlife Service defines wetlands as: lands that are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water, and that have one or more of the following attributes:
1. At least periodically, the land supports predominantly hydrophytes;
2. The substrate is predominantly undrained hydric soil; and
3. The substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year (Cowardin et al. 1979).

This definition differs from the EPA and U.S. Army Corps of Engineers definition used for jurisdictional wetlands, which requires that all three attributes (hydrophytes, hydric soils and hydrology) be evident. The 1987 Corps of Engineers Manual on wetland delineation does not consider unvegetated aquatic sites such as mudflats and coral reefs or vegetated shallow water to be wetland areas, whereas the Cowardin classification does (US ACOE 1987).

Wilderness Act of 1964 – Congress established the National Wilderness Preservation System to protect and preserve those areas deemed to be wilderness, which is defined as:

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this chapter an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man’s work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value. 16 U.S.C. §1131(a).
Wilderness Area – Tracts of land designated by an act of Congress to be part of the National Wilderness Preservation System.

Wilderness Study Area or WSA – An area of land identified by Congress or a federal agency pursuant to Congressional direction to be evaluated for its suitability for designation by Congress as part of the National Wilderness Preservation System. With respect to public lands managed by the Bureau of Land Management, it refers to tracts of public lands determined to meet the definition of wilderness based on the wilderness inventory and review conducted by the Bureau of Land Management pursuant to Section 603 of the Federal Land Policy and Management Act, 43 U.S.C. §1782. A WSA typically meets the definition of wilderness in that it is “an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.” 16 U.S.C. §1131(c.).

Wildlife – Populations, variety, and distribution of birds, mammals, reptiles, amphibians, invertebrates and plants.

Woodland Products – Harvestable items from Piñon – Juniper woodlands. These include fuel wood, posts, pine nuts and Christmas trees.

Woody – Consisting of wood plants such as trees or bushed– i.e. sage brush.

Wood Fiber Production – The growing, tending, harvesting and regeneration of harvestable trees.
### Glossary of Acronyms

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<td>AFO/CAFO</td>
<td>Animal Feeding Operation/Confined Animal Feeding Operation</td>
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<td>ACEC</td>
<td>Area of Critical Environmental Concern</td>
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<td>Ag</td>
<td>Agriculture</td>
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<td>AML</td>
<td>Appropriate Management Level</td>
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<td>BLM</td>
<td>United States Department of The Interior, Bureau of Land Management</td>
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<td>BMP</td>
<td>Best Management Practice</td>
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<td>LRAC</td>
<td>Land and Resource Advisory Committee</td>
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<tr>
<td>LRUP</td>
<td>Land and Resource Use Plan And Policy</td>
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<tr>
<td>NEPA</td>
<td>National Environmental Policy Act</td>
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<td>Niobrara Conservation District</td>
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<td>Niobrara County Weed and Pest</td>
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<td>USDA</td>
<td>United States Department of Agriculture</td>
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<td>USFWS or FWS</td>
<td>United States Department of the Interior, Fish and Wildlife Service</td>
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<tr>
<td>WACD</td>
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<td>Wyoming Department of Agriculture</td>
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<tr>
<td>WDEQ or DEQ</td>
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<td>WGFDA</td>
<td>Wyoming Game and Fish Department</td>
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<td>WHIP</td>
<td>Wildlife Habitat Incentives Program</td>
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<tr>
<td>WSGA</td>
<td>Wyoming Stock Growers Association</td>
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<td>WWDC</td>
<td>Wyoming Water Development Commission</td>
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<td>WWGA</td>
<td>Wyoming Wool Growers Association</td>
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