

CONVERSE COUNTY NATURAL RESOURCE MANAGEMENT PLAN KICKOFF MEETING

Presented by:
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CONVERSE
County

THE
FALEN LAW OFFICES
L.L.C.
ATTORNEYS FOR THE WEST



WHY ARE WE HERE?

- This meeting is to draw the public's attention to Converse County's plan to develop and draft a Natural Resource Management Plan.
- The plan will be presented for adoption by Converse County Board of County Commissioners
- The goal is to acquire community input regarding the plan before publishing it.

ROAD MAP

■ What is a Land Use Plan?

- Natural Resource Management Plan (NRMP)
- What does it do?
- How is it used?
- How does it relate to other planning efforts?

■ Legal Framework

- Statutory Requirements

■ Plan Organization

■ Chapters

- Resource Assessment
- Resource Management Objectives
- Priorities

■ Schedule

WHAT IS A COUNTY RESOURCE MANAGEMENT PLAN?

■ It is not

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

■ It is

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

WHAT DOES A PLAN DO?

- Federal statutes give local governments the ability to substantially influence federal decisions and specifically interact with federal agencies beyond those that are available to the general public.
 - The 3 Cs
 - Consistency review
 - Coordination
 - Cooperating agency status
 - A NRMP allows the County to fully utilize and take advantage of the 3 Cs

CONSISTENCY REVIEW

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

CONSISTENCY REVIEW IN NEPA

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

CONSISTENCY REVIEW IN FLPMA

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

BLM COORDINATION

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

FOREST SERVICE COORDINATION

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

COOPERATING AGENCY STATUS

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

WHAT CAN YOU DO WITH A NRMP?

■ You CAN

- Use the plan as a tool allowing substantive impact on federal decisions, plans, policies and programs
- Require federal plans to be consistent with the NRMP as long as no federal laws are violated
- Protect the use and access to public lands and resources

■ You CANNOT

- Take jurisdiction over the federal government
- Require federal land managers to take specific actions
- Use this plan for zoning or other regulation of private lands

THE MORAL OF THE STORY

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

PLAN ORGANIZATION

- Chapter 1 – Custom & Culture
 - Chapter 2 – Land Use
 - Chapter 3 – Geology, Mining & Air
 - Chapter 4 – Water Resources
 - Chapter 5 – Wildlife
 - Chapter 6 – Economics and Society
 - Chapter 7 - Agriculture
- **Resource Assessment**
 - Background and detailed resource information
 - Evaluation of resource importance
 - Maps
 - Uses best available data
 - *What is the state of the resource now?*
 - **Resource Management Objectives**
 - General goals as broad policy statements for resource use, development and protection
 - *What does the county want for and from this resource?*
 - **Priorities**
 - How to achieve the County's objective for each resource
 - *How would the county like to see its objectives achieved?*

PROCESS FOR ADOPTION

■ Authority

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

■ Process

- NRMP initially developed through consolidation of existing policy documents
 - County resolutions
 - Policies
 - 2015 Converse County Land Use Plan
- Developed and vetted through community members recommended by the Commissioners
 - Headed by Dru Bower representing Converse County
- Public meetings in Douglas
- Public comment taken throughout the making of the document
- Official thirty-day public comment period will take place upon completion of a draft
- The NRMP will then be taken before the County Commissioners for official adoption

WHAT NEXT?

- 30-day public scoping period intended to gather preliminary community input on the plan
- Drafting of the plan with direction from the Converse County Conservation District, Converse County Weed and Pest District, and Converse County Board of County Commissioners
- Release of drafted plan for public comment
- Final adoption from the Converse County Board of County Commissioners

SCHEDULE

☐	Converse County NRMP		Start	End
🚩	Contract kickoff		03/16/20	
🚩	Data gathering		03/16/20	06/08/20
🚩	Internal Meeting with Dru		04/17/20	04/17/20
🚩	Policy memos from FLO		04/17/20	05/15/20
🚩	Team kick-off meeting		05/21/20	05/21/20
🚩	Policy memos from FLO		06/01/20	06/01/20
🚩	Kickoff Meeting w/ WP/CD		07/14/20	07/14/20
☐	Data Gathering/Plan Development		09/01/20	11/30/20
☐	Kickoff Public Meeting/ 30 Day Scoping		09/17/20	10/16/20
☐	Plan Development		09/17/20	01/31/21
☐	Review Chapter 4 and Chapter 7		10/20/20	10/20/20
☐	Review Chapter 5 and Chapter 2		11/17/20	11/17/20
☐	Review Chapter 3 and Chapter 6		12/15/20	12/15/20
☐	Review Intro and Chapter 1		01/12/21	01/12/21
☐	Final Incorporation of Comments		01/13/21	01/31/21
☐	30 Day Public Comment Period		02/02/21	03/03/21
☐	Public Meetings (Douglas & Glenrock)		02/16/21	02/16/21
☐	Incorporate public comments		03/03/21	03/31/21
☐	Final Document to County		04/01/21	04/01/21

ANY GENERAL QUESTIONS REGARDING THE PLAN?

- Feel free to direct questions to me

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