

StrataRossLANPEm Resource

From: Bjornsen, Alan
Sent: Wednesday, October 26, 2011 7:41 AM
To: Doris A. Minor
Cc: Moore, Johari
Subject: Land Use Plan - Crook Co. eom
Attachments: 1998 Land Use Plan_Crook Co.pdf

Alan B. Bjornsen

Environmental Project Manager
FSME/DWMEP/EPPAD/ERB
U.S. Nuclear Regulatory Commission
11545 Rockville Pike
Rockville, MD 20852
(301) 415-1195
alan.bjornsen@nrc.gov

Hearing Identifier: StrataEnergyRoss_LA_NonPublic
Email Number: 103

Mail Envelope Properties (D249FEABC1231D479F098614A6642877194C1AB394)

Subject: Land Use Plan - Crook Co. eom
Sent Date: 10/26/2011 7:41:27 AM
Received Date: 10/26/2011 7:41:00 AM
From: Bjornsen, Alan

Created By: Alan.Bjornsen@nrc.gov

Recipients:

"Moore, Johari" <Johari.Moore@nrc.gov>
Tracking Status: None
"Doris A. Minor" <doris@attenuation.us.com>
Tracking Status: None

Post Office: HQCLSTR01.nrc.gov

Files	Size	Date & Time
MESSAGE	218	10/26/2011 7:41:00 AM
1998 Land Use Plan_Crook Co.pdf		1052475

Options

Priority: Standard
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:
Recipients Received:

1998 Land Use Plan for Crook County

(Succeeds and Replaces 1977 Crook County Land Use Plan)

Approved by Crook County Board of Commissioners on 11/4/98

(Amended on 12/4/02 to include Threatened & Endangered Species)

(Amended on 2/5/03 to include How the County Should Handle Potential Increases of Public Land)

INTRODUCTION - Plan Purpose

The purpose of this plan is to establish a process for Crook County to coordinate with federal and state agencies on their proposed actions that may potentially affect the management of private and public land and natural resource use. Crook County will coordinate on the proposed actions so Crook County citizens may preserve their customs, culture, and economic stability while protecting and using their environment.

Through the land use planning process, Crook County commits itself to attempting to assure that all natural resource decisions affecting the County shall be guided by the principles of maintaining and revitalizing various uses of federally managed and state managed lands. The County also commits itself to the protection of private property rights and private property interests including investment backed expectations, protection of local historical custom and culture, protection of the traditional economic structures in the County which form the base for economic stability for the County, opening of new economic opportunities through reliance on open markets, and protection of the right of the enjoyment of the natural resources of the County by all citizens of the County and those communities utilizing those natural resources within the County. Crook County is convinced that resource and land use management decisions made in a coordinated manner between federal management agencies, state management agencies and county officials will not only firmly maintain and revitalize multiple use of federally and state managed lands in Crook County, but will enhance environmental quality throughout the County.

Federal law and regulations allow the County to fully participate as a cooperating agency in the federal and state planning process. (See Appendix A listing laws and regulations.)

The Crook County Board of Commissioners will hereinafter be referred to as the Board.

This New Land Use Plan has been developed to provide a baseline vision of what Crook County expects in terms of the effects of proposed governmental management activities on private, municipal, state and federal lands as well as the effects from proposed natural resource regulatory actions.

If any provision of the Plan shall be found invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall not be affected thereby, but shall remain in full force and effect.

CUSTOM, CULTURE AND ECONOMIC BASE OF CROOK COUNTY

The people of Crook County historically, traditionally and currently earn their livelihood from activities reliant upon the use of natural resources. The economy of the County has always been, and is today, dependent upon activities critically and economically related to ranching and farming, logging, mining and other natural resource related activities. Segments of Crook County's economy are reliant upon the abundant natural resources occurring countywide. In addition, family and community traditions have developed around the economic and recreational use of the land.

Public land is managed by federal or state agencies, while use of private land can be impacted by federal or state regulatory agencies. Federal and state agencies may propose management actions and regulations that can impact and change Crook County's custom, culture and economy. (See Appendix B for chart.)

When a transfer of land from private to public ownership is being considered within Crook County and the public entity and/or private landowner involved asks the Board to identify the County's position on the potential transfer, the Board may use the following process by which to evaluate and issue a position on that proposed action. Through this step-by-step process, the Board can evaluate each situation according to its individual characteristics and issue a decision accordingly.

1. The Board gathers pertinent data:
 - a. Existing classification of the land from the County Assessor;
 - b. Current land use for the property (i.e. farming, development, timber, grazing, wasteland, etc.);
 - c. Current amount of taxes paid on the property to the County;
 - d. If possible, the proposed use of the land after transfer;
 - e. Any potential income to the County from the public entity responsible for the land after the transfer occurs;
 - f. What, if any, rights the public currently has in the property (i.e. rights-of-way, county roads, public utility easements, etc.).

2. The Board then solicits input from and provides information to:
 - a. The parties directly affected by the proposed transfer (i.e. the sellers and the buyers of the lands as well as adjacent landowners);
 - b. The general public – a public hearing should be held to make information on the proposed transfer available to all interested parties and to provide a public forum to discuss the proposed action;

- c. The Sheriff's Office and Fire Warden concerning potential impacts on public safety.
3. The Board considers the potential impact the proposed transfer will have on the general economy of the area. Good judgment and a clear understanding of local and state economic conditions will be necessary to reach any reasonable conclusion on this subject, as the impact will be difficult to quantify.
4. The Board issues a position statement concerning the proposed land transfer. This statement will, as specifically as possible, reference the information gathered and the input from the public and detail the reasoning behind the decision.

Given the amount of land currently held by the public in this County and State, it is advised that the Board adhere, as much as possible, to the concept of "no net gain" of public lands.

In recognition of the critical tie between the use of the private, federal and state natural resources and the economic stability of the County, the Board developed the land use planning process to serve as a guide to cooperate in the planning for federally and state managed lands as well as the consideration of the County in any federal or state natural resource regulations.

Again, the Board feels that this plan will be successfully implemented only with an on-going planning and review process that involves the citizens of Crook County.

MULTIPLE USE/ECONOMIC USE OF FEDERAL, STATE AND PRIVATE LANDS AND COORDINATION WITH FEDERAL AND STATE AGENCIES

The Board recognizes that federal law mandates multiple use of National Forests and Bureau of Land Management land. The Board positively supports continued multiple use for these lands and support the continued economic use of private and state lands.

The Board is concerned with the protection of the physical environment of Crook County and intends to offer comments, proposals or alternatives to proposed decisions which affect the environment. The Board intends to be involved in federal and state agency decisions which affect the environment.

The Board requests that, to the fullest extent required or permitted by law, all federal and state agencies shall, in all actions proposed that have the potential of affecting the use of land or natural resource in Crook County, do the following:

A. Meet with the Board to establish a process for such coordination, that may include joint planning, joint research and data collection, joint hearings or joint environmental assessments.

B. Analyze and consider the effects those actions will have on:
- community stability;
- maintenance of custom, culture and economic stability;
- conservation and use of the environment and natural resources.

C. Coordinate with the Board, to the fullest extent possible, as a cooperating agency on any federal or state action or decision.

D. Allow the Board to modify or submit a viable alternative for consideration by the agency.

This coordination follows the procedure as described in Wyoming Statute 18-5-208. **Coordination of planning efforts with federal agencies:**

The board of county commissioners of a county which has officially adopted a comprehensive plan pursuant to W.S. 18-5-202(b) may participate in efforts to coordinate the plan with federal regional forest or other resource management plans as provided in the Federal Land Policy and Management Act of 1976 and federal regulations adopted pursuant to that act, including, but not limited to, Title 36, of the Code of Federal Regulations, part 219.7 and Title 43, of the Code of Federal Regulations, part 1610.3.

(See Appendix C for 36 CFR, Part 219.7, and 43 CFR, Part 1610.3.)

SPECIFIC GOALS FOR NATURAL RESOURCE USE

1. AGRICULTURE & LIVESTOCK GRAZING

Goal: Crook County will strive to promote the continuation of agriculture and livestock grazing as important, historic components of the County's economic and cultural base on both public and private land ownership.

Background:

Livestock production has occurred in Crook County for more than a century, and ranching has symbolized the County's economy, lifestyle and culture. A "ranch" consists of more than just the animals, a house and surrounding corrals and outbuildings. The concept of ranching, and therefore, the "ranch" includes the buildings, the homesite, the equipment, the livestock, the land, the forage resource, the water rights and all activities devoted to the ranching operation. Furthermore, these resources are very specific to agriculture production and are not easily adapted to alternative uses that can support the economic needs of rural families.

Crook County's agricultural industry is evaluated in the context of cattle and sheep ranching. Hay production is typically part of most livestock operations in the County. In light of these operational characteristics, the combined description enables the calculation of a more accurate evaluation of ranching's contribution to the Crook County economy. (See Appendix D for agricultural statistics.)

Reduction of AUMs on public land will have disastrous economic impact on individual ranches, and collectively on the County itself. Continued grazing use of federally and state managed land is vital if the livestock industry is to survive. The expectation for continuation of the livestock industry in the County is essential to support economic stability and to preserve the custom and culture of the citizens. In addition, livestock grazing can be used to benefit and enhance riparian areas and uplands.

Forage crops, hay, silage and feed grains are produced in Crook County comprising an integral part of the livestock industry.

Irrigated and intensive agriculture also provide a major contribution to the economic base of the County critical to the economic stability of the County. Productive watersheds must be maintained within the county as essential factors to preservation of irrigated agriculture.

The quality of economic life of Crook County as well as the scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values which are part of life in the County are enjoyed in part because of agricultural production.

Crook County is limited by severe winters, limited water quantities and low population when it comes to development of a non-agricultural economy.

Objectives:

Federal and state agencies shall, to the fullest extent allowed by federal law, notify the County of any actions or regulations which may impact agricultural or livestock production.

Crook County shall carefully evaluate all existing and proposed federal and state actions or regulations which could affect private property, private property interests, and investment backed expectations.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

2. AIR QUALITY

Goal: Crook County will strive to monitor the available data to identify any potential conflict with federal law regarding the protection of air quality.

Background:

Crook County must comply with Class 2 Air Quality standards (See Appendix E for more information.)

There is an air quality monitoring station located at Devils Tower.

Objectives:

Crook County shall request that federal and state agencies notify the County of any proposed actions changing air quality standards in Crook County.

Crook County shall carefully evaluate all federal and state proposals, actions or regulations which could change standards for air quality over Crook County.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

3. AIR SPACE

Goal: Crook County will strive to maintain air access for emergency and operational activity over the County within current laws and regulations.

Background:

Crook County covers a vast area with many regions which are extremely remote and while they are accessible over land, travel is extremely slow. Any increased air space restrictions must be minimal in order to preserve civilian use for law enforcement, medical emergency, search and rescue, livestock management, and predator control measures. (See Appendix F for more information.)

Objective:

Federal and state agencies shall, to the fullest extent allowed by federal law, notify the County of any proposed actions changing restricted air space in Crook County.

Crook County shall review any proposals which would change air space standards over Crook County.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

4. CULTURAL

Goal: Crook County will strive to maintain and share the story of its cultural history.

Background:

Several areas of ancient people petroglyphs and pictographs still can be seen in places, usually on sandstone cliffs, facing south.

They told of the cultural past of these nomadic ancient people, probably living several hundred years ago. Many sites may be open to vandalism and destruction because of the remote areas in which they are located.

Buffalo jumps tell us the story of the cultural past of these Ancient People. There are several jumps in Crook County, but the most significant site is the Vore Buffalo Jump. For over three hundred years, Plains Indian groups stampeded bison over the rim and into deep natural “sink holes”. The buffalo provided American Indians not only their primary food, but was the source of many other materials used in their culture.

When this area became settled by the first white settlers, schools became cultural sites both in the established towns and out in the country.

Devils Tower, established as our nation’s first National Monument in 1906, was the site for early cultural and social events and still is of great importance today.

Warren Peak and Cement Ridge, fire lookouts administered by the U.S. Forest Service, are also a part of this County’s developments.

Ranch A, Moses Annenberg’s hunting lodge, built around 1930, now owned by the State of Wyoming, is a learning center for the area.

The U.S. Air Force Radar Site on Warren Peak, built in the 1960’s, was the world’s first air transportable nuclear power plant. This highly sophisticated device was tested on Warren Peak for several years. It was removed at the end of the test period.

Objectives:

Crook County shall request that federal and state agencies, to the fullest extent allowed by federal law, notify the County of any actions which could potentially affect the County’s cultural resources.

Crook County shall carefully evaluate all federal and state actions or regulations which could affect the County’s cultural resources.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

5. ENERGY & MINERAL RESOURCES

Goal: Crook County will strive to promote responsible mining and mineral exploration as an important, historic multiple use.

Background:

Energy and mineral resources provide the base for an important contribution to the economy of Crook County. Oil, gas and mineral industry payroll and expenditures for supplies are important to the economic stability of the County.

There are a variety of minerals extracted for commercial use in Crook County.

Bentonite is produced at Colony. A small coal mine was in operation at one time near Aladdin. The Hauber Uranium Mine, located north of Hulett, had been the state's first uranium mine, and was owned by Homestake Mining Company. All of Crook County has potential for sizable uranium production. The Bear Lodge Mountains are also highly mineralized and potential exists for metals mining.

The Powder River Basin is an important oil, coal and uranium producing region. Oil production is primarily Cretaceous in age. Typical of this formation, oil and gas production is prolific when discovered but depletes quite rapidly. Coal and uranium are predominately produced from the Fort Union and White River formations. Along the contact between the Black Hills Uplift and the Powder River Basin are numerous outcroppings of granite, limestone, bentonite, and other minerals.

The Geological Survey of Wyoming lists many natural mineral occurrences in Crook County. (See Appendix G for the list of minerals.)

Objectives:

When action is considered regarding mining interests in Crook County, the restraints upon free market development imposed by statute or by agency rule shall be evaluated by the County.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

6. FOREST RESOURCES

Goal: Crook County will strive to maintain sustainable timber harvesting as an important, historic multiple use of federal lands and as an effective forest management tool on private and state land.

Background:

Historically, forest resources in Crook County have been used for mines and domestic use since the occupation of European settlers in the 1800's. A significant portion of Crook County's economy and tax base is based on the harvest and processing of timber from private, state and public lands.

The Bear Lodge and Moskee areas of Crook County contain the majority of commercial timber acreage. The USFS is the primary land manager of Crook County's timber resources. Private, BLM, and state school lands make up the additional timber resource.

Crook County has a historical, cultural and economic relationship to timber management. The state has been actively managing its timber resources on state lands through commercial timber sales and pre-commercial treatment. Many private lands are being managed for both grazing and timber fiber production by local mills with the aid of the State Division of Forestry. (See Appendix H for more information.)

Objectives:

The County shall request that federal and state agencies, to the fullest extent allowed by federal law, notify the County of any actions affecting forest or timber resources or their use.

Crook County shall carefully evaluate any federal and state actions or regulations which could affect forest or timber resources

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

Any vegetative treatment, prescribed burning, or public land set-aside shall be reviewed by Crook County.

7. PALEONTOLOGICAL RESOURCES

Goal: Crook County should strive to maintain the integrity and the opportunity to research its significant paleontological sites.

Background:

There are several sites in Crook County which contain significant fossilized remains. (See Appendix I for more information.)

The importance of future paleontological digs and subsequent findings are recognized by Crook County. However, the protection of such resources should not automatically supersede the best interests of Crook County nor its citizen's rights.

Objectives:

Crook County shall request that federal and state agencies, to the fullest extent allowed by federal law, notify the County of any actions which could potentially affect the integrity of, or access to, County paleontological resources.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

8. PRIVATE PROPERTY

Goal: Crook County will strive to protect its citizens' constitutional rights to private property including but not limited to water, mineral, surface and subsurface rights in its planning and actions.

Background:

Crook County recognizes its citizens' inalienable, natural rights to private property, as defined and upheld by the United States Constitution.

People who live in Crook County are reliant upon the land and its productive use. Private ownership and the incentive provided by such ownership is the driving force which supports the livelihoods, culture, custom and economic stability of Crook County citizens.

Objectives:

Federal and state agencies shall, to the fullest extent allowed by federal law, notify the County of any actions affecting the existing use of or on private property or public lands.

Crook County shall evaluate and comment on federal and state actions or regulations which could affect private property, private property interests, and investment backed expectations.

Crook County shall plan for, and take positive action to ensure, that private property, private property interests and investment backed expectations are protected under the Fifth Amendment to the United States Constitution which prohibits the taking of private property for public use without just compensation.

9. RECREATIONAL USE

Goal: Crook County will strive to protect recreational opportunities compatible with local custom, culture and environmental stewardship within the constraints of private property rights.

Background:

Crook County offers a variety of recreational opportunities, many of which generate revenues for the local economy. (See Appendix J for list of recreational activities in the County.)

Recreationists enjoy access to activities on public lands in Crook County, but are expected to demonstrate ethical behavior which respects and helps maintain the sustainability of the County's natural resources. There is no charge for some of these activities and, consequently, the costs to provide these services are picked up by all taxpayers.

Objectives:

Crook County shall request that the federal and state agencies, to the fullest extent allowed by federal law, notify the County of any actions affecting recreational opportunities in Crook County.

Crook County shall carefully evaluate any federal and state actions or regulations which could affect recreational use.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

The planning of recreational management areas, facilities and byways shall consider time and cost impacts on County services and provide for economic or other management mitigation of such impacts.

10. RIGHTS OF WAY

Goal: All planning efforts in Crook County should strive to seek to maintain historic rights to travel over federally and state managed lands wherever necessary in pursuit of mining, logging, livestock raising, and other historic uses.

Background:

Utility corridors have historically been very important in Crook County. Historically, the development of mining, logging, livestock grazing, ranching, and farming has required establishment of numerous rights of way over the federally and state managed lands. Continued use of these rights of way is essential to continuation of the associated commerce.

The potential exists for the County to assert its RS 2477 rights.

Objectives:

Crook County shall request that federal and state agencies, to the fullest extent allowed by federal law, notify the County of any actions which could potentially affect the historic rights to travel within Crook County.

Crook County shall carefully evaluate all federal and state actions, proposals or regulations which could affect the County's historic rights to travel.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

Along with right to travel over these rights of way, any maintenance necessary to continue the historic use shall be allowed.

Historic travel routes that cross state or federal land are those that have been used for at least ten years. Appropriate historic travel routes may be identified under RS 2477.

11. WATER RESOURCES

Goal: Crook County will strive to protect the quality, quantity and use of surface and ground water.

Background:

Water quality and quantity in Crook County has determined where development has and will occur.

Crook County seeks to maintain the historic and economic use of water for agricultural irrigation and domestic use. (See Appendix K for more information.)

The State of Wyoming, Department of Environmental Quality maintains jurisdiction over water quality enhancement and protection from point source and non-point source pollution.

Crook County supports the present state laws and regulatory system administering the use and ownership of all surface and ground water within the State of Wyoming. Crook County recognizes that the protection and development of its water resources are essential to its short and long term environmental, economic and cultural viability.

Objectives:

Crook County shall, to the fullest extent allowed by federal law, be notified of all state, interstate, federal and international actions that have any impact on the water or use of water in Crook County, prior to such actions or planning processes being initiated.

Crook County shall comment on any proposed actions that affect water quality and quantity or use.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

Water Quality:

A. Riparian Areas: The maintenance of the custom, culture, and economic stability of the County and private property rights and private property interests including investment backed expectations shall be considered of high importance in the application of any riparian area management plans, including Forest Service and Bureau of Land Management allotments or grazing plans, point source and non-point source pollution laws.

B. Wetlands: Crook County shall monitor and evaluate implementation of the "wetlands" provisions of the Clean Water Act by federal regulatory agencies when it affects the custom, culture or economic stability of Crook County residents.

C. Aquifers: Crook County requests that the Wyoming Department of Environmental Quality (WDEQ) work with the County to assure that minimal potable water is used for secondary oil recovery injection wells. Alternative methods shall be evaluated.

Water Quantity:

A. The protection and preservation of existing water rights and water uses within the County is of primary importance to the County's economic and cultural well-being. Therefore, transfers or abandonment in water use shall be considered carefully in relationship to the history, traditions, culture and economics of Crook County.

B. Crook County recognizes existing water rights and promotes new development of water for agricultural, municipal, industrial, domestic, recreation and hydroelectric power purposes for future economic and cultural growth.

12. WILDERNESS and Other Set Aside Designations

Goal: Crook County will strive to have an active role in the decision-making process regarding Wilderness or other set aside designations within its borders.

Background:

The Wilderness Act of 1964, 16 U.S.C. § 1131-1136, created a National Wilderness Preservation System to be composed of federally managed lands designated by Congress as "wilderness areas." The Act defined Wilderness as "an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain." The definition stated that a wilderness thus was in "contrast with those areas where man and his own works dominate the landscape." See 16 U.S.C. § 1131 (c).

The Wyoming Wilderness Bill of 1984, Public Law 98-550, aimed "To designate certain national forest system lands in the State of Wyoming for inclusion in The National

Wilderness Preservation System, to release other forest lands for multiple use management, to withdraw designated wilderness areas in Wyoming from minerals activity, and for other purposes." Sand Creek area was considered for Wilderness but was released.

There are no designated Wilderness areas in Crook County.

Objectives:

Current Wilderness or set aside recommendations made by federal agencies shall be reviewed by the County in relation to the impacts on natural resource based industries, on the economic stability of the County, and on the custom and culture of the citizens of Crook County. This evaluation and subsequent recommendation from the County will be forwarded to Congress.

Should the recommendation be made by Congress not to designate an area as Wilderness or set aside, the area under consideration shall be released from further wilderness consideration.

13. WILDLIFE

Goal: Crook County will strive to encourage the Wyoming Game and Fish Department to maintain balanced wildlife populations for both consumptive and non-consumptive uses.

Background:

The Wyoming Game and Fish Department is the principle agency responsible for managing the wildlife resource in Crook County. Historically, white-tail deer and Merriam's wild turkey have been the species of interest for the hunting public in this area. However, over the past ten years white-tail deer, turkey as well as Pronghorn Antelope numbers have declined. Mule deer and rocky mountain elk numbers have remained relatively stable over the same time period. Two mountain lions have been killed in Crook County in the past ten years; there are no bears in the area. Populations of cottontail rabbit, squirrel, and sharp-tail and ruffed grouse are weather and habitat dependent; their present populations have minimal impact on the regional economy. (See Appendix L, #1 for more information.)

In Wyoming, the state legislature has assumed responsibility for wildlife caused damage on agricultural lands from those animals classified as big game, trophy game and game birds. Wildlife depredation is more prevalent when population numbers are high, particularly during drought or severe winter weather conditions. Additionally, the Game and Fish Department annually provides damage prevention materials to county landowners for protection of stored crops. (See Appendix L, #2 for more information.)

The legislature has classified coyotes, red foxes, jackrabbits, skunks, raccoons, porcupines and stray cats as predators. No claims are paid for predator caused damage, although the Game and Fish Department does contribute annually to the state predator

control program. (See Appendix L, #3 for more information.) There are no reliable population estimates for these species, also there are no regulated hunting seasons or license requirements for predators.

Objective:

Hunting activity, allowable harvests and Departmental feeding programs shall be coordinated with Crook County to achieve a balanced multiple use.

Crook County intends to provide additional information, comments or positions, via written or oral comments or through an additional alternative that should be considered by the appropriate agency.

Crook County requests that the Wyoming Game and Fish Department hold public hearings in local vicinities that represent affected landowners.

Crook County requests that the Wyoming Game and Fish Department incorporate County citizens' public input early in the licensing decision-making process.

14. THREATENED AND ENDANGERED SPECIES

Goal: Crook County will strive to have an active role in the decision-making process regarding threatened and/or endangered species within its borders.

Background:

There is no resident wildlife or plant species classified as *threatened* or *endangered* in Crook County. Crook County is opposed to the recovery and/or re-introduction or introduction of, including designation of critical habitat for, any threatened or endangered species that will negatively affect the current custom, culture and economic stability of Crook County, public use, public access; and as to private property rights, may constitute a taking under the state and federal constitutions, laws and rules.

The purpose of the Endangered Species Act (ESA) of 1973 is "to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in subsection (a) of this section . . ."

Objectives:

Crook County shall request that federal and state agencies, to the fullest extent allowed by federal law, give actual notice to the County, at the earliest possible time, of the intent to consider or propose any conservation actions regarding specific species residing in or having critical habitat within Crook County.

In connection with any action related to threatened or endangered plant or animal species in Crook County, a federal or state agency shall:

- Base the listing of a species on the best scientific and commercial data relating specifically to Crook County and not generalized over wider geographic area;
- List a species as threatened or endangered only after taking into account the efforts of Crook County to conserve the species;
- Only implement a recovery plan if it will provide for conservation of a species;
- In designating critical habitat, base the designation on the best scientific data available and, after taking into consideration economic impacts, exclude as critical habitat all impacted areas unless, based upon the best scientific and commercial data available, failure to designate would result in extinction of the species;
- Complete and forward to Crook County in a timely manner all documentation required by law when designating critical habitat;
- Consider and directly respond to comments submitted by Crook County;
- Not develop protective regulations or recovery plans if a Crook County plan is in place to effectively protect the species with Crook County;
- Protect the species through alternatives with the least impact on the custom, culture and economic stability and preservation and use of the environment of Crook County; and to the extent permitted by law, take appropriate mitigation measures adopted with the concurrent of the County to mitigate adequately any impact on custom, culture, economic stability, and protection and use of the environment, including any impact on public use and access and private property rights.

In accordance with State Statute 9-5-303, Crook County requests the attorney general prepare an assessment of takings for any state actions related to the Endangered Species Act in Crook County.

CONCLUSION

This Plan provides the formal outline of the planning process as it relates to the federally and state managed lands and federal and state regulation on private property. The implementation process of the Plan will be continual, and will require the Board to become involved with analysis and evaluation of all stages of the planning cycles followed by federal and state management agencies, including plan development, implementation and monitoring. There is currently no budget for Land Use Planning, and its effectiveness will depend on the commitment of volunteers.

Federal and state regulation action as well as management actions on federal and state lands should be carried out with integrity and in a manner reflecting accepted and applicable scientific knowledge and principles which support high expectations of success. Monitoring must provide applicable, relevant, accurate, and truthful data to unbiased scientific interpretation to guide plan amendments to assure sustained productivity of County resources for future generations.

Management plans, implementation actions and monitoring activities should adhere strictly to the laws of the United States, the State of Wyoming, Crook County, and all its municipalities.

APPENDICES TO THE PLAN

APPENDIX A - Introduction

List of Laws and Regulations that impact state and federal planning processes:

Forest and Rangeland Renewable Resources Planning Act of 1974
Forest Service Regulations
Bureau of Land Management Regulations
Endangered Species Act (ESA)
Wild and Scenic Rivers Act
Historic Preservation Act Regulations
Clean Air Act
Clean Water Act
Rural Environmental Conservation Act
Resource Conservation Act of 1981
Presidential Executive Order 12866 - Regulatory Planning and Review (Sept. 30, 1993)
Presidential Executive Order 12630 - Governmental Actions and Interference with
Constitutionally Protected Property Rights (March 15, 1988)
Federal Land Policy and Management Act (FLPMA)
Federal Advisory Committee Act (FACA)
Food and Agriculture Conservation Trade Act
National Environmental Policy Act (NEPA)
The Wilderness Act of 1964
The Wyoming Wilderness Bill of 1984
American Heritage Rivers Initiative

APPENDIX B - Custom, Culture and Economic Base of Crook County

There are 1,827,840 acres in Crook County.

-Source: Crook County Assessor's Office.

Land Ownership in Crook County

Private 79%

Non-Private 21%

Breakdown of Non-Private Land

US Forest Service 8.7%

State of Wyoming 6.2

Bureau of Land Management	4.8
Bureau of Reclamation	0.9
National Park Service	<0.1
Cities	<0.1
Wyoming Game & Fish	<0.1
Crook County	<0.1
School District	<0.1
Water	0.6
Other	<u>0.5</u>
	21.0%

-Source: Baseline data on agriculture and natural resources in Crook County provided by Gene Gade, UW Extension.

APPENDIX C - Multiple Use/Economic Use of Federal, State and Private Lands and Coordination with Federal and State Agencies

The following is Part 219.7, Title 36, of the Code of Federal Regulations:

219.7 Coordination with other public planning efforts.

(a) The responsible line officer shall coordinate regional and forest planning with the equivalent and related planning efforts of other Federal agencies, State and local governments, and Indian tribes.

(b) The responsible line officer shall give notice of the preparation of a land and resource management plan, along with a general schedule of anticipated planning actions, to the official or agency so designated by the affected State (including the Commonwealth of Puerto Rico). The same notice shall be mailed to all Tribal or Alaska Native leaders whose tribal lands or treaty rights are expected to be impacted and to the heads of units of government for the counties involved. These notices shall be issued simultaneously with the publication of the notice of intent to prepare an environmental impact statement required by NEPA procedures (40 CFR 1501.7)

(c) The responsible line officer shall review the planning and land use policies of other Federal agencies, State and local governments, and Indian tribes. The results of this review shall be displayed in the environmental impact statement for the plan (40 CFR 1502.16(c), 1506.2). The review shall include-

(1) Consideration of the objectives of other Federal, State and local governments, and Indian tribes, as expressed in their plans and policies;

(2) An assessment of the interrelated impacts of these plans and policies;

(3) A determination of how each Forest Service plan should deal with the impacts identified; and,

(4) Where conflicts with Forest Service planning are identified, consideration of alternatives of their resolution.

(d) In developing land and resource management plans, the responsible line officer shall meet with the designated State official (or designee) and representatives of other Federal agencies, local governments, and Indian tribal governments at the beginning of the planning process to develop procedures for coordination. As a minimum, such conferences shall also be held after public issues and management concerns have been identified and prior to recommending the preferred alternative. Such conferences may be held in conjunction with other public participation activities, if the opportunity for government officials to participate in the planning process is not thereby reduced.

(e) In developing the forest plan, the responsible line officer shall seek input from other Federal, State and local governments, and universities to help resolve management concerns in the planning process and to identify areas where additional research is needed. This input should be included in the discussion of the research needs of the designated forest planning area.

(f) A program of monitoring and evaluation shall be conducted that includes consideration of the effects of National Forest management on land, resources, and communities adjacent to or near the National Forest being planned and the effects upon National Forest management of activities on nearby lands managed by other Federal or other government agencies or under the jurisdiction of local governments.

The following is Part 1610.3, Title 43, of the Code of Federal Regulations:

1610.3 Coordination with other Federal agencies, State and local governments, and Indian tribes.

Sec. 1610.3 -1 Coordination of planning efforts

(a) In addition to the public involvement prescribed by Sec. 1610.2 of this title.

(t)he following coordination is to be accomplished with other Federal agencies, State and local governments, and Indian tribes. The objectives of the coordination are for the State Directors and District and Area Managers to keep apprised of non-Bureau of Land Management plans; assure that consideration is given to those plans that are germane in the development of resource management plans for public lands; assist in resolving, to the extent practicable, inconsistencies between Federal and non-Federal government plans; and provide for meaningful public involvement of other Federal agencies, State and local government officials, both elected and appointed, and Indian tribes in the development of resource management plans, including early public notice of proposed decisions which may have a significant impact on non-Federal lands.

(b) State Directors and District and Area Managers shall provide other Federal agencies, State and local governments, and Indian tribes opportunity to review, advice, and suggestion on issues and topics which may affect or influence other agency or other government programs. To facilitate coordination with State governments, State Directors should seek the policy advice of the Governor(s) on the timing, scope and coordination of plan components; definition of planning areas; scheduling of public involvement activities; and the multiple use opportunities and constraints on public lands. State Directors may seek written agreements with Governors or their designated representatives on processes and procedural topics such as exchanging information, providing advice and participation, and timeframes for receiving State government participation and review in a timely fashion. If an agreement is not reached, the State Director shall provide opportunity for Governor and State agency review, advice and suggestions on issues and topics that the State Director has reason to believe could affect or influence State government programs.

(c) In developing guidance to District Managers, in compliance with section 1611 of this title, the State Director shall:

(1) Ensure that it is as consistent as possible with existing officially adopted and approved resource related plans, policies or programs of other Federal agencies, State agencies, Indian tribes and local governments that may be affected, as prescribed by Sec. 1610.3-2 of this title,

(2) Identify areas where the proposed guidance is inconsistent with such policies, plans or programs and provide reasons why the inconsistencies exist and cannot be remedied, and

(3) Notify the other Federal agencies, State agencies, Indian tribes or local governments with whom consistency is not achieved and indicate any appropriate methods, procedures, actions and/or programs which the State Director believes may lead to resolution of such inconsistencies.

(d) A notice of intent to prepare, amend, or revise a resource management plan shall be submitted, consistent with State procedures for coordination of Federal activities, for circulation among State agencies. This notice shall also be submitted to Federal agencies, the heads of county boards, other local government units and Tribal Chairmen or Alaska Native Leaders that have requested such notices or that the responsible line manager has reason to believe would be concerned with the plan or amendment. These notices shall be issued simultaneously with the public notices required under Sec. 1610.2(b) of this title.

(e) Federal agencies, State and local governments and Indian tribes shall have the time period prescribed under Sec. 1610.2 of this title for review and comment on resource management plan proposals. Should they notify the District or Area Manager, in writing, of what they believe to be specific inconsistencies between the Bureau of Land Management resource management plan and their officially approved and adopted resources related plans, the resource management plan documentation shall show how those inconsistencies were addressed and, if possible, resolved.

(f) When an Advisory Council has been formed under section 309 of the Federal Land Policy and Management Act for the district in which the resource area is located, that council shall be informed and their views sought and considered throughout the resource management planning process.

Sec. 1610.3-2 Consistency requirements.

(a) Guidance and resource management plans and amendments to management framework plans shall be consistent with officially approved or adopted resource related plans, and the policies and programs contained therein, of other Federal agencies, State and local governments and Indian tribes, so long as the guidance and resource management plans are also consistent with the purposes, policies and programs of Federal laws and regulations applicable to public lands, including Federal and State pollution control laws as implemented by applicable Federal and State air, water, noise, and other pollution standards or implementation plans.

(b) In the absence of officially approved or adopted resource-related plans of other Federal agencies, State and local governments and Indian tribes, guidance and resource management plans shall, to the maximum extent practical, be consistent with officially approved and adopted resource related policies and programs of other Federal agencies, State and local governments and Indian tribes. Such consistency will be accomplished so long as the guidance and resource management plans are consistent with the policies, programs and provisions of Federal laws and regulations applicable to public lands, including, but not limited to, Federal and State pollution control laws as implemented by applicable Federal and State air, water, noise and other pollution standards or implementation plans.

(c) State Directors and District and Area Managers shall, to the extent practicable, keep apprised of State and local governmental and Indian tribal policies, plans, and programs, but they shall not be accountable for ensuring consistency if they have not been notified, in writing, by State and local governments or Indian tribes of an apparent inconsistency.

(d) Where State and local government policies, plans, and programs differ, those of the higher authority will normally be followed.

(e) Prior to the approval of a proposed resource management plan, or amendment to a management framework plan or resource management plan, the State Director shall submit to the Governor of the State(s) involved, the proposed plan or amendment and shall identify any known inconsistencies with State or local plans, policies or programs. The Governor(s) shall have 60 days in which to identify inconsistencies and provide recommendations in writing to the State Director. If the Governor(s) does not respond within the 60-day period, the plan or amendment shall be presumed to be consistent. If the written recommendation(s) of the Governor(s) recommend changes in the proposed plan or amendment which were not raised during the public participation process on that plan or amendment, the State Director shall provide the public with an opportunity to comment on the recommendation(s). If the State Director does not accept the recommendations of the Governor(s), The State Director shall notify the Governor(s) and the Governor(s) shall have 30 days in which to submit a written appeal to the Director of the Bureau of Land Management. The Director shall accept the recommendations of the Governor(s) if he/she determines that they provide for a reasonable balance between the national interest and the State's interest. The Director shall communicate to the Governor(s) in writing and publish in the Federal Register the reasons for his/her determination to accept or reject such Governor's recommendations.

APPENDIX D - Agriculture & Livestock Grazing

Agricultural Statistics for Crook County:

The primary contribution of agriculture to the revenue base of Crook County is through the collection of ad valorem taxes. Crook County assigns an assessed value to several classes of agricultural lands. This assessment includes varied assessment values for dry farm, irrigated lands, range, farmsteads, waste and bog lands, as well as related improvements. Crook County's total assessed value in the 1997 abstract is \$28,116,817.00. 1,376,959 acres of agricultural lands and related improvements shows an assessed value of \$6,767,016.00.

-Source: Crook County Assessor's Office.

-For Agricultural Statistics, see Wyoming Agricultural Statistics Service, 1997 Publication on file in the County Clerk's Office.

-Also, see reports on file in the County Clerk's Office, from Gene Gade, UW Extension Agency.

APPENDIX E - Air Quality

Information on air quality area classifications and standards can be obtained from the *Wyoming Air Quality Regulations*, a publication available through the Wyoming Department of Environmental Quality, Air Quality Division, 122 West 25th Street, Herschler Building, Cheyenne, WY 82002. A copy of the publication will remain on file in the office of the Crook County Clerk, Sundance, Wyoming.

APPENDIX F - Air Space

Currently, the Department of the Interior, Devils Tower National Monument, has a memorandum of understanding (MOU) with the US Air Force concerning overflights of the Tower. This MOU was signed with Colonel Shuebbert, stationed at Ellsworth Air Force Base in 1995. The request for the MOU came from the Devils Tower National Monument Superintendent, who reported that the overflights were disruptive to visitors at the Monument.

The MOU states that there will be a reserved air space as defined by five (5) nautical and vertical air miles and followed by all Department of Defense personnel.

APPENDIX G- Energy & Mineral Resources

List of Minerals in Crook County

Alum	Barite	Bentonite
Calcite	Coal	Columbite
Copper	Fluorite	Garnet
Gold	Gypsum	Iron-Pyrite
Lead	Limestone	Manganese
Nepheline-syenite	Oil and Gas	Quartz-agates
Tripolite	Silver	Sandstone
Stone-marble	Titanite	Tourmaline
Uranium	Rare Earths	Vanadium
Zinc	Sand & Gravel	

(Source: Crook County Land Use Plan, December 19, 1977, page 13.)

APPENDIX H - Timber Resources

The US Forest Service has a proposed harvest of 83.8 million board feet (MMBF) on the Black Hills National Forest. This has decreased 30% from the 1983 Forest Plan.

-Reference: Revised Forest Plan for the Black Hills National Forest and related EIS. See these documents, on file with the County Clerk, for further information.

APPENDIX I - Paleontological Resources

The Little Houston Quarry, part of the Jurassic Morrison Formation and located between Moorcroft and Sundance, has produced fossils of the prehistoric *Camarasaurus*. Fossils found at the Hawken Site, a buffalo jump located seven miles south of Sundance, suggest the existence of a sizable herd of now-extinct bison (*bison bison occidentalis*) from approximately 4400-4500 B.C. - Source: Crook County Museum, Sundance.

APPENDIX J - Recreational Use

Recreational activities in Crook County include, but are not limited to: hunting, fishing, four-wheeling, snowmobiling, rock climbing, spelunking, hiking, motor biking, camping, biking, golfing, snowshoeing, berry picking, sightseeing, bird- and wildlife-watching, picnicking, swimming, horseback riding, water- and snow-skiing, rock hounding, trapping, target shooting, rodeoing, and flying.

APPENDIX K - Water Resources

The largest portion of crops produced with irrigation in Crook County are alfalfa, grass and other hay and feed grains which are produced for the livestock industry.

Each year, millions of gallons of potable water is used for the secondary recovery of oil on private, state and federal lands. This water becomes unsuitable for human or livestock use.

APPENDIX L - Wildlife

#1 - Over the past ten years, white-tail deer numbers have declined from 40,000 to 20,000 head. At the same time, turkey numbers have also declined, from approximately 10,000 to 2,000 birds. Pronghorn Antelope have experienced a similar population decline. Consequently, county-wide revenue generated from hunter dollars has declined from \$3.2 million in 1986 to \$1.8 million in 1996.

Mule deer and rocky mountain elk numbers have remained relatively stable over the same time period with populations of 20,000 and 500, respectively.

#2 - The Wyoming Game and Fish Department reimbursed 13 area landowners greater than \$160,000.00 during the drought year of 1989. Only one damage claim has been filed/paid each of the past two years in the county; \$2,400.00 in 1995 and \$2,840.00 in 1996. The Game and Fish Department provides approximately \$20,000.00 annually in damage prevention materials to county landowners for protection of stored crops.

#3 - The Wyoming Game and Fish Department contributes more than \$150,000.00 annually to the state predator control program.

-Source: Wyoming Game and Fish Department.

APPENDIX M - Threatened and Endangered Species

Definitions:

Threatened = the classification provided to an animal or plant likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

Endangered = the classification provided to an animal or plant in danger of extinction within the foreseeable future throughout all or a significant portion of its range.

Conservation = from section 3(3) of the Federal Endangered Species Act: “The terms ‘conserve,’ ‘conserving,’ and ‘conservation’ mean to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided under this Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transportation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.”

Critical habitat = Specific geographic areas, whether occupied by listed species or not, that are determined to be essential for the conservation and management of listed species, and that have been formally described in the Federal Register.

Habitat = the location where a particular taxon of plant or animal lives and its surroundings (both living and nonliving) and includes the presence of a group of particular environmental conditions surrounding an organism including air, water, soil, mineral elements, moisture, temperature, and topography.

- Source: “Endangered Species Glossary”, <http://es.southeast.fws.gov/glossary.html> .

SOURCES

References, including resources and sources, used in the development of the Draft 1997 Land Use Plan for Crook County:

- Interim Comprehensive Land Use and Management Plan for the Federally and State Managed Lands in Owyhee County - July, 1993

- Crook County Land Use Plan, Prepared by the Crook County Planning Commission with assistance from Tri-County Planning Office, Newcastle, Wyoming, Approved by the Board of County Commissioners of Crook County, December 19, 1977.
- Connie Tschetter, Crook County Clerk, Sundance, Wyoming.
- Gene Gade, University of Wyoming Extension Agency, Crook County Courthouse, Sundance, Wyoming.
- Board of Crook County Commissioners - Alan Roberts, Mark Semlek, Merle Clark, Don Roberts.
- Devils Tower Conservation District, Sundance, Wyoming.
- Joe Baron, Crook County Attorney, Sundance, Wyoming.
- Crook County Museum, Sundance, Wyoming.
- Wyoming Agricultural Statistics 1997, Published by: Wyoming Department of Agriculture, Wyoming Agricultural Statistics Service, University of Wyoming, College of Agriculture.
- Crook County Land Use Planning and Zoning Commission -
 - Members: Anita Fish, Chairperson
 - Mary Flanderka, Vice-Chairperson
 - Gerald Bunney
 - Walt Marchant
 - Gisele Robinson
 - Sub-committee: Gary Allison
 - Dan Boone
 - Larry Goodson
 - Sheryl Klocker
 - Darlene Spiedel
 - Linda Tokarczyk
 - Darla West

*** To access more information on land use planning in Crook County or more details on the County's land use planning process, please contact the office of the County Clerk, P.O. Box 37, Sundance, WY 82729 - County Courthouse, Sundance, Wyoming - Phone: 307-283-1323.**