

BIG HORN COUNTY
NATURAL RESOURCE MANAGEMENT PLAN
FOR
STATE AND FEDERAL LANDS

Draft Date: April 17, 2015

NOTE: This is the original draft of the NRMP developed solely by the
Natural Resource Management Plan Steering Committee of Big Horn County.

DRAFT

RESOLUTION NO. 2015-2016

RESOLUTION FOR THE ADOPTION OF A NATURAL RESOURCE PLAN
FOR BIG HORN COUNTY, WYOMING

WHEREAS, the Big Horn County Board of County Commissioners (“the Board”) is charged under State law with promoting the health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Big Horn County, Wyoming; and

WHEREAS, W.S. 18-5-202(b) authorizes each board of county commissioners to prepare and amend a comprehensive plan;

WHEREAS, the Board has determined that the best interests and the general welfare of this County will be served by adding a Natural Resource Management Plan (NRMP) for State and Federal Lands to the existing Land Use Plan to identify policies specific to the management of natural resources on publicly managed lands in Big Horn County; and

WHEREAS, the Board established a NRMP Steering Committee to oversee and contribute to the development of the NRMP; and

WHEREAS, the Board held a public hearing on _____ to allow for comments and recommendations from County constituents;

NOW, THEREFORE, BE IT RESOLVED, the Board hereby adopts and ratifies the attached “Big Horn County Natural Resource Management Plan for State and Federal Lands.”

APPROVED this __ DAY OF _____, 2015.

By: _____
Kim Adams
Big Horn County Attorney

PASSED, APPROVED and ADOPTED this __ DAY OF _____, 2015.

By: _____
Jerold S. Ewen, Chairman
Big Horn County Commissioner

By: _____
John G. Hyde
Big Horn County Commissioner

By: _____
Felix Carrizales
Big Horn County Commissioner

ATTEST:

Lori Smallwood
Big Horn County Clerk

CERTIFICATE

I, Lori Smallwood, Clerk of Big Horn County, hereby certify that the foregoing Resolution was adopted by the BIG HORN COUNTY BOARD OF COMMISSIONERS at a public meeting held on _____, 2015, and that the meeting was held in accordance with applicable law; and that said Resolution has been duly entered in the RECORD of the BIG HORN COUNTY BOARD OF COMMISSIONERS.

DRAFT

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1 CHAPTER 1: PURPOSE AND IMPLEMENTATION OF THE PLAN

2 SECTION 1: INTEGRATION WITH BIG HORN COUNTY LAND USE PLAN

3 In 1975, the Wyoming Legislature enacted the State Land Use Planning Act, a law that required counties
4 to develop land use plans. In 1977, the Big Horn County Board of Commissioners (Board) adopted the
5 Big Horn County Comprehensive Land Use Plan. In the 30 years that followed, the political, economic,
6 legal and planning environments had changed significantly in the County, leading to the need for an
7 updated plan. On January 6, 2010, the Board adopted, by resolution, the *2009 Big Horn County Land Use*
8 *Plan*, hereinafter referred to as the “*Land Use Plan*,” thus superseding the 1977 plan.

9 The *Land Use Plan* is based upon the following eleven (11) goals for private lands:

- 10 1. Retain farming and ranching as the preferred land uses in rural areas.
- 11 2. Sustain scenic areas, wildlife habitat, recreational areas, and other important open spaces.
- 12 3. Ensure that development protects water resource capabilities for established and future users.
- 13 4. Encourage development that is well planned with respect to environmental hazards and
14 resource limitations and is compatible with established and future land uses.
- 15 5. Ensure that development is fiscally responsible and has adequate roads and other
16 infrastructure.
- 17 6. Encourage residential and business development to locate close to towns and other developed
18 areas.
- 19 7. Support the logical expansion and improvement of the county’s towns to help make the towns
20 more attractive to new residents and businesses.
- 21 8. Encourage mining and other industrial development at appropriate locations consistent with
22 other land use goals but not necessarily near towns and other developed areas.
- 23 9. Promote land uses that support the tourism economy including public and private recreational
24 areas and tourist facilities.
- 25 10. Reduce impacts to public health, safety, and rural scenic values from junkyards and other
26 nuisance land uses.
- 27 11. Encourage rehabilitation or replacement of substandard housing and/or structures and ensure
28 that all new housing meets health and safety standards.

29 The authors of the *Land Use Plan* intended for these goals to be achievable through coordination with
30 local, state and federal government entities. Further, the *Land Use Plan* provides a recommendation to
31 develop a Natural Resource [Management] Plan with well-articulated statements of the County’s
32 priorities and concerns regarding specific federal and state land management practices. Development of
33 a Natural Resource Management Plan could lead to more effective involvement with state and federal

34 government entities. The Board recognizes the need for a plan that clearly states the goals and
35 objectives of the County in regards to management of natural resources on state and federal lands in
36 the County.

37 **SECTION 2: MISSION STATEMENT**

38 The Board is charged with governing Big Horn County in the best interest of all citizens, described by
39 state statutes as protecting their “health, safety, morals and general welfare,” as well as the County’s
40 economic base and the natural environment. That responsibility includes specifically interacting with
41 federal agencies on all federal issues impacting the local community, county or conservation district.
42 Public lands dominate the landscape in Big Horn County, with approximately 82% of the land managed
43 by public agencies. Therefore, decisions made by the agencies managing our public lands directly affect
44 the County’s residents, customs and culture.

45 This *Big Horn County Natural Resource Management Plan for State and Federal Lands (NRMP)*, along
46 with all other plans and planning processes within the County, will serve as a framework to enable all
47 people and agencies to understand what is important to the citizens of Big Horn County. The *NRMP* will
48 give the Board the strongest voice it can have during “government-to-government” interactions by
49 presenting management policies that support multiple use and sustained yield of the natural resources
50 in Big Horn County to protect the social, cultural and economic values true of our western heritage while
51 limiting adverse effects to the natural environment.

52 **SECTION 3: AUTHORITY**

53 **3.1: Statutory Authority to Implement, Update or Amend a Comprehensive Plan**

54 The Legislature of the State of Wyoming, in W.S. 18-5-202(b), authorizes each board of county
55 commissioners to prepare and amend a comprehensive plan:

56 *“The planning and zoning commission may prepare and amend a comprehensive plan,*
57 *including zoning, for promoting the public health, safety, morals and general welfare of*
58 *the unincorporated areas of the county, and certify the plan to the board of county*
59 *commissioners. Before certifying its plan or amendments thereto to the board, the*
60 *commission shall hold at least one (1) public hearing. Notice of the time and place of*
61 *hearing shall be given by one (1) publication in a newspaper of general circulation in the*
62 *county at least thirty (30) days before the date of the hearing. Any person may petition*
63 *the planning and zoning commission to amend any zoning plan adopted under the*
64 *provisions of W.S. 18-5-201 through 18-5-208.”*

65 This *NRMP* has been adopted as an addition/amendment to the *Land Use Plan*, the County’s version of a
66 comprehensive plan. As such, the amendment requirements stated in W.S. 18-5-202(b) were adhered to
67 in adopting the *NRMP*.

68 **3.2: Wyoming State Law Guiding Cooperation with Federal Agencies**

69 Session Laws of Wyoming, 2012, Chapter 13 (Original Senate File No. 84) amended W.S. 18-3-504(a)(v)
70 and 18-5-208 to provide for a board of county commissioners to be deemed to have special expertise on
71 all issues on which they are granted statutory authority as specified; providing that a board of county

72 commissioners may represent a county in federal land planning decisions as a cooperating agency with
73 special expertise; providing conforming amendments; and providing for an effective date.

74 W.S. 18-3-504(a)(v) states:

75 *“Represent the county, including but not limited to representing the county as a*
76 *cooperating agency with special expertise in matters related to the National*
77 *Environmental Policy Act and in federal land planning, implementation and*
78 *management actions as provided for by W.S. 18-5-208(a), care for the county property*
79 *and manage the business and concerns of the county in all cases where no provision is*
80 *made by law.”*

81 W.S. 18-5-208 states:

82 *“(a) When representing a county as a cooperating agency in matters related to the*
83 *National Environmental Policy Act and in federal land planning, implementation and*
84 *management actions, a board of county commissioners shall be deemed to have special*
85 *expertise on all subject matters for which it has statutory responsibility, including but not*
86 *limited to, all subject matters directly or indirectly related to the health, safety, welfare,*
87 *custom, culture and socio-economic viability of a county.*

88 *(b) The board of county commissioners of a county which has officially adopted a*
89 *comprehensive plan pursuant to W.S. 18-5-202(b) may participate in efforts to*
90 *coordinate the plan with federal agencies as provided in the Federal Land Policy and*
91 *Management Act of 1976, the Forest and Rangeland Renewable Resources Planning Act*
92 *of 1974, as amended by the National Forest Management Act of 1976 and any other*
93 *federal statute which provides for coordination with local governments and federal*
94 *regulations adopted pursuant to those acts.”*

95 These state laws do not grant Wyoming counties legal authority over federal agencies; they provide
96 county governments and their adopted land use or natural resource plans legal standing when seeking
97 cooperation, coordination and/or consistency review with federal agencies as provided for in federal
98 laws. County governments do not have jurisdiction over the federal government, and local land use or
99 natural resource plans cannot require federal land managers to take specific actions. However, federal
100 agencies and departments are mandated by federal laws to engage local governments in federal
101 decision-making processes related to federal plans, policies and programs that will impact the local land
102 use, management of natural resources, the citizens and the local tax base. The adoption of this *NRMP* is
103 a critical tool allowing the County to have a substantive impact on federal decisions.

104 **3.3: Federal Laws Providing for Cooperation, Coordination and Consistency Reviews¹**

105

106 **The National Environmental Policy Act**

107 The National Environmental Policy Act (NEPA) is a law that establishes national policy promoting the
108 enhancement of the environment. All major Federal actions significantly affecting the quality of the
109 human environment² are required to complete the NEPA process, “an evaluation of the environmental
110 effects of a federal undertaking, including its alternatives.”³ The courts have interpreted this to mean
111 that every time the federal government spends any amount of money for almost any decision, NEPA
112 compliance is required. There are several ways county governments can participate in the NEPA process,
113 depending on the type of federal decision, the level of commitment of the local government and the
114 goal of the local government.

115 • **Comments:** NEPA requires that copies of comments by Federal, state or local agencies must
116 accompany proposals for action through the review process.⁴

117 • **Cooperating Agency Status:** Local governments can also participate in the NEPA process as a
118 cooperating agency as defined in section 1508.5 of Title 40 of the C.F.R. Pursuant to NEPA, an
119 applicant for cooperating agency status must both (1) be a locally elected body such as a
120 conservation district board of supervisors or a county commission; and (2) possess “special
121 expertise.” A local government’s special expertise is defined as the authority granted to a local
122 governing body by state statute as discussed above. Cooperating Agency status may be
123 obtained by invitation from the BLM or by request from the local government. Additionally, an
124 MOU (Memorandum of Understanding) document must be executed between the BLM and the
125 local government which describes the Cooperating Agency’s role in the applicable RMP, EIS or
126 EA. Note: Big Horn County signed a Memorandum of Understanding (MOU) with the BLM to be
127 a cooperating agency when the Basin Resource Management Plan (RMP) process started in 2008
128 (see Appendix C:).

129 • **Land Use or Resource Plan:** The county government can use its land use or resource plan as part
130 of the federal agency’s consistency review process. NEPA commands federal agencies to
131 “discuss any inconsistency of a proposed action with any approved State or local plan and laws
132 (whether or not federally sanctioned). Where an inconsistency exists, agency statements should
133 describe the extent to which the [federal] agency would reconcile its proposed action with the

¹ Credit to Karen Budd-Falen of Budd-Falen Law Offices, Cheyenne, Wyoming, and BLM Publication “A Desk Guide to Cooperating Agency Relationships and Coordination with Intergovernmental Partners,” for information contained in the NEPA, FLPMA and NFMA sections that follow.

² 42 U.S.C. § 4332(2)(C)

³ [“Frequently Asked Questions: Can you summarize the NEPA process?”](#) US Environmental Protection Agency. Retrieved April 1, 2015.

⁴ 42 U.S.C. § 4332(2)(C)

134 local government plan or law. 40 C.F.R. §§ 1506.2, 1506.2(d). (see CHAPTER 5: Principles,
135 Section 4: Consistency)

136 Although NEPA provides the general mandate for coordination and consistency review between federal
137 agencies and local governments, each federal agency has its own specific coordination and consistency
138 review responsibilities and legal mandates. Generally speaking, a federal agency's coordination
139 responsibilities include maximizing consistency of its plans with the plans and policies of other
140 government entities, including county governments, so long as those plans and policies are also
141 consistent with the purposes, policies and programs of federal laws and regulations.

142 **Federal Land Policy and Management Act (FLPMA)**

143 FLPMA, which directs the BLM, provides detailed requirements in 43 U.S.C. § 1712(c)(9) for
144 "coordination" and "consistency" with local land use plans. FLPMA provides the directive that the BLM
145 must engage local governments in coordination and includes specific instructions to the BLM as a means
146 to accomplish "coordination." They are:

- 147 • To the extent practical, the BLM must stay apprised of local land use plans.
- 148 • The BLM must assure that local land use plans germane to the development of BLM land use
149 plans are given consideration.
- 150 • The BLM must provide for the meaningful involvement of local governments in the
151 development of BLM land use programs, regulations, and decisions. This includes early
152 notification of proposed decisions that may impact non-federal lands.
- 153 • To the extent practical, the BLM must assist in resolving inconsistencies between local and BLM
154 land use plans.

155 In short, the FLPMA requires BLM land use plans to be consistent with local land use plans, provided
156 that achieving consistency does not result in a violation of federal law. According to 43 C.F.R. § 1610.3-
157 2(e), if a BLM land use plan is inconsistent with a local land use plan, the BLM owes an explanation of
158 how achieving consistency would have resulted in a violation of federal law.

159 Additionally, the FLPMA requires that the BLM also provide for a Governor's consistency review as part
160 of the land use planning process. According to this provision:

- 161 • Prior to the approval of a proposed resource management plan, or amendment to a
162 management framework plan or resource management plan, the State Director shall submit to
163 the Governor of the state(s) involved, the proposed plan or amendment and shall identify any
164 known inconsistencies with State or local plans, policies or programs.
- 165 • The Governor(s) shall have 60 days in which to identify inconsistencies and provide
166 recommendations in writing to the State Director. If the Governor(s) does not respond within
167 the 60-day period, the plan or amendment shall be presumed to be consistent.
- 168 • If the written recommendation(s) of the Governor(s) recommend changes in the proposed plan
169 or amendment which were not raised during the public participation process on that plan or
170 amendment, the State Director shall provide the public with an opportunity to comment on the
171 recommendation(s).

- 172 • Importantly, the regulations continue: If the [BLM] State Director does not accept the
173 recommendations of the Governor(s), the State Director shall notify the Governor(s) and the
174 Governor(s) shall have 30 days in which to submit a written appeal to the Director of the Bureau
175 of Land Management. The Director shall accept the recommendations of the Governor(s) if
176 he/she determines that they provide for a reasonable balance between the national interest
177 and the State's interest. The Director shall communicate to the Governor(s) in writing and
178 publish in the Federal Register the reasons for his/her determination to accept or reject such
179 Governor's recommendations.

180 Note: By a letter, dated April 16, 2012, Wyoming's Governor committed to Wyoming's local
181 governments (both county commissions and conservation districts) that the Governor would use locally
182 adopted land use or resource plans for the Governor's consistency review pursuant to 43 C.F.R. §
183 1610.3-2(e). Thus county governments should additionally use this opportunity to assert local concerns,
184 policies, desired future conditions and needs into federal land use planning processes and decisions
185 through a consistency review.

186 **The National Forest Management Act (NFMA)**

187 NFMA, which governs the U.S. Forest Service, requires the agency to "coordinate". The NFMA requires:
188 The Secretary of Agriculture shall develop, maintain, and, as appropriate, revise land and resource
189 management plans for units of the National Forest System, coordinated with the land and resource
190 management planning processes of State and local governments and other Federal agencies. 16 U.S.C. §
191 1604(a). Emphasis added.

192 The fact that the Forest Service is directed to "coordinate" with local governments implies, by its basic
193 meaning, that the Forest Service must engage in a process that involves more than simply "considering"
194 the plans and policies of local governments; it must attempt to achieve compatibility between Forest
195 Service plans and local land use plans.

196 **Clean Air Act of 1970**

197 42 U.S.C. §7401 et seq.

198 **Clean Water Act of 1972**

199 33 U.S. C. §1251 et seq.

200 **Endangered Species Act of 1973**

201 16 U.S. C. §1531 et seq.

202 Note: Additional details on any laws referenced in subsection 3.3: Federal Laws Providing for
203 Cooperation, Coordination and Consistency Reviews may be found in Appendix C: .

204

CHAPTER 2: PRINCIPLES

205 SECTION 1: MULTIPLE USE AND SUSTAINED YIELD

206 Big Horn County's natural resource management goals stress multiple use and sustained yield principles,
207 recognizing the importance of providing for a diverse blend of resource uses and outputs over time. For
208 the purposes of this NRMP, the County recognizes the terms "multiple use" and "sustained yield" as
209 defined by both the Multiple-Use Sustained-Yield Act (MUSYA) of June 12, 1960 (Public Law 86-517; 74
210 Stat. 215; 16 U.S.C. 528-531), as amended, and the Federal Land Policy and Management Act of 1976
211 (Public Law 94-579; 90 Stat. 2743; 43 U.S.C. 1702).

212 "Multiple use" as defined by the MUSYA means:

213 *"The management of all the various renewable surface resources of the national forests*
214 *so that they are utilized in the combination that will best meet the needs of the*
215 *American people; making the most judicious use of the land for some or all of these*
216 *resources or related services over areas large enough to provide sufficient latitude for*
217 *periodic adjustments in use to conform to changing needs and conditions; that some*
218 *land will be used for less than all of the resources; and harmonious and coordinated*
219 *management of the various resources, each with the other, without impairment of the*
220 *productivity of the land, with consideration being given to the relative values of the*
221 *various resources, and not necessarily the combination of uses that will give the greatest*
222 *dollar return or the greatest unit output."*

223 "Multiple use" as defined by the FLPMA means:

224 *"The management of the public lands and their various resource values so that they are*
225 *utilized in the combination that will best meet the present and future needs of the*
226 *American people; making the most judicious use of the land for some or all of these*
227 *resources or related services over areas large enough to provide sufficient latitude for*
228 *periodic adjustments in use to conform to changing needs and conditions; the use of*
229 *some land for less than all of the resources; a combination of balanced and diverse*
230 *resource uses that takes into account the long-term needs of future generations for*
231 *renewable and nonrenewable resources, including, but not limited to, recreation, range,*
232 *timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical*
233 *values; and harmonious and coordinate management of the various resources without*
234 *permanent impairment of the productivity of the land and the quality of the*
235 *environment with consideration being given to the relative values of the resources and*
236 *not necessarily to the combination of uses that will give the greatest economic return or*
237 *the greatest unit output.*

238 "Sustained yield" as defined by the MUSYA means:

239 *"The achievement and maintenance in perpetuity of a high-level annual or regular*
240 *periodic output of the various renewable resources of the national forests without*
241 *impairment of the productivity of the land."*

242 “Sustained yield” as defined by the FLPMA means:

243 *“The achievement and maintenance in perpetuity of a high-level annual or regular*
244 *periodic output of the various renewable resources of public lands consistent with*
245 *multiple use.*

246 The economy of Big Horn County is directly tied to the use of public lands; therefore the continued
247 availability of these lands to sustain economic growth is vital to a strong economic future for the County.
248 The Board acknowledges a direct tie between multiple use and the customs, culture, health, safety and
249 welfare of Big Horn County residents. Because County residents are directly and indirectly dependent
250 upon public land and the land’s intrinsic resources for their livelihoods and quality of life, it follows that
251 the viability and sustainability of the local economy is dependent upon responsible management of
252 public lands, emphasizing multiple use and sustained yield. As such, the Board intends to work closely
253 with our federal partners in addressing all land use/land planning activities to ensure the correct
254 interpretation and application of both the MUSYA and FLPMA. Both Acts provide language authorizing
255 coordination, cooperation and involvement with local government agencies, as well as assuring that
256 consideration is given to local land use plans (MUSYA Section 3 and FLPMA Section 202(c)(9)).

257 The Board commits to the following principles to guide decision-making governing multiple use and
258 sustained yield of natural resources within the County:

- 259 1. Big Horn County shall support the maintenance and revitalization of the various multiple uses of
260 surface resources available on public lands and the sustained yield of the many products and
261 services obtained therefrom.
- 262 2. Big Horn County shall continue to adhere to the traditional multiple uses for public lands and
263 sustained yield of natural resources, with hopes of protecting the social, cultural and economic
264 values that we hold dear to our western heritage.
- 265 3. Big Horn County shall support traditional multiple land uses as a means to maintain continuity in
266 the local economy and assure the productivity of existing and future agricultural, recreational
267 and industrial interests, while maintaining or improving the present environmental quality of
268 life. The County strongly opposes management activities which greatly restrict or limit existing
269 and potential uses, as it could lead to uneconomical use of resources and ultimately discourage
270 future investment. The County will inform public land managers of any known negative impacts
271 to the livelihoods and/or quality of life of County residents, which arise from public
272 management mandates, laws and regulations.
- 273 4. Big Horn County shall utilize existing cooperative agreements (e.g., NEPA, FLPMA, NFMA,
274 MUSYA and the Wyoming Wilderness Act) as broad-based legal precedent for appropriate and
275 timely notice of anticipated changes in management of public land, to provide essential
276 information to our partner federal agencies and exert the maximum amount of influence on
277 land use management decisions that negatively impact multiple use and sustained yield
278 principles.
- 279 5. Big Horn County shall support the improvement of the productivity of its public lands to include
280 not only the existing industries of oil and gas, mining, agriculture, timbering, tourism and health

281 care, but also the condition and/or quality of air, water, wildlife and plant communities on those
282 same lands.

283 6. Big Horn County shall insist upon federal agency coordination, consultation and cooperation, as
284 well as consistency, with local land use plans, with regard to special land designations (e.g.,
285 areas of critical environmental concern (ACECs), special recreation management areas (SRMAs)
286 and visual resource management (VRM) areas, Lands with Wilderness Characteristics (LWCs)
287 and cultural sites).

288 7. Big Horn County supports Congress releasing the remaining BLM-proposed Wilderness Study
289 Areas (WSAs) to multiple use and sustained yield management practices. The County also
290 supports limiting federal agencies' ability to engage in prolonged and repetitive wilderness
291 review or studies that expand lands managed as de facto wilderness, which aim to reduce the
292 land base available for multiple uses.

293 **SECTION 2: SCIENTIFIC INTEGRITY**

294 Scientific data are taken into consideration during the development of various policies, regulations and
295 plans, including this *NRMP*, for the County. Absent the funding to support independent data gathering
296 efforts on most subjects, Big Horn County's officials, appointed staff and committee members often
297 utilize or refer to scientific data provided by other government agencies. Additionally, the County relies
298 heavily upon policies written by these entities which cite the same or similar scientific data as a basis for
299 their decision-making processes.

300 Both Congress, through Public Law 106-554; H.R. 5658 (often referred to as the "Data Quality Act"), and
301 the President⁵ have directed federal agencies to ensure the integrity of any scientific and technological
302 information they produce. The Department of the Interior defines scientific and scholarly integrity as
303 "the condition resulting from adherence to professional values and practices, when conducting and
304 applying the results of science and scholarship, that ensures objectivity, clarity, reproducibility, and
305 utility that provides insulation from bias, fabrication, falsification, plagiarism, outside interference,
306 censorship, and inadequate procedural and information security."⁶

307 The Board commits to the following principles related to scientific integrity:

- 308 1. Big Horn County shall make an effort to ensure scientific and scholarly integrity as part of
309 developing policies, plans and regulations.
- 310 2. Big Horn County shall notify other government agencies of apparent violations of the President's
311 mandate for scientific integrity.

⁵ "Memorandum for the Heads of Executive Departments and Agencies, Subject: Scientific Integrity." The White House, Office of the Press Secretary. March 9, 2009.

⁶ "[Departmental Manual Part 305, Chapter 3: Integrity of Scientific and Scholarly Activities.](#)" Department of the Interior. Office of the Deputy Secretary. Retrieved March 19, 2015.

312 **SECTION 3: PRIVATE PROPERTY RIGHTS**

313 Federal government trying to extend its authority to private lands?

314 Animal Unit Months (AUMs) – tied to private property value

315 Oil and Gas leases – once granted should be a private property right – they don't view it as such

316 Mineral rights – split estate lands; can be private property with federal minerals; mineral rights kind of

317 outweigh the private property rights in some cases; if you have a legal, valid claim on federal land, it is

318 essentially a private property right; General Mining Law of 1866?

319 Access – road closures by fed agencies; easements and ROWs

320 If the sage grouse are listed as endangered species, it will affect private land ownership

321 There are regulations that may restrict what can be done on private property, but may be best for our

322 health and safety. What your neighbor does affects your property. There are regulations out there that

323 we don't want to be against.

324 Property rights are an elemental foundation of the economic stability and general welfare of the

325 residents of Big Horn County.

326 According to Washington State Supreme Court Justice Richard B. Sanders,

327 *“Property in a thing consists not merely in its ownership and possession, but in the*
328 *unrestricted right of use, enjoyment, and disposal. Anything which destroys any of the*
329 *elements of property, to that extent, destroys the property itself. The substantial value of*
330 *property lies in its use. If the right of use be denied, the value of the property is*
331 *annihilated and ownership is rendered a barren right.”*

332 Multiple use and sustained yield are principles that must be maintained for the economic stability and

333 general welfare of Big Horn County and its residents. Permitting on federal/public lands is intrinsic to

334 the exercise and value of these principles.

335 Big Horn County recognizes permitted activities as a property right to the permit holder, with monetary

336 value in the calculation of capital gains taxes and an important factor in obtaining loans to operate, for

337 example.

338 Big Horn County recognizes the following as property rights available to the citizens of Big Horn County

339 and as such must be protected:

340 • Right to graze livestock

341 • Right to access and use water and develop its use

342 • Right to hold leases

- 343 • Right to mine minerals
- 344 • Right to extract oil and gas
- 345 • Right to hunt
- 346 • Right to recreate
- 347 • Right to access roads
- 348 • Right to timber harvest

349 **SECTION 4: SOCIAL ECONOMICS**

350 Social impact of some sort of economic change. Values. Social identity.

351 What would be the social impact of federal regulatory changes?

352 Health, safety and welfare

353 We want to see a positive economic environment so we don't drive existing and future population away.

354 We don't want our county to be depopulated.

355 Possibly talk about non-monetary things.

356 Booms

357 BLM RMP has a section...maybe take a look.

358

CHAPTER 3: DEFINITIONS

359 Unless specifically defined in Chapter 3, words or phrases used in this regulation shall be interpreted
360 according to the meaning they have in common usage.

361 “Ambient air” means

362 “Feral livestock” means

363 “Invasive species” means

364 “Minerals” mean naturally occurring substances formed by organic or inorganic processes.

365 “Multiple use” means

366 “Noxious weeds” means

367 “Scientific integrity” means

368 “Sustained yield” means

369 “Valuation” means

370

DRAFT

371

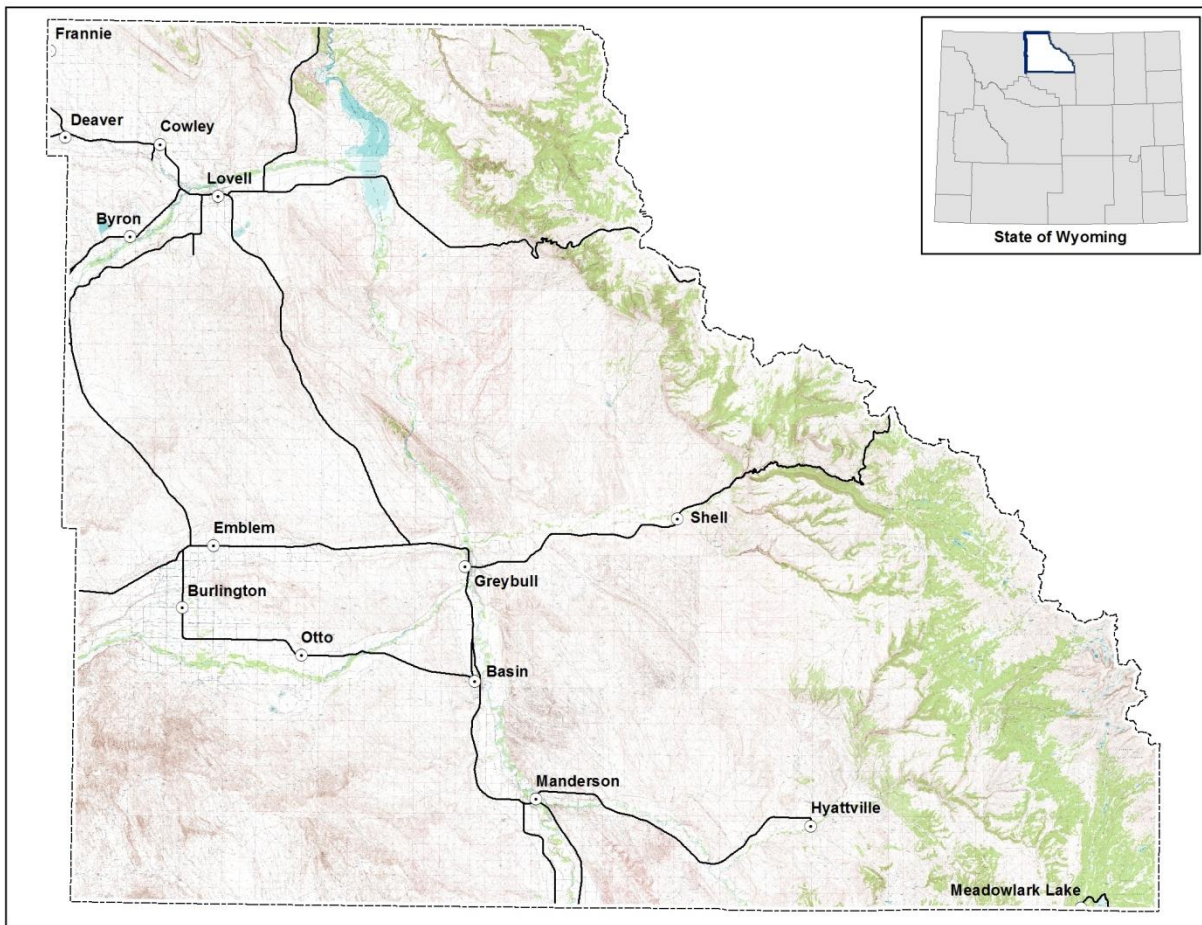
CHAPTER 4: ABOUT BIG HORN COUNTY

372 SECTION 1: PLAN AREA

373 Big Horn County, named for the Bighorn Mountains which form its eastern boundary⁷, is located in north
374 central Wyoming, south of the Montana State border (See Figure 1).

375

Figure 1: Plan Area



376 The Bighorn River flows from south to north through the central portion of the county. As the 11th
377 largest county in Wyoming, Big Horn County spans 3,159 square miles (2,021,608 acres)⁸, making it
378 larger than Rhode Island or Delaware.

⁷ Urbanek, Mae (1988). *Wyoming Place Names*. Missoula, MT: Mountain Press Publishing Company. [ISBN 0-87842-204-8](#).

⁸ ["Wyoming CAMA Tax District Information: Wyoming County Boundaries."](#) Retrieved April 2, 2015.

379

380 There are nine incorporated towns in Big Horn County: Basin, Burlington, Byron, Cowley, Deaver,
381 Frannie, Greybull, Lovell and Manderson. Other communities include Emblem, Hyattville, Meadow Lark
382 Lake, Otto and Shell.

383 **SECTION 2: COUNTY HISTORY**⁹

384 Big Horn County was created in 1890 by lands ceded from Fremont, Johnson and Sheridan Counties.¹⁰
385 Originally, the County included the entire Big Horn Basin (approximately eight million acres or roughly
386 12,500 square miles), including land from the crest of the Bighorn Mountains west to the Continental
387 Divide, and from Owl Creek north to the Montana state line. The northwest portion of the County
388 originally included part of Yellowstone Park. In 1909, Park County detached from Big Horn County,
389 followed by Hot Springs County and Washakie County in 1911. Present-day Big Horn County is
390 approximately a quarter of its original size.

391 **2.1: Early Settlement Timeline**

- 392 • 1870s: Cattlemen moved large free range cattle herds into the area. Henry Clay Lovell, for whom
393 the town of Lovell was later named, established ML Ranch with one of the largest herds of cattle
394 (approximately 25,000 head) ranging the length of the basin.
- 395 • 1879: Otto Franc von Lichtenstein, for whom the town of Otto was named, established the
396 Pitchfork Ranch on the Greybull River with about 1,200 head of cattle. Settlers began filtering
397 into the basin in the 1870s and an inevitable clash arose between cattlemen who used the open
398 range and homesteaders who wanted to fence and farm the land.
- 399 • 1880s: Bonanza, the site of an oil spring southwest of Hyattville near the confluence of Paintrock
400 Creek and the Nowood River, was started in the 1880s. It was home to the *Big Horn Rustler*, first
401 newspaper in the Big Horn Basin, edited by Joseph DeBarthe and first published June 1, 1889.
402 Like many other early newspapers, it exaggerated the virtues of the new settlement. A copy of
403 this first edition of the *Rustler* is in the Fremont County Library in Lander, Wyoming.
- 404 • 1886: Samuel W. Hyatt, an early settler, established a store in Paintrock, a town named for the
405 creek running next to it. Paintrock was later renamed Hyattville, and Mr. Hyatt was the town's
406 first postmaster.
- 407 • 1890: Wyoming Legislature approved creation of Big Horn County; the new county was not
408 officially organized until 1897.

⁹ The primary source of information for this section is "[Big Horn County, Wyoming](#)" by Rebecca Hein. Retrieved on April 2, 2015.

¹⁰ Long, John H. (2006). "[Wyoming: Individual County Chronologies](#)". *Wyoming Atlas of Historical County Boundaries*. The Newberry Library. [Archived](#) from the original on 18 July 2011.

- 409 • In 1896, Governor W. A. Richards appointed a Board of Organizing Commissioners for Big Horn
410 County: S. A. Lampman of Shell Creek, Lou Blakesley of Otto, and A.L. Coleman of Nowood,
411 whose duties were to provide for the first election. Basin won over Otto and Cody for the
412 location of the county seat after a heated campaign, even though there were only two log
413 buildings and some dugouts in the newly platted town. An 1889 photograph in the County
414 Library shows a burning building referenced to be Big Horn County's first courthouse. A new
415 courthouse, still in use today, was completed March 1, 1918.

- 416 • 1888: A post office was placed near the confluence of the Shoshone and Big Horn Rivers in the
417 northern part of the county, at a location that would become the town of Lovell around 1900.

- 418 • 1889: The town of Alamo, near the southern border of Big Horn County, was renamed
419 Manderson.¹¹ The town of Manderson was incorporated in 1921.

- 420 • 1894: The town of Frannie's post office opened, name after the daughter of the town's first
421 postmaster.

- 422 • 1895: Burlington?

- 423 • 1899: The unincorporated town of Emblem was established, south of Lovell.

- 424 • 1900: The unincorporated village of Shell, 15 miles east of Greybull, was platted April 28, 1900.
425 The town of Byron was organized by Mormon pioneer settlers.¹²

- 426 • 1907: The town of Cowley was incorporated.

- 427 • 1909: The town of Greybull, approximately 32 miles south of Lovell at the junction of the
428 Greybull and Bighorn Rivers, was incorporated.

- 429 • 1912: The town of Byron was incorporated.

- 430 • 1919: The town of Deaver, approximately 15 miles north of Byron, was incorporated.

- 431 • 1954: The town of Frannie was incorporated.

- 432 • 1984: The town of Burlington was incorporated.¹³

- 433 • Meadow Lark Lake?

¹¹ "[Manderson Town and Cemetery](#)." Retrieved April 6, 2015.

¹² "[Byron Town and Cemetery](#)." Retrieved April 6, 2015.

¹³ "Notice of Results of Election." Filed in the office of the Big Horn County Clerk, January 27, 1984.

434

435 **2.2: Key Historical Developments**

436 **End of mob rule**

437 Prior to 1897 and the establishment of government in Big Horn County, there was an absence of law
438 enforcement and a place to conduct legal business or land transfers. Settlers who lived east of the
439 Bighorn River had to travel over 100 miles through the mountains to the Johnson County seat at Buffalo.
440 Those who lived west of the river traveled to Lander. After County government was established in Basin,
441 justice was more readily available, a fact highlighted by criminal trials of those responsible for the
442 notorious Spring Creek Raid of April 2, 1909, when three sheepmen were murdered, two more were
443 kidnapped and dozens of sheep killed. Five perpetrators were convicted following a memorable trial in
444 November of 1909 that ended Wyoming's 30-year era of lynchings and thwarted prosecutions.

445 **Mormon settlement**

446 The era of small farms began in 1895 with the arrival of one hundred Mormon families, who moved to
447 the Greybull River area to live and farm. This settlement became the town of Burlington, which by 1897
448 contained 250 families. The town included a combined meeting house and school, a water-powered
449 gristmill and three sawmills. A party of Mormons traveled from Salt Lake City in February of 1900 to
450 settle along the Shoshone River, taking advantage of the Cincinnati Canal, the present day Sidon Canal, a
451 water project near the settlement of Lovell. By mid-July 1900, more than 400 settlers had arrived,
452 pitched tents and planted gardens. The small community of Byron followed in October. At that time, 40
453 houses were being built there. In 1899 Abraham Owen Woodruff was appointed by LDS authorities as
454 supervisor of the Mormon colonies. At the end of the canal-building and growing season of 1900, the
455 Sidon Canal settlers needed cash so Woodruff negotiated a grading contract on their behalf for 27 miles
456 of the Burlington Railroad branch from Toluca, Mont., through Frannie Junction, Wyo., to Cody.

457 **The Burlington Railroad**

458 The Burlington line ended in Billings in 1894 and was extended into northern Wyoming in 1901, making
459 it possible for residents of the northern basin to ship their cattle and merchandise faster and with less
460 expense. The Toluca-Cody branch ended at Frannie Junction 1901 and was extended south to Kirby,
461 Wyoming (Hot Springs County), in 1905. At that time, a freight terminal which was to become the Town
462 of Greybull was placed eight miles north of the town of Basin. On June 14, 1914, the railroad was
463 completed through the Bighorn Basin via the Wind River Canyon, establishing service between Billings
464 and Denver.

465 **Sugar Beet Farming**

466 Early farmers found the soil and climate of Big Horn County to be well suited for the production of sugar
467 beets. The first shipment of sugar beets by rail was sent from Powell, Wyo., then still part of Big Horn
468 County, on Oct. 14, 1909. The Great Western Sugar Company built a sugar processing plant in Lovell in
469 1916, ensuring a solid market for locally grown sugar beets. Agriculture remains important to the
470 economy of the Bighorn Basin, exceeding even oil and gas in gross revenues and generating more than
471 \$30 million in 1950. Sheep and cattle accounted for more than 50 percent of this amount.

472 Oil

473 The Bonanza oil reserves, despite the early opinion that it was not worth extensive exploration, was
474 developed further in 1951, when it produced 603,686 barrels. By the end of 1956 there were 40 wells
475 producing more than 5,000,000 barrels that year alone. Near Byron, in 1905, natural gas was found to
476 be escaping from a post hole on the farm of Edward E. Jones. Since the commercial possibilities of
477 natural gas were not yet known, this gas was ignited and left to burn. Continued exploration over the
478 next years by found large amounts of natural gas and a number of shallow oil wells that refilled when
479 pumped dry, proving the presence of a larger reservoir, which spurred further exploration. Additional oil
480 fields were developed at Torchlight Dome Oil Field near Greybull; at Grass Creek northwest of
481 Thermopolis; in Elk Basin in present-day Park County; and in Oregon Basin southeast of Cody. By 1917
482 there were two refineries in Greybull and one in Cowley. By 1919 American Carbon Company's carbon
483 black plant at Cowley, Western Sugar Company, Lovell Brick and Tile Company and the town of Lovell
484 were all using natural gas from the Byron field. This was the beginning of Bighorn County's major
485 industry and most productive revenue stream. In 1950, oil and gas in the basin produced more than \$13
486 million.

487 Bentonite

488 Bentonite, fine clay used primarily in oil drilling, became a primary industry that draws resources from
489 public lands. From 1951 to 1956, over 466,000 tons of bentonite were processed in the Magnet Cove
490 Barium Corporation's mill near Greybull. Magnet Cove later became M-I Swaco and is still in operation.
491 Bentonite Performance Minerals, Wyo-Ben, Inc., Colloid Environmental Technology, and GK
492 Construction all have operations near Lovell. Bentonite is the County's largest employer.

493 Medicine Wheel

494 In 1996 Big Horn County became a consulting party to the Historic Preservation Plan for the Medicine
495 Wheel National Historic Landmark and Vicinity. The National Landmark's original boundary of 111 acres
496 was expanded on June 6, 2011 to 4080 acres, amending the Historic Medicine Wheel HPP which has a
497 membership of seven consulting parties

498 Bighorn Canyon National Recreation Area

499 The Bighorn Canyon National Recreation Area, established in 1966¹⁴, includes Bighorn Lake and draws
500 more than 200,000 visitors annually for outdoor recreation purposes¹⁵. In 2006 Big Horn County entered
501 into negotiations with the Bureau of Reclamation and the National Park Service to preserve water
502 recreation in Bighorn Canyon National Recreation Area. This cooperative effort is ongoing, with a
503 planning effort to build siltation impoundments south of the Highway 14A causeway.

504 SECTION 3: CUSTOMS AND CULTURE

505 County commissions in the State of Wyoming have been charged with responsibility for the preservation
506 of the custom and culture of Wyoming counties in matters relating to the NEPA and federal land

¹⁴ "[Bighorn Canyon National Recreation Area.](#)" National Parks Foundation. Retrieved on April 2, 2015.

¹⁵ "[Bighorn Canyon: Things to Do.](#)" National Park Service. Retrieved on April 2, 2015.

507 planning. Since the customs, culture and history of Big Horn County are inseparably tied to the use of
508 and access to land and resources managed by federal agencies, the Board will use the policies set forth
509 in this *NRMP* to represent the vital interests of the County in federal natural resource planning efforts.

510 From the earliest days of occupation and settlement of the Bighorn Basin, agriculture has been and
511 continues to be the primary contributor to Big Horn County's economy. Water originating from the
512 mountains around the County irrigates private farms and ranches, many of which have been in the same
513 family for multiple generations. These agricultural operations grow the main cash crops of sugar beets,
514 beans and malt barley, each being of the highest quality. Other crops grown locally include alfalfa hay,
515 alfalfa for seed harvest, grass hay, oats, feed barley, native grass and corn. Some of the irrigated areas
516 are used for pasturing cattle, sheep, and horses, as well as other animals typically found on western
517 ranches. Many of our ranches are operated primarily in support of livestock that graze on public land
518 leases operating on leased rangeland year-round. Range forage is then supplemented with hay as
519 needed during the winter and spring months and during calving and lambing seasons. The livestock
520 industry accounts for a large portion of South Big Horn County's agricultural income, is the oldest
521 continuing industry in the county, and is still the single largest user of public land. It was the livestock
522 industry which originally brought settlement to Big Horn County, followed soon after by families who
523 took up permanent homesteads and built fences, irrigation canals, schools, churches and towns.

524 Our county is steeped in the traditions of western history, which is a major contributor to our unique
525 identity and way of life. There are many people from out-of-state who come here to sample this proud
526 way of life by visiting dude ranches and museums, attending rodeos and county fairs or simply observing
527 in the beauty of Big Horn Mountains and the high desert of the central basin. Some of the recreation
528 activities enjoyed within the county include off-road vehicle use, snowmobiling, hunting and fishing,
529 rock climbing, rock-hunting, horseback riding, mountain biking, camping, hiking, outdoor photography,
530 bird-watching, observing the many paleontological and geological features, and enjoying the abundant
531 wildlife of the area. Family traditions of outings to camp, hunt, fish, ride horses, backpack, and ride 4-
532 wheelers are our heritage and are central to our identity and our way of life. To live here is to be
533 connected to the land. The greatest outside influence on the continuation of these central aspects of the
534 custom and culture of the County has been and will continue to be the management actions and policy
535 of State and Federal governments, whose jurisdiction over public lands, its resources, and its water is
536 fundamental to the County's economic structure and way of life. Future land management actions in
537 Big Horn County will protect the use, access to and conservation of the land.

538 Natural gas, oil and bentonite contribute extensively to the current custom, culture, and economy of Big
539 Horn County. The extraction and sale of these important minerals and the businesses that operate draw
540 their livelihood from them employ many residents and provide a major contribution to the tax dollars
541 that support county and municipal government. Some oil and bentonite related products are currently
542 shipped to market by the railroad that runs through the basin. The railroad was also central to the early
543 development of Big Horn County, first being used for the shipment of livestock, farm produce, and to
544 transport passengers. The railroad is still an important contributor to the county custom, culture, and
545 economy, just as it has been for well over 100 years.

546 Tourism and recreation in Big Horn County is a smaller but increasingly more significant contributor to
547 the custom, culture, and economy of the area. Many people from metropolitan areas are hungry to
548 experience the peace, solitude, and quiet of majestic mountains and colorful high desert vistas offered
549 by public lands in the County. With the arrival of the popularity of snowmobiles and 4-wheelers, there

550 has been an increase in the different types of recreation enjoyed by residents and those visiting or
 551 moving to this area. The Big Horn Canyon National Park is unexcelled in the beauty and grandeur of
 552 towering limestone cliffs, where Peregrine Falcons wheel overhead and Bighorn Sheep are observed
 553 grazing along remote shorelines. Our County has many historical sites and area attractions, including
 554 Bighorn Scenic Byway, which follows US-14 beginning in Shell and climbing through Shell Canyon into
 555 mountains which include Bighorn National Forest, Cloud Peak Wilderness Area, and numerous forests,
 556 lakes, and streams where trout abound. Red Gulch Dinosaur Tracksite is located near the Red
 557 Gulch/Alkali National Back Country Byway, eleven miles east of Greybull, and one of only a few
 558 worldwide from the Middle Jurassic Period, with dinosaur tracks dating back 167 million years. Medicine
 559 Lodge State Park Archaeological Site, located near Hyattville, has long been known for its Indian
 560 petroglyphs and pictographs offering thousands of years of Native American history. The Bridger Trail
 561 winds through central Big Horn County, a road blazed by Jim Bridger during the 1860s to offer a safer
 562 alternative to the Bozeman Trail east of the Bighorn Mountains that was, at that time, under the control
 563 of Red Cloud. Sheep Mountain, a unique mountain range in the middle of the valley of the Big Horn,
 564 offers an anticline with an arch over 1000 feet.

565 **SECTION 4: DISTRIBUTION OF LANDS**

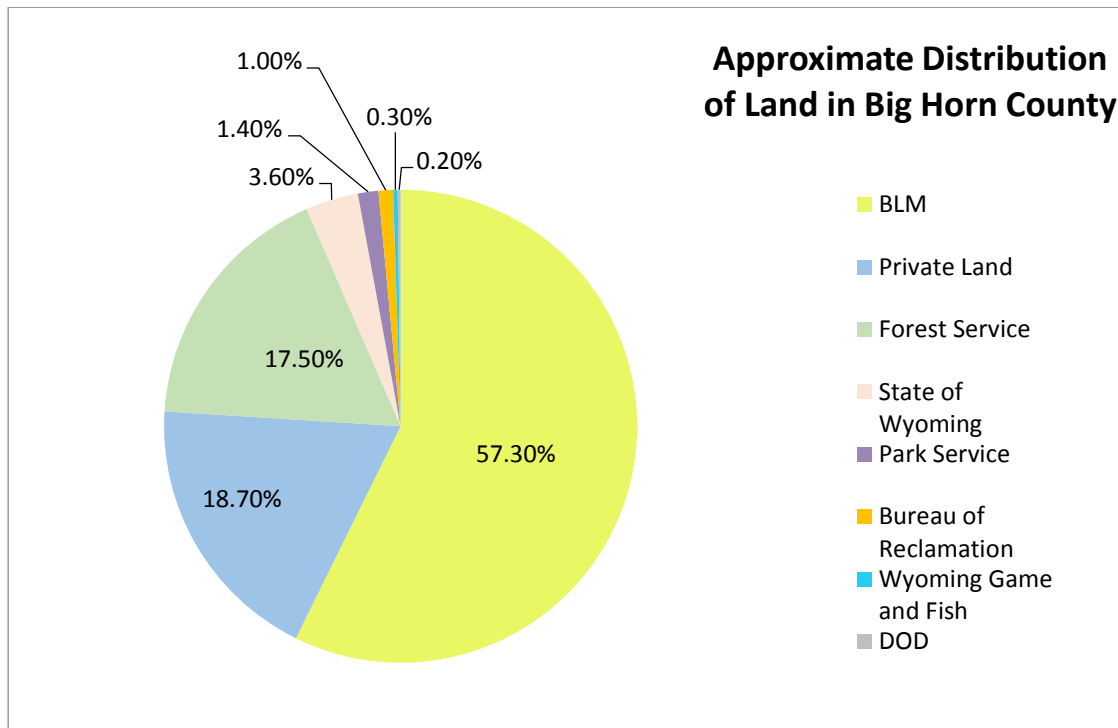
566 Table 1 and Figure 2 show the approximate distribution of land in Big Horn County.

567 **Table 1: Approximate Distribution of Land in Big Horn County.**

| Entity | Acres | Sq. Miles | % of Big Horn County |
|-----------------------|-----------|-----------|----------------------|
| BLM | 1,151,174 | 1799 | 57.30% |
| Private Land | 375,361 | 576.5 | 18.70% |
| Forest Service | 350,591 | 548 | 17.50% |
| State of Wyoming | 73,073 | 114 | 3.60% |
| Park Service | 27,918 | 44 | 1.40% |
| Bureau of Reclamation | 20,061 | 31 | 1.00% |
| Wyoming Game and Fish | 5,971 | 9 | 0.30% |
| DOD | 3,531 | 5.5 | 0.20% |

568

Figure 2: Land Ownership in Big Horn County, WY



570

571 The citizens of Big Horn County rely on both public and private land for natural resources, recreation and
 572 their livelihood, namely agriculture and livestock grazing, mining and...; therefore all decisions affecting
 573 public lands could potentially affect Big Horn County’s economy, customs, culture and enjoyment of the
 574 land.¹⁶

575 **SECTION 5: DEMOGRAPHICS**

576 As of the 2010 Census, the population of Big Horn County was 11,668.¹⁷

577 **SECTION 6: ECONOMY AND INDUSTRIES**

578 **6.1: Overview**

579 **6.2: Categories of Industries**

580 What is the size of those industries (table from Keith).

581 Tie in how each of those industries tie into the public lands. Analysis with impact of industry.

¹⁶ Modeled from: http://www.bakercounty.org/natural_resources/docs/NRPlan_FINAL_12222010.pdf

¹⁷ "Wyoming QuickFacts". U.S. Census Bureau. Retrieved 2015-02-22. (2010 Census)

582 Insert table with reference to economic impact in Big Horn County (see Western Energy Alliance Table).

583 **Mining**

584 Employs this many people. Revenue of this much. Pays this much in taxes.

585 Reliance on public lands requires long-term access to public lands. Roads, access for maintenance,
586 communications.

587 **Oil and Gas**

588 **Construction**

589 **Manufacturing**

590 **Transportation**

591 **Utilities**

592 **Wholesale Trade**

593 **Retail Trade**

594 **Finance, Insurance and Real Estate**

595 **Business and Personal Services**

596 **Agriculture (See Mae for Wyoming Ag Statistics 2014)**

597 **Travel, Entertainment and Tourism**

598 **Government**

599 **Other Industries**

600 Big Horn County's economy is based on...

601 ____ is Big Horn County's largest employer ...

602 **6.3: Local Government Revenue**

603 **County**

604 Enter text here.

605 **Secure Rural Schools (SRS)**

606 Enter text here.

607 **Valuations**

608 Enter text here.

609

Table 2: Top 10 Taxpayers in Big Horn County

| Taxpayer | Assessed Valuation | Tax Amount |
|---------------------------------|--------------------|-------------|
| Marathon Oil | \$93,033,986 | \$6,670,435 |
| M-I LLC | \$16,261,956 | \$1,148,673 |
| Whiting Petroleum | \$12,161,993 | \$855,735 |
| Halliburton Energy | \$9,732,943 | \$705,387 |
| Burlington Northern | \$9,401,648 | \$675,287 |
| Wyo-Ben Inc./Wyo Ben Products | \$6,487,700 | \$458,675 |
| American Colloid | \$6,442,565 | \$456,941 |
| Legacy Reserves | \$5,007,150 | \$360,992 |
| Express Pipeline | \$3,866,560 | \$275,363 |
| Devon Energy | \$2,427,384 | \$177,543 |
| All Agricultural Lands Combined | \$19,806,263 | \$1,398,263 |

610

611 Sales Tax

612 Enter text here.

613 Mineral and Oil Taxes

614 Severance Tax

615 Energy-related Industry

616 Enter text here.

617 Payments in Lieu of Taxes (PILT)

618 Big Horn County has relied on Payments in Lieu of Taxes (PILT, 31 U.S.C. §§6901-6097) to support its
619 annual budget requirements. PILT are Federal payments to local government entities that help offset
620 losses in property taxes due to non-taxable Federal lands within their boundaries.¹⁸ Local governments
621 are unable to tax most state and federally owned land; over 77% of the land in Big Horn County is
622 federally-owned with nearly 4% state-owned. PILT is essentially the federal government’s way of paying
623 property taxes on land it owns.¹⁹Figure 3 Table 3 shows the portion of the annual county budget that
624 came from PILT payments between 2005 and 2014.

625

Table 3: PILT Monies Received By Big Horn County

¹⁸ “[Payments in Lieu of Taxes](#)”. U.S. Department of the Interior. Retrieved 2-26-2015.

¹⁹ “[Counties could lose millions if appropriators don’t hurry after Ryan-Murray budget deal.](#)” The Washington Post. Reid Wilson, December 17, 2013.

| Fiscal Year | County Budget* | PILT Received | % of Total Budget |
|-------------|----------------|---------------|-------------------|
| 2004-2005 | \$ 9,384,589 | \$ 655,303 | 7% |
| 2005-2006 | \$ 9,919,687 | \$ 668,263 | 7% |
| 2006-2007 | \$ 11,120,287 | \$ 666,305 | 6% |
| 2007-2008 | \$ 16,620,255 | \$ 1,057,978 | 6% |
| 2008-2009 | \$ 11,880,922 | \$ 1,088,755 | 9% |
| 2009-2010 | \$ 12,806,175 | \$ 780,615 | 6% |
| 2010-2011 | \$ 12,606,599 | \$ 1,240,557 | 10% |
| 2011-2012 | \$ 12,606,593 | \$ 902,283 | 7% |
| 2012-2013 | \$ 11,694,832 | \$ 903,000 | 8% |
| 2013-2014 | \$ 11,776,827 | \$ 1,076,874 | 9% |

Figure 3: PILT Payments Received by Big Horn County Between 2005-2014

626

627 PILT payments accounted for 6-10% of Big Horn County's general fund over the past ten years. PILT
 628 funds were used to support...

629 **Municipalities (should these go under Special Districts?)**

630 List of Towns and their revenues

631 **Special Districts (we don't keep this revenue, it funnels through the county)**

632 Cemeteries

633 Conservation

634 Fire

635 Rural Health Care

636 Hospitals

637 Improvement and Service

638 Irrigation and Drainage

639 Municipalities

640 Schools

641 Senior Citizens

642 Solid Waste

643 Weed and Pest

644

645

DRAFT

647

CHAPTER 5: POLICIES

648 SECTION 1: ACCESS (TRAVEL AND TRANSPORTATION, ROADS)

649 Need a general opening statement about access.

650

651 Access to public lands by business and industry and by the public for the use and enjoyment of natural
652 resources will be fundamental to future public land management decisions and policy. Roads that are
653 currently recognized as roads according to the following, from BLM Manual 6300, will in Big Horn
654 County remain open and available to the public unless a reasonable and legally defensible justification
655 for closure can be established. (Taken from Jerry's Custom and Culture write-up.)

656 Activities linked to local culture and custom which require access include:

657

- 658 • Agriculture (farming, irrigation, livestock grazing, viability of leased lands, etc.);
- 659 • Recreation and related tourist activities (motorized and non-motorized transport and
660 activities, including but not limited to hunting, fishing, water and land sports, hiking, wildlife
661 viewing, etc.);
- 662 • Industry (mining, power production, utility corridors, oil and gas production/exploration,
663 and timbering);
- 664 • Water (agricultural uses, industrial uses, recreational uses, power, domestic uses, and
665 general water resource development and conservation);
- 666 • Intangible Values (historical and cultural sites, open space values and access to open space,
667 aesthetic values, conservation, entrepreneurial values);
- 668 • Weed, pest and predator control.

669

670 In addition, the County itself relies on access to fulfill its statutory mandate to protect the health, safety
671 and general welfare of people within its jurisdiction; including but not limited to fire protection, search
672 and rescue, flood control, law enforcement, economy, and the maintenance of improvements.

673

674 Local culture and custom is closely tied to access of public land. It is important to the sustainability of
675 the livestock industry in Big Horn County that grazing areas, and the stock trails that connect them, be
676 open and accessible. For instance, livestock "trailed" from one grazing area to another must access not
677 only the grazing areas on either end of that process, but also those lands in between. Historical use of
678 stock trails and grazing areas has fluctuated over the years, depending on market prices, weather
679 conditions, etc., but the need for access availability has remained constant, and continues to be relied
680 upon by County residents.

681

682 Several roads have not been formally abandoned and are therefore still public roads. Any road not
683 formally abandoned shall be recognized as a public road.

684

685 Big Horn County is concerned that State and Federal officials have engaged in a continuing effort to
686 limit, restrict or otherwise curtail access. This effort has been done informally, or through a
687 bureaucratic incremental process in a way that did not give due consideration to local interests. Even
688 when proper notice was given, unrealistic time constraints on viewing the plan placed local participants
689 at a disadvantage. Local officials were not provided enough information to form a good understanding

690 of the implications and consequences. This has resulted in restricted access to public lands without the
691 consultation or coordination of local government.

692

693 **Goals:**

694

695 **1.**

696

697 **Policies:**

698 1. It shall be the policy of Big Horn County that the County supports retention of existing access to
699 public land, and will oppose management initiatives, which restrict or limit access or might
700 impact the livelihoods and/or quality of life of Big Horn County residents.

701 2. Big Horn County expects that roads and trails on public lands which have been removed from
702 inventory and/or maps without proper decommissioning procedure to be fully restored until
703 due process has been completed.

704 3. Big Horn County defines a “public road or highway” as any formally established public travel
705 way, including those on public lands, as well as any public route or wagon road that existed prior
706 to 1924, as well as any road or public highway so designated on a government map or plat on
707 record at any land office of the United States within the state (ref. W.S. 24-1-101).

708 4. If any access were to be curtailed, Big Horn County requires sound scientific means of why
709 access is being limited on public roads and stock trails.

710 5. It is understood that the federal definition of “roadless” means there are no road improvements
711 present. It is also understood that “improved road” is not limited to mechanically improved, but
712 also includes roads made passable by regular use. It is also understood that the term
713 “maintained road” is not limited to roads which are maintained annually. Rather, it refers to
714 roads which are maintained as needed to continue their use. It is the policy of Big Horn County
715 to consider all formally-established public roads as valid unless formally abandoned, even if not
716 presently maintained by the County. Public trails shall be considered “public roads and
717 highways” for the purposes of this chapter.

718 6. Two definitions of what a road is not acceptable, a definition for Lands with Wilderness
719 Characteristics road and one for other roads, is not an acceptable solution. A road on Federal
720 Agency map may not be closed until a full NEPA analysis has been instigated with full public
721 review. Road closure is a Major Federal Action and requires public review.

722 **SECTION 2: AGRICULTURE AND GRAZING (RANGE MANAGEMENT)**

723 **2.1: General**

724 Livestock grazing, irrigated farming and other intensive agriculture are integral to this community’s
725 ability to remain viable with a diverse, sustainable economy. The acceptance of this tenet is central to a
726 strategy for the protection and preservation of local agricultural lands. Productive farmland has been

727 developed only after a great deal of work, money and commitment. Just as each acre of ground in
728 production contributes to the profitability of a single farm or ranch, so too does each acre contribute to
729 the economic viability of the community as a whole. The steady decline in the number of self-
730 sustainable farms and ranches is a response to social and economic forces beyond local control. The
731 community needs to be aware of the consequences, direct and indirect, should these trends continue.

732 Agricultural lands contribute to landscape and scenic beauty, available wildlife habitat, and provide
733 recreational opportunities for residents and visitors alike for hunting, fishing, snowmobiling and other
734 tourist related activities. Agriculture is invaluable as an employer, as a source of affordable food and
735 raw materials, as a provider of open space, as an environmental steward benefiting associated
736 ecosystems, and as a component to sustainable County economy.

737 According to W.S. 11-44-104(a),

738 *“To protect agriculture as a vital part of the economy of Wyoming, the rights of farmers*
739 *and ranchers to engage in farm or ranch operations shall be forever guaranteed in this*
740 *state.”*

741 If families are to make the investment, and take the risks necessary to keep agricultural business viable,
742 government policies must support and create a climate of confidence for the future of the agricultural
743 industry.

744 The assessed valuation of agriculture land was \$19,806,263 in Big Horn County in 2014.²⁰ The 2012
745 market value of agricultural products in Big Horn County for livestock products was \$35,761,000 and for
746 crop products was \$53,075,000.²¹

747 Current AUM’s as of 2015 for the USFS: Cattle 34,220 and Sheep 5,993 and BLM: Active 29,239;
748 Suspended 29,922; Total 59,161. **((Add Bureau of Reclamation)).**

749 **Policies**

750 7. The County has determined agriculture makes a substantive contribution to environmental and
751 recreational activities on public land, and encourages the continued use of public lands for
752 grazing and other forms of agriculture as a key element of the doctrine of multiple use. **and**
753 **Sustained Yield**

754 8. The County supports opportunities for enhancement of land stewardship. Good land
755 stewardship assures public land continues to be productive for generations to come, as it has
756 sustained the County’s economy for several generations already. Any changes, buffer zones,
757 and/or restrictions proposed by Federal or State agencies must be based on objective and sound
758 scientific data and in cooperation with the County as required by FDQA and NEPA.

²⁰ Big Horn County Assessor. April 2015.

²¹ Wyoming Agricultural Statistics. 2014

759 9. Management plans must incorporate standards and objectives that maintain the health, safety
760 and general welfare of agricultural interests culturally, historically, and economically.

761 10. Because federal and state grazing permits are essential to viability of agricultural operations in
762 the County, the County requires no net loss of BLM suspended or preference AUM's and no net
763 loss of Forest Service actual or permitted AUM's. ((Add Bureau of Reclamation)).

764 **11. Consider the preference for AUMs linked to a ranchers private property rights?I am not sure**
765 **how to phrase this, but I think it is important?**

766 **2.2: Honey Production**

767 Enter text here.

768 **SECTION 3: AIR**

769 Air quality is important to the health, safety and welfare of Big Horn County's residents. Under the Clean
770 Air Act of 1970 (42 U.S.C. §7401 et seq.), the U.S. Environmental Protection Agency (EPA) is responsible
771 for setting and enforcing air quality standards. In Wyoming, local enforcement of many air pollutants is
772 delegated to the Department of Environmental Quality (DEQ).²² DEQ's Air Quality Division has
773 established standards for ambient air quality necessary to protect public health and welfare; ambient air
774 refers to that portion of the atmosphere, external to buildings, to which the general public has access.²³
775 DEQ has also established limits on the quantity, rate and concentration of emissions of various air
776 pollutants from various sources including, but not limited to:

- 777 • Vehicle engines
- 778 • Construction/Demolition activities (asbestos)
- 779 • Handling and transport of materials
- 780 • Agricultural practices
- 781 • Fuel burning equipment
- 782 • Oil and gas operations
- 783 • Manufacturing operations

784 The degradation of air quality in Big Horn County comes from both natural and man-made sources:

²² ["Delegations of Authority for NSPS and NESHAP Standards to States and Tribes in Region 8."](#) US Environmental Protection Agency. Retrieved March 24, 2015.

²³ ["Chapter 2: Ambient Standards, Wyoming Department of Environmental Quality Air Quality Division Standards and Regulations."](#) Wyoming Department of Environmental Quality. Retrieved March 24, 2015.

- 785 • Wind-carried dust (especially during periods of drought)
- 786 • Wildfire emissions
- 787 • Emissions from the open burning of vegetation
- 788 • Emissions from farming and agricultural operations
- 789 • Emissions from industrial operations
- 790 • Dust from unpaved roadway use

791 We believe it to be our responsibility to do all that we can as residents and officials to keep the air
 792 quality in the county as clean and as high a quality as we can. Education of the people, farmers,
 793 industries, and county government, thru programs that will teach all those involved about burning by
 794 citizens, farmers, county, oil and gas industries of limits and the harm it can cause to burn unnecessarily.
 795 Dust is also a problem, mostly during drought conditions. Many of the roads in the county are dirt or
 796 graveled which cause dust in the air. The county has plans in place to maintain the road system to best
 797 of their ability to help control some these problems. The county wishes to prevent air pollution of any
 798 kind without hampering the lives of its people, keeping the way of life with its farming and ranching
 799 communities, the oil and gas industry that is operating in the county, the mining industry that is spread
 800 across the whole county. The quality of life is a key to people living in this county and also to those who
 801 visit and wish to live here. The county will work with the Federal, State, and local agencies to educate all
 802 entities involved to develop best practices concepts and plans to protect the air quality in the county.

803 **Goals:**

- 804 1. Big Horn County supports the promotion of clean air practices and limiting air pollution within
 805 the County.

806 **Policies:**

- 807 1.

808

809 **SECTION 4: CULTURAL, PALEONTOLOGICAL AND ARCHAEOLOGICAL RESOURCES**

810 BLM RMP - manage paleontological, cultural, and traditional resources to provide both resource
 811 protection and opportunities for public education and study?

812 **SECTION 5: INVASIVE SPECIES AND PESTS**

813 Invasive Species and pest management is defined as the ability to control invasive species and pests that
 814 interfere with management objectives.

815 The Weed and Pest Board is the weed and pest control authority for the County. Ongoing programs to
 816 identify locations of all noxious weeds and pests and to initiate management and/or eradication efforts

817 will continue. All State agencies are required to control noxious weeds and pests on State managed
818 lands. State law provides for cooperation with the Federal agencies in controlling noxious weeds and
819 pests on the federally managed lands. The Federal Public Rangelands Improvement Act virtually
820 mandates such cooperation in order to improve unsatisfactory conditions of the federally managed
821 rangelands. Cooperative agreements and, if necessary legal actions, will be utilized to assure protection
822 of vital land resources from noxious weed and pest occupation or invasion.

823 The Wyoming Weed and Pest Act of 1973 as enacted by the legislature of Wyoming, establishes the
824 guidelines for creating Weed and Pest Control Districts and the regulations which govern the districts.
825 Within the Act, the composition of districts is defined by W.S. § 11-5-103 *“All land within the*
826 *boundaries of Wyoming including all Federal, State, private and municipally owned lands, is hereby*
827 *included in the weed and pest districts within the County in which the land is located.....”* The act also
828 specifically designates which weeds and pests are designated as weeds and pests in W.S. § 11-5-102.

829 The Weed and Pest Act of 1973 in W.S. § 11-5-109 also spells out enforcement provisions which
830 ultimately could result in heavy fines if persons are convicted. W.S. §11-5-109e states:

831 *“A landowner who is responsible for an infestation and fails or refuses to perform the*
832 *remedial requirements for the control of the weed or pest...may be fined...Any person*
833 *accused under this act is entitled to a trial by jury.”*

834 Big Horn County, as part of the history, custom and culture of the County, has traditionally practiced
835 weed and pest control as a means to increase the productivity of the various lands within the County
836 and as a means of promoting the health, safety and general welfare of the residents of the County. In
837 order to do so, a fundamental goal of weed and pest management has been to hold each of the various
838 property owners in the County responsible for the control of the weeds and pests on their land; and just
839 as importantly, to be responsible for the spread of weeds and pests from their property onto
840 neighboring property.

841 Big Horn County, by and through the Big Horn County Weed and Pest District, has cooperative
842 agreements and memorandums of understandings with various State and Federal agencies. Various
843 programs are being directed at weed and pest management; including, but not limited to the National
844 Undesirable Plant Management Act (7 USC p.2814).

845 The weed and pest management tactics presently utilized are as follows:

- 846 1. Education (plant identification, life cycles, mapping infestations, etc.);
- 847 2. Prevention (irrigation management, soil fertility, range management, etc.);
- 848 3. Mechanical and physical (burning, mowing, cultivation, cross-fencing, etc.);
- 849 4. Cultural (rotating land uses, establishment of desirable competitive plants, etc.);
- 850 5. Biological (grazing, predator control, parasites, pathogens, etc.);
- 851 6. Chemical (herbicides, weed oils, plant growth regulators, etc.);

- 852 7. Public health and safety (rodent control to minimize plague threats, etc.);
- 853 8. Law enforcement (remedial requirements, hearings, etc.);
- 854 9. Training (commercial applicator training and certification, etc.);
- 855 10. Board of County Commissioners (emergency declarations, budgeting, public meetings, etc.);

856 Funding for a long-term strategy implementing weed and pest control tactics has been lacking. Various
 857 State and Federal agencies support weed and pest management by utilizing monies from discretionary
 858 or general fund sources. This only secures short-term funding, which means that most strategies are
 859 based around attacks against specific weed and pest infestations that last no more than one season. In
 860 recent years, during drought conditions, these short-term efforts have been all but abandoned as
 861 agencies at both the State and Federal levels have poured money into drought related issues such as
 862 fighting and protecting against wildfires.

863 The Big Horn County Weed and Pest Control District on the other hand, is funded on a long-term basis
 864 by a property tax mill levy which enables consistency and fairly balanced funding over the long-term.
 865 The tax basis of the County however, fluctuates with mineral evaluation; and therefore, the funding for
 866 the Weed and Pest District reflects the health and production of the minerals industry and agriculture in
 867 general. In other words, a healthy, diverse economy is essential to funding for the Weed and Pest
 868 District. Although the Federal government does not pay property taxes as such, PILT payments provide
 869 a partial remuneration of obligations some of which flows to the Weed and Pest District, either directly
 870 or indirectly.

871 **Goals:**

- 872 1. The suppression and/or eradication of all State of Wyoming Designated and Big Horn
 873 County Declared weeds and pests.
- 874 2. Pursue the education of the public about invasive species and pests that are a threat to Big
 875 Horn County.

876 **Public Policy:**

- 877 1. Big Horn County requires control all State of Wyoming Designated and Big Horn County
 878 Declared weeds and pests. The County recognizes that access to roads is a factor in
 879 controlling.
- 880 2. Big Horn County requires long-term pest management and control programs which increase
 881 the productivity of the various lands within the County and promote the health, safety and
 882 general welfare of the citizens of the County.
- 883 3. Big Horn County requires cooperative efforts with State, Federal and private managers to
 884 enhance cooperative weed and pest management efforts countywide; coordinated with,
 885 and primarily managed by the Big Horn County Weed and Pest Control District.

- 886 4. Big Horn County relies upon the Big Horn County Weed and Pest Control District to make
887 use of cooperative agreements, NEPA, the Wyoming Weed and Pest Act of 1973, and broad
888 based legal precedent to assure recognition of local conditions and circumstances in the
889 decision making process, and to keep the County and the public informed of these efforts.
- 890 5. To the extent required by Federal law and the Wyoming Weed and Pest Act, Big Horn
891 County requires that all of the various property owners, including State, Federal, private
892 and tribal property owners within the County, must be responsible for controlling the
893 invasive species and pests on their property thus controlling the spread of invasive species
894 and pests onto adjacent lands.
- 895 6. Road access across state and federal lands, to access infestations on both public and private
896 lands, is required for the suppression of invasive species and pests.
- 897 7. Controlled burns will be evaluated as a means of encouraging revitalization of rangeland
898 vegetation, in order to support and expand multiple use.
- 899 8. Grazing rest prescriptions related to either wildfires or prescribed burns, will be determined
900 on a site-specific basis. Post fire grazing will not be limited when unbiased post fire
901 monitoring and evaluation produces relevant accurate data which demonstrates that
902 grazing will not unduly harm the range.
- 903 9. Big Horn County supports cheatgrass control research. The County recognizes the spread
904 of cheatgrass on public lands as one of the most severe present-day threats to grassland
905 and sagebrush ecosystems, wildlife population health, and livestock grazing.
- 906 10. Big Horn County asserts that leafy spurge, and other noxious weeds are invasive species
907 requiring immediate eradication.

908 Resources used:

- 909 • The Wyoming Weed and Pest Act of 1973
- 910 • W.S. § 11-5-103
- 911 • W.S. § 11-5-102
- 912 • W.S. § 11-5-109
- 913 • W.S. §11-5-109e
- 914 • National Undesirable Plant Management Act (7 USC p.2814)
- 915 • Hot Springs Co. Plan

916 SECTION 6: LAW ENFORCEMENT

917 The Office of the Sheriff is the primary law enforcement department in Big Horn County. As peace
918 officers (defined in W.S. 7-2-101), the Sheriff and his/her special deputies are authorized to enforce
919 Wyoming statutes within the unincorporated areas of the County. Wyoming State law does not exempt
920 public land from State law enforcement (cite).

921 Because the Federal government is the largest holder of real estate in Big Horn County, control over this
922 property brings with it a host of responsibilities, including criminal jurisdiction. For purposes of federal
923 criminal jurisdiction, government property can be categorized in three ways.

- 924** • Exclusive jurisdiction: Federal government takes over all law enforcement responsibilities on
925 these lands. Federal officers and agents are responsible for handling all investigations and cases.
926 This category contains the fewest number of properties.
- 927** • Concurrent jurisdiction: Considered partial jurisdiction because the federal government shares
928 law enforcement responsibilities with the state. If a federal officer handles the case, the suspect
929 will be tried in federal court. If a suspect is arrested by a state or local officer, the case will go to
930 state or local court.
- 931** • Proprietary jurisdiction: State and local law enforcement officers respond as if the land were
932 privately owned. The largest percentage of federal land in the U.S. is held in this category.²⁴

933 The jurisdictional status of property acquired by the United States, is important because it triggers the
934 application of a series of federal laws, known as federal enclave statutes. These statutes apply to lands
935 within the "special maritime and territorial jurisdiction of the United States," a term which includes
936 "(a)ny lands reserved or acquired for the use of the United States, and under the exclusive or concurrent
937 jurisdiction thereof See 18 U.S.C. § 7(3). Therefore any property under the exclusive or concurrent
938 jurisdiction of the United States is subject to these federal enclave laws.²⁵

939 The federal enclave laws provide two forms of protection to property found on federal land. At the
940 outset these laws specifically forbid certain property crimes. For example, arson, theft, receiving stolen
941 goods, destruction of property and robbery are all prohibited within the special maritime and territorial
942 jurisdiction of the United States. See 18 U.S.C. §§ 81 (arson), 661 (theft), 662 (receiving stolen goods),
943 1363 (destruction of property), 2111 (robbery). In addition, 18 U.S.C. § 13 incorporates state law into
944 the law of the federal enclave. Thus, property offenses which violate state law but are not otherwise

²⁴ ["Territorial Jurisdiction on Federal Property."](#) Federal Law Enforcement Training Centers. Retrieved on April 2, 2015.

²⁵ ["Criminal Resource Manual 1630 Protection of Government Property – Real Property – 18 U.S.C. 7."](#) Office of the United States Attorneys. Retrieved April 2, 2015.

945 punishable under federal law become federal crimes when committed on a federal enclave within the
946 state.²⁶

947 Violators often do not recognize the boundaries between public and private lands. Consequently,
948 assurances that the Big Horn County Sheriff continues as the chief law enforcement officer on public
949 land is important to ...

950 1. Patrols of BLM, FS, etc.

951 2. Cooperative agreements / mutual aid

952 3. 43 U.S.C. §1733: Section 303(c)(1&2) of the FLPMA provides a means for federal agencies
953 (just BLM?) to work with local law enforcement authorities to enforce federal law.

954 North Big Horn County Search and Rescue and South Big Horn County Search and Rescue train for and
955 respond to the Sheriff's request for assistance in handling search and rescue related emergencies for
956 which the Office of the Sheriff's personnel are not trained, equipped or otherwise prepared to handle.
957 Frequently, search and rescue missions are conducted on public lands used by county residents and
958 visitors for recreational purposes.

959 Communication equipment vital to emergency response is located on public land throughout the
960 County. Without unimpeded access to public land, the health, safety and general welfare of the public
961 will be put at risk and could jeopardize the Office of the Sheriff's ability to protect and serve within its
962 missions.

963 **Goals:**

964 **Policies:**

965 **SECTION 7: MINERAL DEVELOPMENT**

966 **7.1: General**

967 Mineral production has and continues to play one of the most significant roles in the culture and
968 economy of Big Horn County. It started with the discovery of crude oil in the early 1900s. It is known
969 today that substantial amounts of crude oil, natural gas, bentonite and gypsum are present in the
970 County. Further, geological evidence suggests there are remaining deposits of undiscovered minerals in
971 the County.

972 Although the production of minerals, and associated economic and cultural activity, have waxed and
973 waned with demand and pricing over the past; it has been, and remains the most significant portion of

²⁶ "[Criminal Resource Manual 1630 Protection of Government Property – Real Property – 18 U.S.C. 7.](#)" Office of the United States Attorneys. Retrieved April 2, 2015.

974 Big Horn County's tax base. In 2014, the assessed value of Oil and Gas and Minerals total \$160,808,704
975 which is approximately 70% of the entire assessed value of Bighorn County.

976 It is paramount that the County supports the production of minerals in an environmentally safe manner
977 through the political process as well as physically, by providing infrastructure and services such as roads,
978 bridges, medical services, and law enforcement. The administrative and regulatory processes have
979 proven to be cumbersome due to interaction with controlling government agencies such as the
980 Wyoming Oil and Gas Commission, Bureau of Land Management, United States Forest Service, and State
981 of Wyoming Department of Environmental Quality. Therefore, it is Big Horn County's duty and obligation
982 to be a part of and/or intervene in the regulatory process as provided for by Federal and state Law. (See
983 Appendix A, B).

984 **Goals:**

- 985 1. The Board supports and encourages the extraction of oil, gas, bentonite, gypsum and other
986 minerals within the County.
- 987 2. Mineral production, namely crude oil and locatable minerals, have been a part of Big Horn
988 County's culture for over 100 years. Therefore, the County asserts its right to be a part of any
989 regulatory process (e.g., scoping, EIS, public hearings, working groups, cooperator status for
990 NEPA, etc.) which impacts its cultural and economic stability.

991 **Public Policy:**

- 994 1. Big Horn County asserts its right to use enhanced oil recovery and the infrastructure to provide
995 the same (e.g., carbon dioxide pipelines, processing plants, steam flood facilities, etc.).
- 996 2. Big Horn County asserts its lawful right to comment and be a part of any determination,
997 designation or revision under the Endangered Species Act, Clean Air Act, or any other legislation,
998 regulations, or policies which could have a direct or indirect impact on the County's mineral
999 development and production.
- 1000 3. Big Horn County asserts local, State and Federal land use and management plans are incomplete
1001 and materially deficient unless such plans contain a thorough discussion and evaluation of
1002 energy and mineral development, and the implications such development has on surface land
1003 uses and the economy of the County.
- 1004 4. Big Horn County requires that "The public lands will be managed in a manner which recognizes
1005 the Nation's need for domestic sources of minerals, food, timber, and fiber from the public
1006 lands, including implementation of the Mining and Minerals Policy Act of 1970." As stated in
1007 FLPMA.

1008 **References cited:**

1009 Federal Land Policy and Management Act of 1976

1010 Mining and Minerals Policy Act of 1970

- 1011** General Mining Law of 1872, as amended
- 1012** National Environmental Policy Act
- 1013** National Historic Preservation Act
- 1014** Hot Springs County Natural Resource Plan
- 1015** Baker County Natural Resource Plan
- 1016** The regulation portion of the FLPMA is found at 43 CFR 3809 ("Surface Management regulations").

1017 **7.2: Mining**

1018 **Customs and Culture of Mining in Big Horn County**

1019 Big Horn County contains some of the largest deposits of bentonite and gypsum in the Big Horn Basin
1020 and Wyoming. Bentonite and gypsum production have provided an important contribution to the
1021 economy of not only Big Horn County but also the Big Horn Basin and State of Wyoming. Wyoming
1022 leads the Nation in the production of bentonite. All lands not lawfully withdrawn from mineral
1023 exploration and/or development must remain available for such use. The mining industry makes up an
1024 important part of the property tax base of Big Horn County and the payrolls and expenditures for
1025 equipment, materials and supplies are important to the economic stability of the county. Mining is one
1026 of the historical uses of the federally managed lands within Big Horn County and predates the
1027 establishment of the Forest Service and the Bureau of Land Management and maintenance of such use
1028 is statutorily compatible with multiple use principles.

1029 **General Policy Statement**

1030 It is the policy of Big Horn County that all exploration, development and mining on lands in the county,
1031 with mineral or energy potential, shall be governed by scrupulous adherence to all laws which pertain to
1032 mining and energy development and production, beginning with the General Mining Law of 1872, as
1033 amended, and continuing with FLPMA and 43 CFR 3809 (regulation portion of FLPMA).

1034 **Goal 1:**

- 1035** • To ensure that exploration, development and production of mineral and energy resources are
1036 part of the County's management goals.

1037
1038 **Objectives:**

- 1039** 1. Assure that the directions and policies of Land Management Agencies do not interfere with
1040 citizens' rights of access, property and occupation while prospecting and developing mineral and
1041 energy resources.
- 1042** 2. Assure that State, Federal and County agencies protect the rights of access, occupation and
1043 property of anyone prospecting and/or developing minerals within Big Horn County.
- 1044** 3. Assure that all State, County and Federal management agencies understand the legal basis of
1045 current mining law (The Congressional Act of July 26, 1866 and the General Mining Law of 1872
1046 granted all American Citizens the right to go into the public domain to prospect for and develop

- 1047 minerals located there). Every mining law or act enacted since then has contained a “savings
1048 clause” that guarantees that the originally granted rights have never been rescinded.
- 1049 4. Facilitate the orderly exploration, development and production of mineral and energy resources
1050 within all lands in Big Horn County open to these activities, consistent with valid existing rights
1051 and in accordance with the Mining and Mineral Policy Act of 1970.
- 1052 5. Assure the integration of mineral resources programs and activities with the planning and
1053 management of renewable resources through the Land and Resource Management planning
1054 process.
- 1055 6. Insist that mineral development can occur concurrently or sequentially with other resources
1056 uses.
- 1057 **Goal 2:**
- 1058 • To ensure that public and private lands are open for mineral access.
- 1059 **Objectives:**
- 1060 1. Recognize the continuing need for access for prospecting, development, processing, and mining
1061 of mineral resources.
- 1062 2. Address the need for maintaining mineral and energy related access during the planning process
1063 for all activities in mineralized areas.
- 1064 3. Prior to initiating the administrative withdrawal of Federal Lands from mineral entry, Ensure (a)
1065 the full consideration of the National interest in rural community development. (b) The
1066 economic value of the mineral resources foregone. (c) The economic value of the resources
1067 being protected and; (d) the risk that the renewable resources cannot be adequately protected
1068 pursuant to the application of the minerals surface use regulations.
- 1069 **Goal 3:**
- 1070 • To establish partnerships between the County, Mineral Industries and Federal Agencies to
1071 increase and share knowledge of the mineral estate and to develop and foster the trust levels
1072 among partners.
- 1073 **Objectives:**
- 1074 1. Work together to foster and encourage mineral and energy resource development.
- 1075 2. Provide mediation through coordination when conflicts occur concerning Federal Policy and the
1076 legal development of mineral and energy resources.
- 1077 3. Encourage the showcasing of excellence in mineral and energy development and production.

1078 Goal 4:

- 1079** • To ensure mineral and energy development and production are not subjected to unreasonable
1080 regulations, taxes, fees and/or reclamation bonds.

1081 Objectives:

- 1082** 1. Strive to make all concerned parties understand that Big Horn County suffers a loss of business
1083 revenue when Federal Agencies unnecessarily restrict or eliminate mining.
- 1084** 2. Challenge the use of excessive mitigation measures and excessive reclamation bonds.
- 1085** 3. Encourage value added mineral and energy industries.

1086 7.3: Oil and Gas

1087 The extraction of oil and natural gas from deposits deep underground is accomplished by three distinct
1088 phases of recovery: primary, secondary and tertiary (enhanced). Primary recovery relies on underground
1089 pressure to drive fluids to the surface. If pressure falls, artificial lift technologies (pumps) are used to
1090 bring more fluids to the surface. Generally, only 10% of a reservoir’s original oil in place is produced
1091 through primary recovery. Secondary recovery methods, such as water or gas injection, can extend a
1092 field’s productive life and result in the extraction of an additional 20-40% of the original oil in place.
1093 Enhanced oil recovery techniques offer the potential to produce 30-60% more oil. These techniques
1094 include thermal recovery, gas injection or chemical flooding, each of which is limited by high costs and
1095 unpredictable effectiveness.²⁷

1096 Oil and gas production from multiple operators and fields has contributed greatly to Big Horn County’s
1097 taxable income for over 100 years (insert table of some sort?). In the late 1970s, overall production
1098 decreased negatively impacting County revenue. A number of factors led to decreased production,
1099 including abandonment of fields with a short production life (exhausted only primary recovery
1100 methods), the high expense of replacing aged drill wells and more stringent permitting requirements on
1101 State and Federal lands. The County attempts to mitigate a decline in oil and gas production by various
1102 means:

- 1103** 1. Relaxing drilling condition requirements
- 1104** 2. Nominating more leases for sale
- 1105** 3. Sustaining access
- 1106** 4. Encouraging secondary and enhanced (tertiary) recovery methods (e.g., fluid, gas and
1107 steam injection)

²⁷ [“Enhanced Oil Recovery.”](#) Office of Fossil Energy. Retrieved March 17, 2015.

- 1108 5. Encouraging hydraulic fracturing (fracking) and horizontal drilling
- 1109 6. Promoting exploration via 3D seismic surveying technology
- 1110 7. Coordinating among the various agencies to facilitate oil production permits in a timely
- 1111 manner

1112 The county hopes to see a reduction in the lease restrictions and land withdrawals is deemed essential
 1113 by the county in order to sustain the custom, culture, general welfare, and social economic structure of
 1114 Big Horn County.

1115 Possibly insert the figures from Western Energy Alliance.

1116 **SECTION 8: PREDATION**

1117 Predatory animals (including birds) are those that are destructive to livestock, wildlife and poultry, or
 1118 are a danger to the health and safety of the populous of the County. Predator control became a big issue
 1119 at the turn of the 20th century. Wolves, bears, mountain lions and coyotes preyed heavily on livestock
 1120 and wildlife populations.

1121 Under pressure, the mountain lions, grizzly bears and wolves generally retreated into the higher country
 1122 which was wide open until after World War II. Occasionally, one of them would wander through the
 1123 lower country. The coyote lived up to his name as “Wiley Coyote” and has never disappeared from the
 1124 scene to the despair of those who have seen flocks of sheep ripped to pieces, or their chicken flocks
 1125 decimated, and to the delight of those who count seeing and hearing coyotes as part of their western
 1126 cultural heritage. It is also generally recognized that a remnant population the original indigenous wolf
 1127 species was still present in the Northern Rockies when Canadian wolves were introduced to the Greater
 1128 Yellowstone Region in the 1990s, and that these smaller and less aggressive wolves have subsequently
 1129 been subdued, killed, genetically mixed, or driven out of the region by the introduced species.

1130 Today, predators continue to play a role in the custom, culture and economics of Big Horn County. Not
 1131 only the bigger predators, but skunks, foxes and raccoons, have caused problems in Big Horn County.
 1132 Eagles still prey on newborn lambs and calves. In the past, magpies were such a nuisance that bounties
 1133 were paid on their legs. Today crows come in large enough numbers to be a health hazard. While there
 1134 are no large flocks of domestic fowls in the county, game birds have suffered severely from depredation,
 1135 from coyotes, fox, raccoons, bobcats, and birds of prey (including ravens, crows, and magpies). Larger
 1136 predators are an increasing problem. Wolves have spread to Big Horn County, and predation of
 1137 livestock by wolves has increased. Changes in predator control policy has also caused mountain lion
 1138 activity to increase.

1139 Concern for predation is not the only consideration for control of these species. Rabies and other
 1140 diseases must be tracked closely, and action taken to eradicate the animal or animals which carry them.

1141 Historically, Big Horn County has employed predator control as a mechanism to increase the
 1142 productivity of the private, State, and Federal lands within the County. As such, predator control has
 1143 benefited both wildlife and domestic livestock. Within the County, the Big Horn County Predator
 1144 Control Board directly administers the program employing a predator control agent, also known as a
 1145 government trapper. Numerous private individuals also actively participate as sportsmen, agricultural

1146 producers or landowners concerned about the wildlife and domestic livestock. Predator control is a
1147 well-established custom and culture within the County which directly affects the economic stability of
1148 the livestock industry and the sport hunting/fishing industry. To a certain degree, predator control has
1149 also been used to protect the health and safety of the public.

1150 The Wyoming State Legislature established predator control statutes in Title 11, Chapter 6 of The
1151 Wyoming Statutes. The statutes provide for general provisions, districts and district boards and the
1152 Wyoming State Animal Damage Management Board.

1153 Big Horn County recognizes and utilizes the right to control rodents and predators through the issuance
1154 of hunting permits, aerial hunting permits as outlined in W.S. § 11-6-105 and the right to pay bounties as
1155 provided for in W.S. § 11-6-206. All effective means of controlling rodents and predators, including but
1156 not limited to airplanes, helicopters, firearms, electronic calling equipment , gases, fire, smoke, dogs,
1157 archery, explosives, leg-hold traps, snares, poison, ATVs, and snowmobiles has been authorized in the
1158 County to control predation and resource damage. Those predatory animals authorized for control shall
1159 be as defined by the Wyoming Weed and Pest Act of 1973 as amended for designated pests, the
1160 predatory animal list adopted by the Wyoming Game and Fish Department and the powers granted to
1161 the County by the Weed and Pest Act to designate additional weeds and pests as needed. The affected
1162 lands within the County include all private, State and Federal lands.

1163 Big Horn County relies upon Title 7 of Laws Applicable to the United States Department of Agriculture
1164 (1931). APHIS (7 U.S.C. 426) Predatory and Other Wild Animals; Eradication and Control:

1165 *“.....The Secretary of Agriculture may conduct a program of wildlife services with*
1166 *respect to injurious animal species and take any action the Secretary considers necessary*
1167 *in conducting the program.....The Secretary of Agriculture is hereby authorized and*
1168 *directed to conduct such investigations, experiments, and tests as he may deem*
1169 *necessary in order to determine, demonstrate, and promulgate the best methods of*
1170 *eradication, suppression, or bringing under control on national forests and other areas of*
1171 *the public domain as well as on State, Territory, or privately owned lands of mountain*
1172 *lions, wolves, coyotes, bobcats, prairie dogs, gophers, ground squirrels, jack rabbits,*
1173 *brown tree snakes, and other animals injurious to agriculture, horticulture, forestry,*
1174 *animal husbandry, wild game animals, fur bearing animals, and birds, and for the*
1175 *protection of stock and other domestic animals through the suppression of rabies and t*
1176 *tularemia in predatory or other wild animals; and to conduct campaigns for the*
1177 *destruction or control of such animals: Provided, that in carrying out the provisions of*
1178 *this Act the Secretary of Agriculture may cooperate with states, individuals and public*
1179 *and private agencies, organizations and institutions.”*

1180 Big Horn County recognizes that the Department of Agriculture rules and regulations can at times be in
1181 direct conflict with the Endangered Species Act. Apparently, the courts have yet to adequately interpret
1182 which rules and regulations apply in given situations. Therefore, the County must recognize both until
1183 such time as clarification has been made. One situation in particular affects the County; that being the
1184 reintroduction of wolves which are protected under the ESA but control is allowed for under the
1185 Department of Agriculture regulations. Under certain conditions, the wolf reintroduction and recovery
1186 plan allows for destruction of wolves that prey on domestic livestock, by Federal personnel; thereby,
1187 recognizing that the effect on the local economy is a valid argument for control.

1188 Big Horn County endorses predator control as an effective method for protecting game bird populations
1189 to include, but not limited to, sage grouse of all species, chukars, quail, Hungarian partridges, pheasants,
1190 turkeys, ducks, geese, doves, swans, and the other various bird species unnamed. For protecting sage
1191 grouse, predator control and habitat improvement are the County's adopted mechanisms to increase
1192 the population.

1193 The County recognizes predator control as a valid method of increasing the productivity of the public
1194 lands upon which the economy of the County is dependent. Productivity as such is deemed to include
1195 higher survivability of deer and antelope fawns, lambs of domestic sheep and bighorn sheep, calves of
1196 domestic cattle and elk, foals of domestic and wild horses, chicks of the various game birds and other
1197 birds, eggs, and the adult populations of most other animals. Decreased predation of economically
1198 important species enhances the efficiency and profitability of agricultural producers and other end
1199 users.

1200 **Goals:**

- 1201** 1. Predator animal populations shall be maintained to minimize impacts the health, safety and
1202 general well-being of the County's residents and their livelihood.
1203 2. Pursuant to State statute, the County will establish and implement a cooperative plan for
1204 predator control. It may promulgate necessary rules and regulations to carry out the purposes
1205 of predator control.

1206 **Public Policy:**

- 1207** 1. Big Horn County recognizes selective predator control as a valid means of increasing the
1208 productivity of the State and Federal lands within the County and as a valid method of attaining
1209 sustainability of the wildlife and domestic livestock and domestic fowl populations.
1210 2. Big Horn County recognizes that predator control measures are applicable on all private, State
1211 and Federal lands within the County.
1212 3. The County requires pro-active efforts such as aerial hunting, snares, leg traps, etc. to control
1213 predator populations; and more especially opposes the spread of predator species such as
1214 grizzly bears and wolves from migrating or re-locating to areas that impact the health, safety
1215 and economy of the County.
1216 4. The County expects predator control strategies to balance with the economy, health, safety,
1217 custom and culture of the County.
1218 5. The State of Wyoming has made the Department of Game and Fish responsible for management
1219 of certain predator species; and the County will be involved in the determination of any impact
1220 of management of said species on the economy, culture, custom and safety of the residents of
1221 the County.

1222 Resources used:

- 1223** • Title 11, Chapter 6 of The Wyoming Statutes
1224 • W.S. § 11-6-105

- 1225 • W.S. § 11-6-206
- 1226 • Wyoming Weed and Pest Act of 1973
- 1227 • Title 7 of Laws Applicable to the United States Department of Agriculture (1931). APHIS
- 1228 (7 U.S.C. 426) Predatory and Other Wild Animals; Eradication and Control
- 1229 • Hot Springs Co. Plan

1230 **SECTION 9: RECREATION AND TOURISM**

1231 BLM RMP - provide recreational opportunities on public lands while protecting public safety, and natural
1232 and cultural resources?

1233 **SECTION 10: SOIL CONSERVATION**

1234 Soil provides ecosystem services critical for life: soil acts as a water filter and a growing medium;
1235 provides habitat for billions of organisms, contributing to biodiversity; and supplies most of the
1236 antibiotics used to fight diseases. Humans use soil as a holding facility for solid waste, filter for
1237 wastewater, and foundation for our cities and towns. Finally, soil is the basis of the agroecosystems
1238 which provide us with feed, fiber, food and fuel.²⁸ The conservation of soil is important... Big Horn
1239 County defines soil conservation as “using the land according to its capabilities and treating it according
1240 to its needs.” (Report of the Chief of the Soil Conservation Service 1949)

1241 **Policies:**

- 1242 1. Big Horn County will work to increase crop, grazing and forest use of lands, and maintain
1243 wetlands, as this benefits mitigation of greenhouse gases (GHG) emissions through soil carbon
1244 sequestration, while also enhancing ecosystem services. Soil stores carbon dioxide (CO2) and
1245 other GHGs in soil organic matter. Soil organic matter offers several added benefits: it filters and
1246 cleans water, enhances water retention and storage, mitigates the impacts of extreme weather
1247 events, improves soil structure, reduces soil erosion, provides microbial habitats, and serves as a
1248 source of long-term, slow-release nutrients.
- 1249 1. Big Horn County opposes land use designations that eliminate or reduce the opportunity for
1250 implementation of practices that can improve soil health. (list practices? Incorporate by
1251 reference?)
- 1252 2. Big Horn County believes/supports/endorse/maintains the use of natural processes including
1253 livestock grazing as key to site reclamation for soil health and biodiversity and must not be
1254 restricted and in fact should be encouraged. This can be accomplished through education, cost

²⁸ [“Why is Soil Important?”](#) Soil Science Society of America. Retrieved April 13, 2015.

1255 incentives and agency decisions. (don't restrict, act on grazing permits and necessary support
1256 services)

1257 **SECTION 11: SPECIAL LAND DESIGNATIONS**

1258 **11.1: Wilderness Areas**

1259 **Wilderness Act of 1964**

1260 The Wilderness Act, signed into law in 1964, created the National Wilderness Preservation System and
1261 recognized wilderness as "an area where the earth and its community of life are untrammelled by man,
1262 where man himself is a visitor who does not remain." The Act further defined wilderness as "an area of
1263 undeveloped Federal land retaining its primeval character and influence without permanent
1264 improvements or human habitation, which is protected and managed so as to preserve its natural
1265 conditions"29

1266 Designated wilderness is the highest level of conservation protection for federal lands. Only Congress
1267 may designate wilderness or change the status of wilderness areas. Wilderness areas are designated
1268 within existing federal public land. Congress has directed four federal land management agencies to
1269 manage wilderness areas so as to preserve and, where possible, to restore their wilderness character:
1270 U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service and National Park
1271 Service.

1272
1273 The Wilderness Act prohibits permanent roads and commercial enterprises, except commercial services
1274 that may provide for recreational or other purposes of the Wilderness Act. Wilderness areas generally
1275 do not allow motorized equipment, motor vehicles, mechanical transport, temporary roads, permanent
1276 structures or installations (with exceptions in Alaska). Wilderness areas are to be primarily affected by
1277 the forces of nature, though the Wilderness Act does acknowledge the need to provide for human
1278 health and safety, protect private property, control insect infestations, and fight fires within the area.
1279 Wilderness areas are managed under the direction of the Wilderness Act, subsequent legislation (such
1280 as the Alaska National Interest Lands Conservation Act), and agency policy.

1281 **Wyoming Wilderness Act of 1984**

1282 To designate certain national forest system lands in the state of Wyoming for inclusion in the National
1283 Wilderness Preservation System, to release other forest lands for multiple use management, to
1284 withdraw designated wilderness areas in Wyoming from minerals activity, and for other purposes.

1285 Congress has designated 195,500 acres of federal public lands in Big Horn County as the Cloud Peak
1286 Wilderness Area.³⁰

²⁹ "[Wilderness – Frequently Asked Questions.](#)" National Park Service. Retrieved March 18, 2015.

³⁰ Wyoming Wilderness Act of 1984

1287 Antiquities Act of 1906 as Amended

1288 1950 law prohibiting future establishment of national monuments in Wyoming.

1289 16 U.S.C. § 431a

1290 Limitation on further extension or establishment of national monuments in Wyoming

1291 No further extension or establishment of national monuments in Wyoming may be undertaken except
1292 by express authorization of Congress.

1293 Goal

1294 1. Wilderness is detrimental to the Social, Cultural, and Economic well being of Big horn County!
1295 Big Horn County will oppose any more designation of wilderness within our boundaries.

1296 11.2: Wilderness Study Areas

1297 Wilderness Study Area (WSA) status is generally given to areas being considered for full and permanent
1298 protection as wilderness. The interim study area designation is essentially just as stringent as wilderness
1299 designation, though it is temporary. The FLPMA directed the BLM to inventory and study its roadless
1300 areas for wilderness characteristics. To be designated as a WSA, an area must have the following
1301 characteristics:

- 1302** • Size - roadless areas of at least 5,000 acres of public lands or of a manageable size;
- 1303** • Naturalness - generally appears to have been affected primarily by the forces
1304 of nature;
- 1305** • Opportunities - provides outstanding opportunities for solitude or primitive and
1306 unconfined types of recreation.

1307 In addition, WSAs often have special qualities such as ecological, geological, educational, historical,
1308 scientific and scenic values.³¹

1309 By [date], BLM had complete field inventories and designated approximately [#] acres of Big Horn
1310 County as WSAs. Until Congress makes a final determination on a WSA, the BLM manages these areas to
1311 preserve their suitability for designation as wilderness.

1312 11.3: Lands with Wilderness Characteristics

1313 Section 201 of FLPMA requires the BLM to maintain on a continuing basis an inventory of all public lands
1314 and their resources and other values, which includes wilderness characteristics. BLM must maintain and
1315 update as necessary, its inventory of wilderness resources on public lands. The primary function of an
1316 inventory is to determine the presence or absence of wilderness characteristics.

³¹ "[Wilderness Study Areas](#)." U.S. Department of the Interior, Bureau of Land Management. Retrieved March 18, 2015.

- 1317** Size.
- 1318** Determine if the size criteria will be satisfied for areas by meeting one of the following situations and
1319 circumstances:
- 1320** 1) Roadless areas with over 5,000 acres of contiguous BLM lands. State or private lands are not included
1321 in making this acreage determination.
- 1322** 2) Roadless areas of less than 5,000 acres of contiguous BLM lands where any one of the following
1323 apply:
- 1324** 3) They are contiguous with lands which have been formally determined to have wilderness or potential
1325 wilderness values, or any Federal lands managed for the protection of wilderness characteristics.
- 1326** Naturalness.
- 1327** Affected Primarily by the Forces of Nature. Determine if the area appears to be in a natural condition.
- 1328** Outstanding Opportunities for Solitude or a Primitive and Unconfined Type of Recreation. Determine if
1329 the area has outstanding opportunities for solitude or a primitive and unconfined type of recreation.
- 1330** 1. Solitude. Determine whether or not the area has outstanding opportunities for solitude.
- 1331** 2. Primitive and Unconfined Recreation. Determine whether or not the area offers an outstanding
1332 opportunity for a primitive and unconfined type of recreation.
- 1333** 3. Supplemental Values. If size, naturalness, and outstanding opportunities criteria are met, then
1334 determine if the area contains ecological, geological, or other features of scientific, educational, scenic,
1335 or historical value.
- 1336** 4. Boundary Delineation. Define the area with wilderness characteristics to exclude wilderness inventory
1337 roads and other substantially noticeable human-caused impacts
- 1338** **Goals:**
- 1339** 1. Big horn County will develop a road map for all public roads, and will present BLM with said
1340 map, so it can be recognized to help BLM maintain their inventory of all public lands and their
1341 resources and other values.
- 1342** 2. Big horn County will coordinate with BLM to ensure the NEPA process is adhered to in their
1343 inventory process.
- 1344** 3. Big Horn County will coordinate with BLM to ensure policy and procedures for reviewing and
1345 substantiating the quality of information it disseminates has, transparency and reproducibility,
1346 and is supported by sound science and quality data.
- 1347** **11.4: Areas of Critical Environmental Concern**
- 1348** What is an Area of Critical Environmental Concern (ACEC)?

1349 ACEC designations highlight areas where special management attention is needed to protect, and
1350 prevent irreparable damage to important historical, cultural, and scenic values, fish, or wildlife resources
1351 or other natural systems or processes; or to protect human life and safety from natural hazards. (From:
1352 BLM Manual 1613 – Areas of Critical Environmental Concern)

1353 Area of Critical Environmental Concern (ACEC) Relevance Criteria* Must meet one or more of the
1354 following:

1355 1. A significant historical, cultural, or scenic value (including but not limited to rare or sensitive
1356 archeological resources and religious or cultural resources important to Native Americans).

1357 2. A fish and wildlife resource (including but not limited to habitat for endangered, threatened, or
1358 sensitive species, or habitat essential for maintaining species diversity).

1359 3. A natural process or system (including but not limited to endangered sensitive, or threatened plant
1360 species; rare, endemic, or relic plants or plant communities which are terrestrial, aquatic, or riparian; or
1361 rare geological features).

1362 4. Natural hazards (including but not limited to areas of avalanche, dangerous flooding, landslides,
1363 unstable soils, seismic activity, or dangerous cliffs). A hazard caused by human action may meet the
1364 relevance criteria if it is determined through the RMP process that it has become part of a natural
1365 process.

1366 *43 CFR 1610.7-2. BLM Manual 1613 – Areas of Critical Environmental Concern

1367 Area of Critical Environmental Concern (ACEC) Importance Criteria*

1368 The value, resource, system, process or hazard described in the relevance section must have substantial
1369 significance and values to meet the importance criteria. This generally means that the value, resource,
1370 system, process, or hazard is characterized by one or more of the following:

1371 1. Has more than locally significant qualities which give it special worth, consequence, meaning,
1372 distinctiveness, or cause for concern, especially compared to any similar resource.

1373 2. Has qualities or circumstances that make it fragile, sensitive, rare, irreplaceable, exemplary, unique,
1374 endangered, threatened, or vulnerable to adverse change.

1375 3. Has been recognized as warranting protection in order to satisfy national priority concerns or to carry
1376 out the mandates of FLPMA.

1377 4. Has qualities that warrant highlighting in order to satisfy public or management concerns about safety
1378 and public welfare.

1379 5. Poses a significant threat the human life and safety or to property.

1380 *43 CFR 1610.7-2. BLM Manual 1613 – Areas of Critical Environmental Concern

1381 **Goals**

- 1382** 1. Big Horn County will coordinate with BLM to help maintain their inventory of all public lands and their resources and other values, and make sure they are current and accurate.
- 1383**
- 1384** 2. Big Horn County will coordinate with BLM to ensure policy and procedures for reviewing and substantiating the quality of information it disseminates has, transparency and reproducibility, and is supported by sound science and quality data.
- 1385**
- 1386**
- 1387** 3. Big Horn County will coordinate with BLM to ensure all decisions consider the county's social, economic, cultural viability in all regulatory decisions.
- 1388**

1389 Special and Extensive Recreation Management Areas (SRMA)

1390 Criteria for Establishing Special Recreation Management Area (SRMA)*

1391 Expenditure of major recreation program investments in facilities and/or visitor assistance. Structured recreation opportunities.

1392

1393 Where congressionally recognized recreation values exist or where significant public recreation issues or management concerns occur.

1394

1395 Special or more intensive types of management are needed.

1396 Detailed recreation planning is required in these areas and greater managerial investment (e.g. facilities, supervision, etc.) is likely.

1397

1398 Size of these units is typically over 1,000 acres.

1399 *BLM Land Use Planning Handbook 1601 and BLM Planning for Recreation Resources Manual 8320

1400 Goals

- 1401** 1. Big Horn County will coordinate with BLM to help maintain their inventory of all public lands and their resources and other values, and make sure they are current and accurate.
- 1402**
- 1403** 2. Big Horn County will coordinate with BLM to ensure policy and procedures for reviewing and substantiating the quality of information it disseminates has, transparency and reproducibility, and is supported by sound science and quality data.
- 1404**
- 1405**
- 1406** 3. Big Horn County will coordinate with BLM to ensure all decisions consider the county's social, economic, cultural viability in all regulatory decisions.
- 1407**

1408 Extensive Recreation Management Area (ERMA)

1409 Criteria for Establishing Extensive Recreation Management Area (ERMA)*

1410 Where dispersed recreation is encouraged and where visitors have a freedom of recreational choice with minimal regulatory constraint.

1411

- 1412** Anything not delineated as an SRMA.
- 1413** Unstructured recreation activities such as hunting, dispersed camping, hiking, and wildlife viewing.
- 1414** Established recreation management objectives apply to all land use decisions within ERMA's (VRM, ROS, **1415** OHV designations, etc).
- 1416** Significant public recreation issues or management concerns are limited and minimal management, **1417** consistent with the Bureau's stewardship responsibility suffices in these areas.
- 1418** Detailed planning is usually not required for these areas.
- 1419** *BLM Land Use Planning Handbook 1601 and BLM Planning for Recreation Resources Manual 8320
- 1420** **Goals**
- 1421** 1. Big Horn County will coordinate with BLM to help maintain their inventory of all public lands and **1422** their resources and other values, and make sure they are current and accurate.
 - 1423** 2. Big Horn County will coordinate with BLM to ensure policy and procedures for reviewing and **1424** substantiating the quality of information it disseminates has, transparency and reproducibility, **1425** and is supported by sound science and quality data.
 - 1426** 3. Big Horn County will coordinate with BLM to ensure all decisions consider the county's social, **1427** economic, cultural viability in all regulatory decisions.
- 1428** **11.5: Lands for Disposal for Economic Development**
- 1429** **Residential**
- 1430** **Commercial Development**
- 1431** **Industrial Development**
- 1432** **SECTION 12: SPECIAL SPECIES MANAGEMENT**
- 1433** **12.1: Bighorn Sheep**
- 1434** General
- 1435** The wild sheep foundation distribution map of 1850 of bighorn sheep shows the bighorn nation forest **1436** range was populated with bighorn sheep in 1850. Bighorn distribution was dramatically reduced **1437** between 1850 – 1960 and at some point during this time there was no bighorn sheep on the bighorn **1438** national forest and in Big Horn County.
- 1439** ince Big Horn County was settled in the late 1800's and through the 1900's domestic sheep ranching was **1440** a substantial livelihood for many residents in Big Horn County. Predation and lack of labor led to the **1441** decline of domestic sheep ranching operations in the County since...

1442 In 1973 the Wyoming Game and Fish Department transplanted bighorn sheep in devil's canyon. In 2004
1443 and 2006 additional bighorns were added. The devils canyon herd is managed for 200 bighorns. In
1444 December 2014 the devils canyon herd was at or above the 200 goal.

1445
1446 In the early 1990's bighorns were transplanted into Shell Canyon. Because the Wyoming
1447 bighorn/domestic sheep working group designated the bighorn national forest as a bighorn sheep non-
1448 emphasis area in their final plan the Wyoming Game and Fish Department has not managed for bighorn
1449 sheep in this area but left the animals. They have numbered approx. 15-20 bighorns in the last few
1450 years.

1451
1452 In 2011 the US Forest Service released a record of decision³² regarding their policies for managing
1453 potential interactions between domestic sheep and bighorn sheep, with the goal of maintaining the
1454 viability of the local bighorn sheep herds. Consequently, their permitting requirements outlined in the
1455 record of decision may lead to domestic sheep permittees inability to trail to and from their forest
1456 allotments and also possibly a decrease in domestic sheep permitted allotments on the forest lands in
1457 Big Horn County.

1458 While the USFS's plans or statements indicate that interactions between bighorn sheep and domestic
1459 sheep may lead to disease transmission. Research on disease transmission is continuing. Dr. M. A.
1460 Highland's research at Washington State University indicates that with interactions of bighorn and
1461 domestic sheep, they share bacteria but infection does not equal disease and transmission does not
1462 equal disease. Other studies of disease transmission and respiratory diseases in bighorn sheep are also
1463 being done including a study by Hank Edwards from the University of Wyoming and a team from the
1464 Wyoming Game and Fish Department.

1465 The Wyoming Statewide Bighorn/Domestic Sheep Interactions Working Group has designated areas of
1466 Wyoming as bighorn sheep native core areas, cooperative review areas, and non-emphasis areas. The
1467 western edge of the Bighorn Basin is generally considered a core area and the eastern edge is a non-
1468 emphasis area. In 2003-2004 The wild sheep foundation brokered an allotment buyout of domestic
1469 sheep allotments on the Shoshone National Forest to the Bighorn National Forest. The permittee who
1470 originally ran domestic sheep on the Shoshone national forest in a bighorn sheep native core area gave
1471 up his domestic sheep allotments in the Shoshone national forest in exchange for domestic sheep
1472 allotments on the Bighorn National Forest in Big Horn County.

1473
1474 The Wyoming State Legislature³³ approved the *Final Report and Recommendations from the Wyoming*
1475 *State-wide Bighorn/Domestic Sheep Interaction Working Group*, together with Appendices A through N,
1476 as the initial Wyoming bighorn/domestic sheep plan under W.S. 11-19-604. The purpose of the plan is
1477 "to address potential conflicts arising out of the interaction between bighorn sheep and domestic

³² "Record of Decision: Sheep and Goat Livestock Grazing and Vegetation Management on One Project on the Medicine Wheel/Paintrock Ranger District." US Department of Agriculture, Forest Service. August 2011.

³³ Approved the amendment of W.S. 11-19-603 and the creation of W.S 11-19-604 during the 2015 General Session of the Sixty-Third Legislature of the State of Wyoming.

1478 sheep within the state.” The report provides definitions for two Bighorn Sheep Management Areas in
1479 Big Horn County, which oppose the stance of the Forest Service and do not support the express
1480 protection of bighorn sheep populations:

1481 **Cooperative Review Areas**

- 1482 • These are the areas of suitable bighorn sheep range where proposed changes in bighorn
1483 sheep management or domestic sheep use will be cooperatively evaluated.
- 1484 • This includes most suitable bighorn sheep range in Wyoming not addressed in the core,
1485 native herds or non-emphasis areas.

1486
1487 **Bighorn Sheep Non-Emphasis Areas**

- 1488 • These are the lowest priority areas for bighorn sheep management.
- 1489 • These include the Wyoming, Salt River and Bighorn Ranges on National Forest.
- 1490 • No effort will be made to prioritize/emphasize bighorn sheep unless agreed to by the
1491 statewide Domestic/Bighorn Sheep Interaction/Working Group.
- 1492 • Any existing bighorn sheep populations will not be protected at the expense of domestic
1493 sheep grazing.

1494
1495 **Policies:**

- 1496 1. Big Horn County supports the state-wide bighorn/domestic sheep plan that was
1497 adopted by the 2015 legislature that was adopted from the final report and
1498 recommendations from the Wyoming state-wide bighorn/domestic sheep interaction
1499 working group dated September 2004 together with appendices A through N.
- 1500 2. As stated in the state-wide plan the Bighorn National Forest is a bighorn sheep non-
1501 emphasis area and as such:
 - 1502 a. These are the lowest priority areas for bighorn sheep management.
 - 1503 b. These include the Wyoming, Salt River and Bighorn Ranges on National Forest.
 - 1504 c. No effort will be made to prioritize/emphasize bighorn sheep unless agreed to by
1505 the statewide Domestic/Bighorn Sheep Interaction/Working Group.
 - 1506 d. Any existing bighorn sheep populations will not be protected at the expense of
1507 domestic sheep grazing.
- 1508 3. The Devils Canyon bighorn sheep herd is in a cooperative review area. It is an important
1509 bighorn herd to Big Horn County and the Wyoming Game and Fish Department. Big Horn
1510 County supports management of the devils canyon herd as an important bighorn herd at the
1511 200 animal herd size.

1512 **12.2: Sage Grouse**

1513 Enter text here.

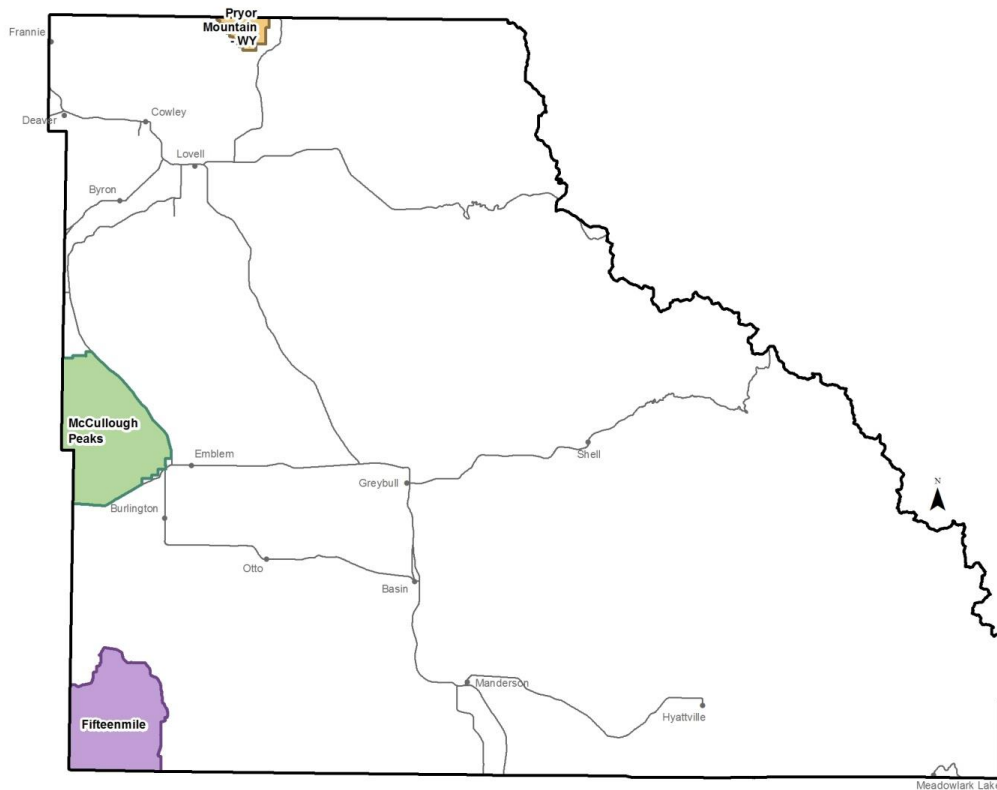
1514 **12.3: Threatened and Endangered Species**

1515 Enter text here.

1516 12.4: Wild Horses

1517 Existing wild horse herds originated from animals released into native habitat since early European-
1518 American exploration and settlement in the region in the 1800s. Current populations incorporate
1519 genetic traits from a wide variety of breeds historically used in the region. In Big Horn County, the BLM
1520 manages wild horses in three Wild Horse Herd Management Areas (HMAs): The Pryor Mountain HMA,
1521 McCullough Peaks HMA and Fifteenmile HMA.

1522



1523

1524 The wild horse receives a high level of public interest and scrutiny.

1525 Pryor Mountain HMA

1526 The Pryor Mountain Wild HMA is located in the southeastern portion of Carbon County, Montana, and
1527 northern Big Horn County, Wyoming, with the present boundary encompassing more than 38,000 acres.
1528 Horse management planning documents call for the HMA to support 90 to 120 total head (excluding the
1529 current year's foal crop) of wild horses in the HMA.

1530 This herd of horses is very special because of its Colonial Spanish American heritage. This tough little
1531 horse, derived from the horses of Portugal and Spain, has been present in this rugged mountain area for
1532 nearly 200 years. If lost, the herd cannot be genetically reconstructed; and so its biological viability,
1533 together with its history, must be preserved. The Pryor Mountain Wild Horses are an important part of
1534 American Heritage.

1535 McCullough Peaks HMA

1536 The McCullough Peaks HMA is physically located in portions of Big Horn County and Park County,
1537 Wyoming. The HMA encompasses approximately 109,856 acres, of which 103,863 acres are on BLM-
1538 administered land; the remaining 5,993 acres is scattered parcels of state and private lands. Horse
1539 management planning documents call for the HMA to support 70 to 140 total head of wild horses in an
1540 attempt to maintain an average of 100 adult wild horses in the HMA.

1541 Before the passage of the Wild Free-Roaming Horses and Burros Act of 1971, wild horses were already
1542 prominent in the area from what were known as U.S. Cavalry remounts, which included Clydesdale
1543 stock, Percheron and Thoroughbred crosses, and most notably, the Cleveland Bay breed. This resulted in
1544 the present-day configuration and distribution of wild horses in the McCullough Peaks HMA. The historic
1545 water sources at various springs, Shoshone River, and Dry Creek, along with the development of water
1546 sources in the 1950s through 1970s, influenced the horses' selection of this area as its home range.

1547 McCullough Peaks HMA is popular among visitors for its easily photographed horses, easy access, and
1548 year-round availability.

1549 Fifteenmile HMA

1550 The Fifteenmile Wild Horse HMA is approximately 81,107 acres, with portions in Big Horn, Park, and
1551 Washakie counties, of which approximately 10,383 acres, or about 13 percent, are privately owned. The
1552 HMA can support a wild horse population of 70 to 160 mature horses over 1 year of age, or 100 to 240
1553 total horses. However, rangelands in the HMA cannot sustain both the wild horse population and the
1554 full permitted livestock grazing use level.

1555 Wild and free roaming horses have been reported in the Fifteenmile area since the late 1880s. After the
1556 ranching community arrived, it was common practice to cull the horses periodically and to occasionally
1557 introduce new horses to the population. The horses were then gathered as needed. In the 1930s and
1558 1940s, many horses were shot and others were captured and sold. In the 1950s, almost all the horses
1559 (approximately 600) were captured and sold. Some wild horses were periodically gathered by local
1560 residents until the practice was prohibited in 1971 by the passage of the Wild Free-Roaming Horses and
1561 Burros Act.

1562 Goals:

- 1563** • Manage wild horses and resources within Big Horn County in order to preserve and maintain
1564 a thriving natural ecological balance and multiple use relationships.

1565 Public Policy:

- 1567** 1. Big Horn County supports management for healthy wild horses within healthy productive
1568 habitats or rangelands.
1569
- 1570** 2. Big Horn County opposes expansion of the Wild Horse Management areas in Big Horn
1571 County or establishment of new herds in the County.

- 1572 3. Big Horn County supports the management of wild horses, including controlling herd
1573 populations, to maintain herd and rangeland health and habitat, forage, and water for
1574 livestock and native wildlife.

1575

1576 **Resources used**

- 1577 • http://www.blm.gov/mt/st/en/fo/billings_field_office/wildhorses.html
- 1578 • <http://www.pryormustangs.org/>
- 1579 • [https://www.blm.gov/epl-front-](https://www.blm.gov/epl-front-office/projects/lup/9506/19700/20213/default.jsp?projectName=BB+RMP&projectDisplayName=BB+RMP)
1580 [office/projects/lup/9506/19700/20213/default.jsp?projectName=BB+RMP&projectDisplayName=BB+RMP](https://www.blm.gov/epl-front-office/projects/lup/9506/19700/20213/default.jsp?projectName=BB+RMP&projectDisplayName=BB+RMP)
- 1581 • BLM Fifteenmile HMAP 1985

1582 **12.5: Feral Livestock**

1583 Per W.S. 11-48-101, any domestic animal that is not under the control of nor cared for by a person and
1584 which has returned to a wild or semi-wild state is considered feral. Also livestock that is on private or
1585 public property where they are not authorized to be. (W.S. 11-48-102c) Feral Livestock damage private
1586 and public property, including grass, cultivated crops or stored crops (W.S. 11-48-102c).

1587 Feral livestock have increasingly become a nuisance to land owners, a safety issue and a rangeland
1588 health issue in Big Horn County. It may be detrimental to the health of native wildlife populations. The
1589 BLM rounded up 41 feral horses in March of 2014. Big Horn County has supported the removal of feral
1590 horses from public land located near Greybull. The actions taken were important in protecting public
1591 land and the rights and resources of grazing permit holders in the area.

1592 Goals:

- 1593 • Manage feral livestock within Big Horn County in order to preserve and maintain a thriving
1594 natural ecological balance.

1595 Public Policy:

- 1596 1. Removal of feral livestock populations in Big Horn County to maintain rangeland health, habitat,
1597 forage, and water for livestock and native wildlife.

1598 **SECTION 13: TIMBER AND FOREST PRODUCT MANAGEMENT**

1599 Enter text here.

1600 **SECTION 14: UTILITY CORRIDORS**

1601 Beginning back in the early 1900's Big Horn County started development of utility corridors on private
1602 and public lands. These corridors included oil and gas pipeline, electrical transmission lines, water
1603 transmission and distribution lines, telecommunication line, railroads, and highways and roads.

1604 In the 1930's and 1940's the development of telecommunications and electrical supplies began to lead
1605 to the development of the Big Horn Basin and Big Horn County.

1606 Big Horn County supports the continued development of water pipeline and infrastructures, power
1607 transmission lines, oil and gas pipelines, fiber optics and telecommunication infrastructure, cellular
1608 communication towers, and other forms of utility development. Big Horn County supports the
1609 development of these utilities and the corridors need across public land. Without these needed
1610 infrastructures the future economic development and quality of life for Big Horn County residents will
1611 be difficult at best. Big Horn County thru its commissioners believes that it is imperative that Big Horn
1612 County be a part of decisions being made on corridors and that if possible the enhancement of these
1613 utility corridor should follow existing easements, but that alternative routes when need should be
1614 permitted under rules and regulation in accordance with state and federal regulations. The delays in the
1615 process should be held to a minimum and move project forward for the better good of the residents of
1616 Big Horn County.

1617 Goals:

- 1618 1. Big Horn County supports the development of oil and gas drilling and production and the
1619 corridors needed for pipelines and electrical transmission lines need for development.
- 1620 2. Big Horn County along with the State of Wyoming and the Wyoming Water Development
1621 Commission supports the development of water infrastructure and pipelines that would
1622 enhance the quality of life for the residents of Big Horn County.
- 1623 3. Big Horn County supports the development of electrical power transmission line that are
1624 needed for economic and residential development of Big Horn County.
- 1625 4. Big Horn County supports the expansion of telecommunication utilities that provide a
1626 quality of life to keep its residents in communication with the ever expanding information
1627 systems.

1628 Policy:

- 1629 • Big Horn County believes that the county should be allowed by the state and federal laws that
1630 control our public land be a part of the decisions and decisions that impact the residents of Big
1631 Horn County.

1632 **SECTION 15: WATER RESOURCES**

1633 **15.1: Overview**

1634 Support State's rights to manage Wyoming water.

1635 History of Wyoming water rights/water law.

1636 Big Horn County is made up of arid to semi-arid terrain with all surface drainages tributary to the Big
1637 Horn, Nowood, Greybull, and Shoshone Rivers. All of which flow north and east and gather in the
1638 Yellowtail Reservoir east of Lovell in Northern Big Horn County. The rivers, creeks, and drainages

1639 originate from the Big Horn Mountains on the east, the Wind River Mountains to the south, Absarokas
1640 and Tetons to the west. Big Horn drainages include but are not limited to the Nowood River, Tensleep
1641 Creek, Paint Rock/Medicine Lodge Creeks, Shell Creek, Horse Creek, Beaver Creek and Bear Creek.
1642 Within these drainages are several reservoirs that include East and West Tensleep, Meadowlark, Upper
1643 and Lower Paint rock and Upper and lower Medicine Lodge, Shell Reservoir, Adelaide Reservoir, along
1644 with numerous smaller high mountain lakes. The Wind River Mountains feeds the Big Horn which flows
1645 through Big Horn County from south to north in to Yellowtail Reservoir. From the west Big Horn County
1646 is influenced by the Shoshone River, Dry Creek, Greybull River, and Elk Creek drainages.

1647 In order to minimize the year to year impact that faces users depending on the flow of the drainages,
1648 they are in part managed by irrigation and conservation district, along with the Bureau of Reclamation,
1649 who manages flow of the Big Horn River from Boysen Reservoir, located upstream and south of
1650 Thermopolis in Hot Springs County. The flow from the west in managed in a large part by the operation
1651 of the Upper and Lower Sunshine Reservoirs and Coyote Canyon Reservoir on the Greybull and the
1652 Shoshone River flow is managed by the Buffalo Bill Reservoir flows, all of which are locate in Park
1653 County. The primary purposes were to provide irrigation water, retention of silt during floods, make
1654 possible increased farm and home use of electrical power, to provide surplus for industrial expansion,
1655 and domestic drinking water for municipalities. Additional benefits have been improving fish and wildlife
1656 habitat, expanding recreational facilities, and providing power for pumping irrigation pumps and center
1657 pivots. These waters are managed by the Bureau of Reclamation, conservation districts and irrigation
1658 districts in accordance with Wyoming water use laws. The operating agreements entered into at the
1659 time the reservoirs were built, provides for the allocation and distribution of water downstream
1660 interests which necessarily includes canals and ditches across public lands.

1661 Surface water runoff should be recognized on BLM and US Forest Service land as a resource [as per
1662 Wyoming State constitution] belonging to the State of Wyoming. This surface runoff should be
1663 managed, including its use, deceleration to reduce erosion, storage, etc. the management of surface
1664 water must be in accordance with Wyoming State Statutes.

1665 In 2012, the State of Wyoming pursued a TMDL [Total Maximum Daily Load] study for the Big Horn River
1666 and its tributaries, implementing an EPA mandate to determine the maximum amount of dissolved
1667 pollutant a stream can handle without exceeding the requirements of the Clear Water Act. This study
1668 was completed in 2012 and adopted in late 2013.

1669 There are significant sub-surface or groundwater aquifers which provide water for domestic, agriculture
1670 and industrial use though out Big Horn County. Wyoming Water Development Commission in
1671 conjunction with the Town of Greybull, Big Horn Regional Joint Powers Board, South Big Horn Regional
1672 Water District, and Northwest Regional Pipeline have developed pipeline systems as well as drilled wells
1673 in the Madison/Bighorn Aquifers. It is necessary to recognize that even deep water sources are reliant
1674 on aquifers that are recharged from miles away and that these sources are entirely dependent upon
1675 weather/climate conditions. Big Horn County has producing oil and gas wells, any number of which
1676 produce substantial quantities of water as a by-product. In some instances the water by-product is
1677 discharged at the surface under the regulation of quality by the Wyoming Department of Environmental
1678 Quality and in other instances it may be re-injected in sub-surface strata. Big Horn County may also have
1679 oil fields in which water supply wells are drilled for source water in water-flood applications.

1680 Sanitation and private water well use have always been an historic and cultural issue. Any future drilling
1681 for agricultural, road construction, drainage projects, industrial, municipal, or mineral purposes on
1682 public land must take into consideration their effects on public and private water sources.

1683 In Wyoming it can be said that development follows water. The development of water districts, joint
1684 powers water systems help to provide potable and clean water to rural areas in Big Horn County. These
1685 pipelines and distribution line often cross public lands. Big Horn County has several water pipeline
1686 entities that provide rural as well as communities with domestic water. The north end of Big Horn
1687 County is supplied by Northwest Regional Pipeline which distributes water from a water treatment plant
1688 near Cody to the towns of Bryon, Deaver, Frannie, and Lovell. On the south end of Big Horn County
1689 water to rural users and communities is distributed by pipelines from Big Horn Regional Joint Powers
1690 Board, South Big Horn Water District and the Town of Greybull and supplied by Madison/Bighorn aquifer
1691 wells located at the western edge of the Big Horn Mountains. These wells supply the towns of
1692 Manderson, Basin and Greybull in Big Horn County.

1693 Protecting water quality and quantity has always been a concern in Big Horn County. The Town of
1694 Greybull has completed a source water protection plan and is currently, in conjunction with Big Horn
1695 County Commissioners and Wyoming Water Development Commission, developing a water master plan
1696 and a project to deliver potable water to the South Big Horn County Airport and to incorporated the
1697 storage tank at the airport into the Town of Greybull water distribution system.

1698 Big Horn County also supports a Wyoming Water Development Commission Study for the expansion of
1699 Levitt reservoir north of the unincorporated town of Shell located east of Greybull at the foot of the Big
1700 Horn Mountains.

1701 The towns of Burlington and Cowley also have wells that supply their communities. The unincorporated
1702 towns of Otto and Hyattville have their own wells also. The unincorporated town of Shell is supplied
1703 water from the Town of Greybull's Madison/Bighorn deep water supply.

1704 A number of entities participate in water resource issues impacting Big Horn County:

- 1705** • Wyoming State Engineer's Office
- 1706** • Wyoming State Attorney General's Office
- 1707** • Wyoming Department of Environmental Quality
- 1708** • Wyoming Water Development Commission
- 1709** • US Bureau of Reclamation
- 1710** • US Forest Service
- 1711** • US Bureau of Land Management
- 1712** • US Department of Agriculture
- 1713** • South Big Horn County Conservation District

- 1714** • North Big Horn County Conservation District
- 1715** • Incorporated Towns: Basin, Burlington, Byron, Cowley, Deaver, Frannie, Greybull, Lovell and
1716 Manderson
- 1717** • Unincorporated Towns: Hyattville, Otto and Shell
- 1718** • South Big Horn Regional Joint Powers Board
- 1719** • Big Horn Regional Joint Powers Board
- 1720** • Numerous irrigation and canal districts

1721 Goals:

- 1722** 1. In keeping with other goals of land management, Big Horn County supports the development
1723 and construction of water storage, treatment, and transportation of infrastructure of water on
1724 and through public lands.
- 1725** 2. Big Horn County’s goal shall be to support the better usage of water and the development of
1726 more economical means of recycling and uses for municipal, industrial, and agricultural.
- 1727** 3. As a continuing and ongoing goal Big Horn County will support water quality and quantity
1728 monitoring programs.

1729 Public Policy:

- 1730** 1. Big Horn County upholds the Wyoming Constitution which declares that the waters of all natural
1731 streams, springs, lake, reservoirs, aquifers, or other collections of still water, within the
1732 boundaries of the State of Wyoming are the property of the State of Wyoming which can be
1733 appropriated by industry, municipalities, and agricultural, private and corporate interests.
- 1734** 2. Big Horn County’s Board of commissioners recognizes that this plan does not empower any
1735 ordinance or resolution which may deprive or regulate a legal owner of the State of Wyoming
1736 granted water rights.
- 1737** 3. Water resources, surface and subsurface/groundwater are paramount to the welfare of Big
1738 Horn County residents. Therefore Big Horn County asserts its lawful right to be a part of any and
1739 all regulatory determinations or process including reservoirs within its borders. Big Horn County
1740 urges any regulatory agency which may lawfully promulgate rules, without Big Horn County
1741 involvement, to inform Big Horn County as to the impact it may have, [i.e., suspension of water
1742 discharge permits as a by-product of oil and gas production, oil and gas development,
1743 agriculture and municipal use.]
- 1744** 4. Big Horn County will support efforts to supply potable water to county residents, preserve the
1745 quantity and quality of water in cooperation with local, state regional, and federal authorities,
1746 and if necessary utilize its police powers to enhance the health and safety of residents in all
1747 water matters.

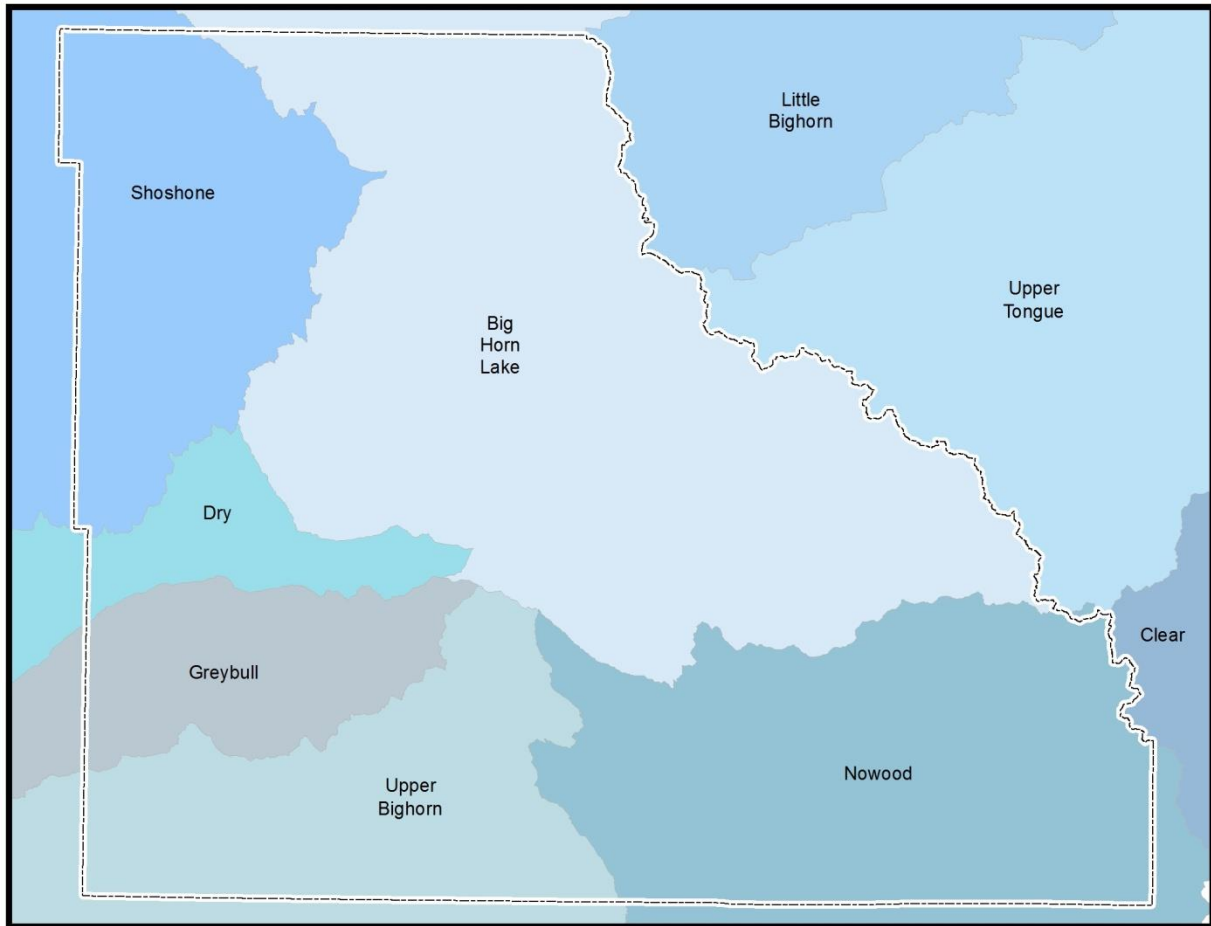
- 1748* 5. Big Horn County will seek to enter into cooperative agreements and memorandums of
1749 agreement to assure that changes in land use brought about by water projects sustain local
1750 customs and culture, while enhancing the economic and aesthetic quality of life of Big Horn
1751 County residents.
- 1752* 6. Big Horn County will vigorously oppose proposals or efforts to modify the watersheds, natural
1753 vegetation, or prevailing climate patterns as a means of transferring and increasing water
1754 supplies to the detriment of Big Horn County residents, wildlife, vegetation, and quality of life.
- 1755* 7. Big Horn County recognizes the value of agriculture, mining and oil and gas drilling and
1756 production to the county and supports the efforts of the State of Wyoming and Federal Agencies
1757 to investigate and promulgate more efficient types of irrigation, regulation, and permitting to
1758 enhance the economic prosperity of Big Horn County and its residents.

1759 **15.2: Surface Waters**

1760 **Watersheds**

1761 Big Horn County's watersheds provide water for urban and rural families and are essential for healthy
1762 and sustainable agriculture, livestock, industry, fish and wildlife. These watersheds provide recreation
1763 opportunities for residents and tourists, serve cultural needs and provide habitat for native plants,
1764 wildlife and fisheries. The health of the County's watersheds directly affects the current and future
1765 availability and quality of the water resources and water dependent natural resources in the County,
1766 and the ability of watersheds to adapt to climate variability (i.e., periods of drought, high rainfall, rain-
1767 on-snow events).

1768 Big Horn County lies primarily within the Big Horn River Basin, with minute portions in the Tongue River
1769 Basin and the Powder River Basin. The County is comprised of portions of six HUC 4 watersheds: Big
1770 Horn Lake, Dry Creek, Greybull River, Nowood River, Shoshone River and Upper Big Horn River (See
1771 Figure 4).



1772

1773

Figure 4: Map of HUC 4 Watersheds in Big Horn County

1774

Big Horn County extends into small portions of the Clear Creek, Little Big Horn River and Upper Tongue River watersheds. Additional details about the HUC 4 watersheds in Big Horn County are provided in Appendix D.

1775

1776

1777

Stored water/Reservoirs

1778

Irrigation

1779

Impaired streams

1780

15.3: Groundwater

1781

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1782

SECTION 16: WILDFIRE SUPPRESSION, FUELS MANAGEMENT AND FIRE REHABILITATION

1783

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1784 **SECTION 17: WILDLIFE MANAGEMENT**

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1786

DRAFT

1787

CHAPTER 6: BEST MANAGEMENT PRACTICES

1788

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Appendix B: References

DRAFT

1
2
3

**Appendix C: Federal Laws and Regulations
Providing for Consultation or Involvement of County Government**

DRAFT

Appendix D: Watersheds in Big Horn County

1
2

3 Six HUC 4 watersheds dominate the Big Horn County landscape as shown in Table 4.³⁴ However, small
4 portions of the Little Bighorn River, Upper Tongue River and Clear Creek watersheds also intersect the
5 Big Horn County boundary.

| HUC 4 Watershed Code | HUC 4 Watershed Name | Area in Big Horn County (acres) |
|----------------------|----------------------|---------------------------------|
| 10080007 | Upper Big Horn River | 266,267 |
| 10080008 | Nowood River | 438,995 |
| 10080009 | Greybull River | 147,897 |
| 10080010 | Big Horn Lake | 799,102 |
| 10080011 | Dry Creek | 89,047 |
| 10080014 | Shoshone River | 280,341 |
| 10080016 | Little Bighorn River | 19 |
| 10090101 | Upper Tongue River | 135 |
| 10090206 | Clear Creek | 11 |

6
7
Table 4: HUC 4 Watersheds in Big Horn County

³⁴ USDA/NRCS - National Geospatial Center of Excellence. Accessed 3/4/3015.