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SWEETWATER COUNTY CONSERVATION DISTRICT

Thoman, Chairman Tom Burris, Vice Chairman Jean Dickinson, Secretary Terry Hansen, Treasurer Randy Shipman, Member

3-B Farson Station Road
P.O. Box 360 Farson, Wyoming 82932-0360 (307) 273-5531 ext. 100

RECEIVED
MAY 12 2003

May 9, 2003

Governor Dave Freudenthal
Lynn Simons, Natural Resource Policy Coordinator
Shawn Taylor
Governor's Office
State Capitol
Cheyenne, WY 82002

RE: Cooperating Agency – Jack Morrow Hills SEIS

Dear Governor and Ms. Simons:

Find enclosed the comments of Sweetwater County Conservation District. The District appreciated the opportunity to work under the State's umbrella as a "cooperating agency" during the Bureau of Land Management's Jack Morrow Hills Supplemental Environmental Impact Statement meetings for the past year. At their last meeting as a group, those entities involved working under the State umbrella group had agreed to forward their comments to the State by May 9 so that a State position could be forwarded to the BLM by the May 23 comment deadline. We understood that we would have the opportunity to meet after the May 9 date but before May 23 to coordinate the comments. Each entity was allowed to make their own comments, but we felt a united position would be more effective. While the preferred "multiple use" alternative was endorsed, there are other items that may need comment. Our question at this time is whether this agreed upon process shall be completed.

Thanks for the opportunity to participate. We look forward to hearing from your office regarding a meeting before final comments are submitted.

Sincerely yours,
Mary E. Thoman
Mary E. Thoman, Chairman

Cc: Wyoming Department of Agriculture
Wyoming Association of Conservation Districts
JoAnn Zakotnik and Shirley DeLambert, SWCCD designees

SWEETWATER COUNTY CONSERVATION DISTRICT

E. Thoman, Chairman Tom Burns, Vice Chairman Jean Dickinson, Secretary Vacancy Randy Shipman, Member

3-B Farson Station Road
P.O. Box 360 Farson, Wyoming 82932-0360 (307) 273-5531 ext. 100

May 7, 2003

State of Wyoming
Governor's Office
c/o Shawn Taylor
Capitol Bldg.
Cheyenne, WY 82002

Via Electronic Mail: staylo2@state.wy.us
Regular Mail Certified Return Receipt Requested

Re: Cooperating Agency under the State of Wyoming comments on the Supplemental Draft Environmental Impact Statement (EIS) for the Jack Morrow Hills Coordinated Activity Plan/Draft Green River Resource Management Plan Amendment for Public Lands Administered by the United States Department of the Interior Bureau of Land Management Rock Springs Field Office, Rock Springs Wyoming

Dear Sir/Madam;

On behalf of the Sweetwater County Conservation District (SWCCD), below are the SWCCD's comments on the above referenced Supplemental Draft EIS. SWCCD (political sub-division of state government) includes all of Sweetwater County, Wyoming. SWCCD is governed by 5 locally elected officials and is charged specifically, pursuant to §§ 11-16-101 *et seq.*, with the protection of natural resources, stabilization farming and ranching operations and protection of the tax base.

As a result of our statutory mission, Conservation Districts in Wyoming, especially due to landownership patterns, recognize the intrinsic relationship between private, state and federal lands in providing for watershed health, stabilization of the agriculture community, and the stability of our predominately rural state. Sweetwater County Conservation District should be included on any monitoring, evaluation, action, studies, etc. as per Section 102 (2)(B) of the National Environmental Policy Act (NEPA) calls for "methods…which will insure that presently unqualified environmental amenities and values may be given appropriate consideration." Council on Environmental Quality (CEQ) regulations 40 CFR 1505.2 (c); 1505.3 (c) and (d) states "a monitoring and enforcement program shall be adopted and summarized where applicable for any mitigation" and that agencies "may provide for monitoring to assure that their decisions are carried out and should do so in important cases." The lead agency must "upon request, inform cooperating or commenting agencies on progress in carrying out mitigation measures which they have proposed and which were adopted by the agency making the decision." And, "upon request, make available to the public the results of relevant monitoring." as well as Wyoming §§ 11-16-122 (b) (viii)(xvi)(xvii)(xix)(xx) *See Appendix A, Appendix B* as it relates to SWCCD interim policy.

Sweetwater County Conservation District would like to thank you for allowing us to participate as cooperators under the umbrella of the State of Wyoming and we offer the following comments.

We support the preferred alternative because it balances multiple use and resource and cultural protection. Specific comments that would strengthen and enhance the preferred alternative are as follows.

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A definition of the "Interdisciplinary Team" (IDT) should be, *A team made up of BLM staff, Permittees, Local and State Governments and Interested Public.* This definition should be placed in the glossary Volume 2 of 2 page G-1-14.

Monitoring plan development should include consultation with the IDT. The JMH area does not have a completed soil survey on private, state, or federal ground and partnerships should be put together to accomplish completion of a published soil survey. BLM should prioritize a soil survey of JMH area. BLM Priorities should also include on the ground monitoring with the BLM and IDT together, to obtain measurable quantifiable data according to scientific peer reviewed methodology. The BLM will need to commit to providing sufficient staff and prioritization of monitoring jointly with the permittees *(See Appendix C).*

The SWCCD has reviewed those comments submitted from the Petroleum Association of Wyoming and Yates Petroleum Corporation and would like to endorse those comments, and incorporate by reference herein as comments from the Association *(See Appendix D and E).*

Page 2- 92
Volume 1 of 2

Desired Plant Community:
Desired Plant Community **(based on ecological site description, which is based on soil surveys)** objectives for upland and riparian areas would be established for planning area through individual site-specific activity and implementation planning, and as updated ecological site inventory data becomes available.

Page 2- 94
Volume 1 of 2

Vegetation Treatments:
Areas proposed for treatment would be rested one full year prior to treatment (unless vegetation cover prior to treatment is adequate) and would be rested **the second growing season** after treatment, unless an on-site analysis **jointly by the BLM and permittees** determines this time frame should be more or less.

Page A8-1
Volume 2 of 2

All areas where vegetation manipulation occurs would be totally rested from livestock, **wildlife and wild horse grazing** for a minimum of two growing seasons, or longer if necessary, to allow for the recovery and reestablishment of key forage species **(define in Volume 2 of 2 page G-1-14 key forage species here or reference the glossary).**

Page A8-3
Volume 2 of 2

The County Weed and Pest Supervisor with the **IDT** (as defined in this comment letter above), will develop a water monitoring plan for any riparian treatment area prior to chemical applications. For management purposes, riparian habitat is the onsite vegetation found immediately adjacent and subject to the influences of surface and subsurface waters from streams, rivers, or standing bodies of water.

Page 2- 94
Volume 1 of 2

A definition of Herbicide loading is needed here (define in Volume 2 of 2 page G-1-14). Clarification is needed on prohibiting within 500 feet. Several noxious weeds (§§ 11-5-102 (a)(xi) and §§ 11-12-104 *et seq.*) have invaded riparian zones. Tall white top and tamarisk are very prevalent in the riparian zones and along the waters edge. Several herbicides are labeled for use on or adjacent to water.

Page 2- 96
Volume 1 of 2

Monitoring Plan:
An interdisciplinary monitoring plan would be developed **by the IDT** (as defined in this comment letter above), to evaluate the overall effectiveness of implementing the management decisions for the planning area.

Page 2- 96
Volume 1 of 2

Site-specific monitoring plans would be developed for the project proposals **jointly with the BLM and the permittees if relevant to livestock grazing with on the ground monitoring being done jointly with the BLM and permittees.**

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Page 2- 97 Volume 1 of 2 — Resource indicators, developed **by the IDT** (as defined in this comment letter above), as part of an interdisciplinary monitoring plan, would be **part of the criteria utilized by the IDT** for determining effects of all activities on all resource values.

Page 2- 97 Volume 1 of 2 — Monitoring data would be assessed and response actions would be determined by the **IDT** (as defined in this comment letter above).

Page 2- 97 Volume 1 of 2 — Clarification regarding "timing limitations" is needed here. Timing relates to the activity on the approval process.

Page A17-5,6,7 Volume 2 of 2 — Resource indicators should be based on habitat characteristics (measures of the plant community, i.e., vegetation), not animal numbers or distribution. Things other than habitat my preclude wildlife from occupying available habitat; (i.e., disease, predation, hunting, etc.).

Page 2- 98 Volume 1 of 2 — **Fire Suppression:**
There are places where basin big sagebrush should be burned. An example would be dense stands of old decadent, basin big sagebrush that have replaced meadow types in the bottom of drainages.

Page 2-100 Volume 1 of 2 — **Erosion Control:**
Please take note of the attached soil survey information and Joint Resolution adopted December 2002 in Joint Convention of the Wyoming Association of Conservation Districts, Wyoming Stock Growers Association, Wyoming Wool Growers Association, and in January 2003 by the Sweetwater County Conservation District.

Page 2-101 Volume 1of 2 — **Wetlands and Floodplains:**
Projects to improve the ecological integrity of the dunal ponds would be considered for development on BLM administered public lands **by the IDT** (as defined in this comment letter above).

Page 2-101 Volume 1 of 2 — **Riparian Management Exclosures:**
Existing exclosures could be maintained, modified, or removed and new exclosures could be developed **if the IDT,** (as defined in this comment letter above) **at a minimum, the BLM jointly with the permittees will determine** if it would benefit resources.

Page 2-102 Volume 1 of 2 — **Aquifer Recharge Areas:**
Studies would be conducted **with the involvement of the IDT** (as defined in this comment letter above) on a case-by-case basis to better define aquifer recharge area boundaries. Studies would be done primarily in relation to specific projects.
Local governments (Conservation Districts and County Commissions) should be kept involved in the development of all Transportation Plans.

Page 2-103 Volume 1 of 2 — **Wild Horse Herd Management Area Boundaries and Appropriate Management Levels:**
Reference consistency with local Sweetwater County Conservation District policy on wild horse herd management.

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The SWCCD quotes from our 12/20/02 Draft Land and Resource Use Plan and Policy, ***Wild Horses*** Policy 11. Wild Horse Habitat will be managed to support desired population levels in the (specific HMAs for Sweetwater County). Management plans will be developed. Gathering and removal plans will be prepared for all other wild horse herd populations, and those gathering and removal plans will be implemented. We also reference the SWCCD board supported and adopted joint resolutions from the 2002 Mega Ag Convention, in reference here, the ***Wild Horse Management Resolution***: BE IT RESOLVED, that Wyoming Association of Conservation Districts (WACD), Wyoming Stock Growers Association (WSGA), and Wyoming Wool Growers Association (WWGA) support immediate emergency federal funding specifically targeted to assist the BLM in reducing wild horse numbers to targeted AMLs.

Page 2-103 Volume 1 of 2 **Activity and Monitoring Plans:**
In conformance with the Green River RMP objectives for vegetation management, a site-specific activity plan would be prepared **in conjunction with the IDT** (as defined in this comment letter above) and implemented for the Divide Basin Wild Horse Herd Management Area to ensure adequate forage is available to support the AML of 415-600 horses.

Page 2-103 Volume 1 of 2 A monitoring program would be developed **by the IDT** (as defined in this comment letter above) to support wildhorse herd management decisions.

Page 2-105 Volume 1 of 2 **Guidelines for Livestock Grazing Management:**
If Livestock grazing is determined to be a factor for any allotment that does not meet the Wyoming Standards for Healthy Rangelands, **permittees jointly with the BLM will be involved with standards and guidelines assessments of their allotments and along with the IDT** (as defined in this comment letter above) **determine** appropriate actions **that** would be implemented.

Page 2-107 Volume 1 of 2 **Forage Utilization Levels:**
PFC should not be the basis for management prescriptions. See reference here of the BLM national riparian team. "PFC assessments identify possible stream hydrology problems only." There are numerous other tools besides use levels that should be considered and utilized to solve riparian problems related to grazing, i.e., seasons of use. PFC should involve an up to date soil survey and measurable quantifiable data under peer reviewed methodology.

Page 2-113 Volume 1 of 2 **Habitat Management Plan:**
Habitat Management plans would be developed **by the IDT** (as defined in this comment letter above), as needed, for highly developed and disturbed areas to mitigate wildlife habitat losses.

Page 2-113 Volume 1 of 2 Habitat management plans would include habitat expansion efforts, threatened and endangered species reintroduction, and population goals and objectives **keeping in consistency with local land and resource use plans.**

Page 2-113 Volume 1 of 2 To the extent possible, suitable wildlife habitat and forage would be provided to support the Wyoming Game and Fish Department Strategic Plan objectives **where it shows consistency with local land and resource use plans.**

Page 2-113 Volume 1 of 2 Changes in the Wyoming Game and Fish Department planning objective levels would be considered based on habitat capability, availability, site-specific analysis **by the IDT** (as defined in this comment letter above) **and consistency with local land and resource use plans.**

Page 2-113 Volume 1 of 2 **Water Developments:**
Wildlife water developments would be considered on a case-by-case basis **by the IDT** (as defined in this comment letter above) to maintain or improve wildlife habitat and resource conditions.

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Page 2-114 Volume 1 of 2 **Special Status Wildlife Species:**
Potential habitat of special status wildlife species on federal land or on split estate lands would require searches **done in accordance with local land a resource use plans and the IDT,** (as defined in this comment letter above) for the species prior to approving any project or activity.

Page 2-115 Volume 1 of 2 **Predator Damage Control:**
Proposed animal damage control activities not compatible with BLM planning and management prescriptions or objectives and users would be identified on a case-by-case basis **by the IDT** (as defined in this comment letter above). **The IDT** (as defined in this comment letter above) would determine appropriate planning strategies, with input from APHIS-WS **and consistency with local land and resource use plans.**

Page 2-119 Volume 1 of 2 **Black-Footed Ferret:**
BLM would cooperate with U.S. Fish and Wildlife, Wyoming Game and Fish Department **and Sweetwater County Conservation District** on any black- footed ferret reintroduction within the JMH area.
Experimental population designation should be expanded to include all of Sweetwater County in regard to the black-footed ferret.

Page 2-123 Volume 1 of 2 **Introduction and Re-introduction of Species:**
BLM **will complete a full NEPA analysis prior to** the introduction of native and non-native (game) wildlife and fish species.

Page 2-127 Volume 1 of 2 **Native American Sites:**
Sweetwater County Conservation District and Tribal leaders would be consulted and traditional cultural properties, including respected places, would be protected. This would include negotiating for foreground viewsheds with tribal leaders, the State Historic Preservation Officer, and development proponents.

Page 2-128 Volume 1 of 2 **Expansion Era Roads and Associated Sites:**
Consideration would be given to nominating for listing the contributing portions of expansion era roads and associated sites eligible for the NRHP **as consistent with local land and resource use plans**.

Page 2-128 Volume 1 of 2 **Historic Livestock Management Sites:**
BLM would consult with permittees, local livestock industry representatives, and the Sweetwater County Conservation District in determining NRHP eligible historic livestock management sites. **These sites** would be protected from surface-disturbing activities within a minimum area of 100 feet **as long as that protection does not impede proper livestock grazing management.**

Page 3- 29 Volume 1 of 2 **3.2.5.4 Ranching-Related Historic Sites:**
Only features on public land should be mentioned here. These sites mentioned here are on privately held land, if sites are mentioned they should be referred to under their correct local known name. Some of these mentioned here are not locally correct.

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Page 2-129 **Native and Euro-American Sites:**
Volume 1 of 2 An interpretive program on Native and Euro-American peoples would be developed and implemented based on available information. As documentation warrants, sites would be protected by inclusion in National Register and/or Back Country By Way programs **as determined by the IDT** (as defined in this comment letter above) **showing consistency with local land and resource use plans.**

Page 2-130 **Transportation Planning:**
Volume 1 of 2 A transportation plan would be developed **by the IDT** (as defined in this comment letter above) for the JMH planning area.

Page 2-130-131 Transportation planning would provide for access to achieve multiple use goals while
Volume 1 of 2 providing maximum protection for crucial habitats and sensitive resources.
Transportation planning would consider:

- Access restrictions such as seasonal road closures and/or gating to limit frequency of access in crucial wildlife habitat;
- Re-routing or rehabilitating existing roads and trails (subject to county review of existing rights-of-way needs) causing resource damage:
- **Local land and resource use plans.**
- Concentrating stream and riparian area crossings in key locations to avoid disruptions. Exceptions may be granted if crossings would reduce adverse effects, benefit area objectives, and reduce miles of road (and frequency of use).
  Bridges may be required on Pacific, Jack Morrow, Parnell, and Rock Cabin creeks.

Page 2-137 **Land Withdrawals and Exchanges:**
Volume 1 of 2 Exchanges would conform to the JMH planning objectives and actions, **including a full NEPA analysis.**

Page 2-145 **Lease Stipulations:**
Volume 1 of 2 Monitoring data would be assessed and appropriate management actions would be determined **by the IDT** (as defined in this comment letter above). Consideration would be given to such factors as weather, disease, drought, hunting pressure, introduction of on-native species, and recreation activities.

With the addition of the above mentioned comments to the preferred alternative we believe that the draft SEIS contains a multiple use alternative, which includes wildlife, recreation, livestock grazing, and oil and gas while conserving the uniqueness of the area.

Cumulative impacts must be evaluated for all present and future activities both within the JMH and adjacent areas. Economic values of current and proposed actions must be evaluated. It is in the interest of all resource providers to conduct present and future land management practices using the best available technology in order to sustain and perpetuate ranching and farming operations, preserve natural resources, protect the tax base, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect public lands and protect and promote the health, safety, and general welfare of the people of Sweetwater County as well as the State of Wyoming.

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Sincerely,

Mary E. Thoman

Mary E. Thoman, Chairman
Sweetwater County Conservation District
Cooperating Agency under the State of Wyoming on the Supplemental Draft Environmental Impact Statement (EIS) for the Jack Morrow Hills Coordinated Activity Plan/Draft Green River Resource Management Plan Amendment

Attached Appendix A
Appendix B
Appendix C
Appendix D
Appendix E

Cc: Sublette County
Popo Agie Conservation District
Sublette County Conservation District
Fremont County
Sweetwater County
The Honorable Mike Enzi
The Honorable Barbara Cubin
The Honorable Dave Freudenthal
The Honorable Craig Thomas
Wyoming Wool Growers Association
Wyoming Stock Growers Association
Wyoming State Grazing Board

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SWCCD Appendix A

CONSERVATION DISTRICT LAW

WYOMING STATE STATUTES
TITLE 11
CHAPTER 16

March 2001

CHAPTER 16
CONSERVATION DISTRICTS

11-16-101. Short title.

This act may be cited as the "Wyoming Conservation Districts Law."

11-16-102. Definitions.

(a) As used in this act:

(i) "Agency of this state" means any subdivision, agency or instrumentality, corporate or otherwise, of the government of this state;

(ii) "At large member" means any registered voter and taxpayer within the county;

(iii) "Commission" or "state conservation commission" means the state board of agriculture;

(iv) "Conservation" means development, improvement, maintenance, preservation, protection and use of natural resources, and the control and prevention of floodwater and sediment damages, and the disposal of excess waters;

(v) "District" or "conservation district" means a governmental subdivision of this state, and a public body corporate and politic, organized in accordance with this act;

(vi) "Due notice" for those provisions other than election and referendum provisions, means notice published at least twice, with an interval of six (6) days between the two (2) publication dates, in a newspaper of general circulation within the boundaries of the proposed or organized district, or by posting at five (5) conspicuous places within the organized or proposed district, such posting to

include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs generally. Except as otherwise provided in this act, the notice of any hearing required under this act shall fix the time, place and purpose, which shall be not less than ten (10) or more than fifteen (15) days after the first publication or first posting of the notice. Any hearing held pursuant to such notice may be adjourned from time to time without renewing the notice for the adjourned dates. Notice for any election or referendum required by this act shall be as specifically provided in this act, or if not specifically provided in this act, as required in the Special District Elections Act of 1994;

(vii) "Government" or "governmental" means the government of this state, the government of the United States, and any subdivision, agency or instrumentality, corporate or otherwise, of either of them;

(viii) Repealed by Laws 1987, ch. 21, * 3.

(ix) Repealed by Laws 1998, ch. 115, * 5.

(x) "Renewable natural resources," "natural resources" or "resources," means land, soil, water, vegetation, trees, wild rivers, wilderness, natural beauty, scenery and open space;

(xi) "Urban" or "urban member" means any registered voter of an incorporated Wyoming municipality;

(xii) "This act" means W.S. 11-16-101 through 11-16-134.

11-16-103. Legislative declarations and policy.

(a) It is hereby declared that the farm and grazing lands of Wyoming are among the basic assets of the state; that improper land use practices cause and contribute to serious erosion of these lands by wind and water; that among the consequences which would result from such conditions are the deterioration of soil and its fertility and

the silting and sedimentation of stream channels, reservoirs, dams and ditches; that to conserve soil, and soil and water resources, and prevent and control soil erosion, it is necessary that land use practices contributing to soil erosion be discouraged and that appropriate soil conserving land use practices be adopted.

(b) It is hereby declared to be the policy of the legislature to provide for the conservation of the soil, and soil and water resources of this state, and for the control and prevention of soil erosion and for flood prevention or the conservation, development, utilization, and disposal of water, and thereby to stabilize ranching and farming operations, to preserve natural resources, protect the tax base, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect public lands, and protect and promote the health, safety and general welfare of the people of this state.

11-16-104. Repealed by Laws 1987, ch. 15, § 1.

11-16-105. State board of agriculture; duties generally.

(a) The commission shall:

(i) Keep a record of its official actions, adopt a seal, which shall be judicially noticed, and perform acts, hold public hearings and promulgate rules and regulations as necessary for the execution of its functions under this act;

(ii) Assist and guide districts in the preparation and carrying out of programs for resource conservation authorized under this act, review district programs, coordinate the programs of the several districts and resolve any conflicts, and facilitate, promote, assist, harmonize, coordinate and guide the resource conservation programs and activities of districts as they relate to other special purpose districts, counties and other public agencies;

(iii) Keep the supervisors of the districts organized under this act informed of the activities and experiences of other districts

and facilitate cooperation and an interchange of advice and experience between the districts;

(iv) Coordinate the programs of the several conservation districts so far as this may be done by advice and consultation;

(v) Recommend the appropriation of state funds necessary to finance the activities of the commission and the conservation districts; distribute to conservation districts funds, equipment, supplies and services received by the commission for that purpose from any source, subject to conditions made applicable thereto by any state or federal statute or local ordinance making available the funds, property or services; issue regulations establishing guidelines and suitable controls to govern the use by conservation districts of such funds, property and services; and review all budgets, administrative procedures and operations of the districts and advise the districts concerning their conformance with applicable laws and regulations;

(vi) Disseminate information throughout the state concerning the activities and programs of the conservation districts and encourage the formation of such districts in areas where their organization is desirable; enlist the cooperation and collaboration of state, federal, regional, interstate and local public and private agencies with the conservation districts; facilitate arrangements under which the conservation districts may serve county governing bodies and other agencies as their local operating agencies in the administration of any activity concerned with the conservation of renewable natural resources; and except as otherwise assigned by law, carry out the policies of this state in programs at the state level for the conservation of the renewable natural resources of this state and represent the state in matters affecting such resources.

(b) Whenever the commission determines that there exists a substantial conflict between the resources conservation program of a district and the proposed plans or activities directly affecting resource conservation prepared by any other local governmental unit or

- Page 4-

agency of this state, and the conflict cannot be resolved through consultation procedures, the commission shall submit a report to the governor.

11-16-106. Department of agriculture; when contracts invalid.

No contract of the state commission for the payment of money is valid unless the commission has available at the time the contract is made funds sufficient for the payment thereof.

11-16-107. Report to director; reports by district supervisors to board.

(a) On or before November 1 each even-numbered year, the commission shall report to the director of the department of agriculture the number and acreages of districts in existence or in process of organization, together with an estimate of the number and probable acreages of the districts which may be organized during the ensuing period; the balance of funds, if any, available to the commission and to the districts; and the estimates of the commission as to the sums needed for its administrative and other expenses and for allocation among the several districts during the ensuing period.

(b) The supervisors of the respective districts shall submit to the commission such statements, estimates, budgets and other information as the commission may require. The director shall include the information furnished by the commission in his report to the governor.

11-16-108. Petition to form district; contents; consolidation and exclusion.

(a) Any ten (10) owners of land lying within the limits of the proposed district may file a petition with the commission asking that a conservation district be organized to function in the territory described in the petition. The petition shall meet all of the requirements of W.S. 22-29-105(f). The commission shall act upon

the petition for formation in the same manner as set forth in W.S. 22-29-109 for county commissioners in determining if a petition for district formation shall be voted upon. When more than one (1) petition is filed covering parts of the same territory, the commission may consolidate all or any such petitions, or may exclude from any petition areas in conflict with another petition or petitions.

(i) Repealed by Laws 1998, ch. 115, * 5.

(ii) Repealed by Laws 1998, ch. 115, * 5.

(iii) Repealed by Laws 1998, ch. 115, * 5.

(iv) Repealed by Laws 1998, ch. 115, * 5.

(v) Repealed by Laws 1998, ch. 115, * 5.

11-16-109. Notice and hearing on petition; approval or denial; criteria.

After the hearing, if the commission determines, upon the facts presented at the hearing and other relevant facts that are available, that there is need in the interest of the public health, safety and welfare for a conservation district to function in the territory considered at the hearing, it shall record such determination and define by metes and bounds or by legal subdivisions the boundaries of the district. In making the determination and defining the boundaries, the commission shall give weight and consideration to the topography of the area considered and of the state, the composition of soils therein, the distribution of erosion, the carrying capacity and condition of grazing lands, the numbers of livestock grazed, the prevailing land use and management practices, the desirability and necessity of including within the district the particular lands under consideration and the benefits such land may receive from being included within the district, the relation of the proposed district to existing watersheds and agricultural regions and to other conservation districts already organized or proposed for organization, and such other physical,

geographical and economic factors as are relevant, having due regard to the legislative policy set forth in W.S. 11-16-103. The territory included within the district need not be contiguous. If the commission determines there is no need for a conservation district to function in the territory considered at the hearing, it shall record such determination and deny the petition. Any owner of lands within a proposed district which is less than a countywide district may have his owned and leased lands excluded from the proposed district upon presentation of a petition and description of the lands to the commission not less than seven (7) days prior to the holding of the referendum for the organization of the district.

11-16-110. Canvass of ballots.

(a) Repealed by Laws 1998, ch. 115, * 5.

(b) Repealed by Laws 1987, ch. 21, * 3.

(c) Repealed by Laws 1998, ch. 115, * 5.

(d) Repealed by Laws 1987, ch. 21, * 3.

(e) Immediately after the polls close, the referendum officers shall canvass the ballots. The results disclosed by the canvass shall be certified by the commission.

(f) If a majority of the qualified electors voting in the referendum favor the formation of the district, the proposal to organize the proposed district shall carry and the commission shall proceed to make the determination required in W.S. 11-16-112. If the majority of the qualified electors voting in the referendum are against the organization of the district, the proposal to form the district shall fail and the commission shall deny the petition. The commission shall promptly make public the result of the referendum.

11-16-111. Board of agriculture to provide for issuance of notices, conduct of hearings and referenda.

The commission shall provide for the issuance of notices and the conduct of hearings and referenda by appropriate regulations. It shall provide for registration prior to the date of the referendum of all eligible voters, or prescribe some other appropriate procedure for the determination of those eligible as voters in the referendum.

11-16-112. Result of referendum; announcement; practicability of district; determination; criteria.

After making public the result of the referendum, the commission shall consider and determine whether the operation of the district within the defined boundaries is administratively practicable. If the commission determines the operation of the district is not administratively practicable, it shall record the determination and deny the petition. If the commission determines that the operation of the district is administratively practicable, it shall record the determination and proceed with the organization of the district. In making the determination the commission shall give regard to the attitudes of the voters lying within the defined boundaries, the number of voters eligible to vote in the referendum who voted, the proportion of votes cast in favor of the creation of the district to the total number of votes cast, the approximate wealth and income of the owners of land of the proposed district, the probable expense of carrying on erosion-control operations within the district, and other economic and social factors as are relevant.

11-16-113. Establishment of district.

(a) If the commission determines the operation of the proposed district is administratively practicable, it shall appoint two (2) supervisors who are owners of land in the district to act with three (3) supervisors elected as provided hereinafter as the governing body of the district. The district shall be a governmental subdivision of this state and a public body corporate and politic. The two (2) appointed supervisors shall present to the secretary of state an application

signed by them setting forth by recital only and not in detail:

(i) That a petition for the creation of the district was filed with the commission pursuant to the provisions of this act, and the proceedings specified in the act were taken pursuant to the petition;

(ii) That the application is filed to complete the organization of the district as a governmental subdivision and a public body, corporate and politic, under this act;

(iii) That the commission has appointed them as supervisors;

(iv) The name and official residence of each supervisor and a certified copy of the appointment evidencing his right to office;

(v) The term of office of each supervisor;

(vi) The name of the district; and

(vii) The location of the principal office of the supervisors of the district.

(b) The application shall be subscribed and sworn to by each supervisor before an officer authorized to administer oaths, who shall certify upon the application that he personally knows the supervisors and knows them to be the officers affirmed in the application, and that each has subscribed thereto in the officer's presence. The application shall be accompanied by a certified statement by the commission, setting forth the boundaries of the district but otherwise containing no detail other than the mere recitals that:

(i) A petition was filed, notice issued and hearing held as required by law;

(ii) The commission determined that there is need, in the interest of the public health, safety and welfare, for a conservation

district to function in the proposed territory and did define the boundaries;

(iii) Notice was given and a referendum held on the question of the creation of such district;

(iv) The result of the referendum showed a majority of the votes cast in favor of the creation of the district; and

(v) The commission did determine the operation of the proposed district is administratively practicable.

(c) The secretary of state shall examine the application and statement and if he finds the name proposed for the district is not so similar to that of another conservation district as to cause confusion or uncertainty, he shall record them in an appropriate book in his office. If the secretary of state finds the name proposed for the district is so similar to that of any other conservation district of this state as to lead to confusion, he shall certify that fact to the commission, which shall submit a new name for the district which is not subject to such defects. Upon receipt of the new name the secretary of state shall record the application and statement, with the name so modified, in an appropriate book. When the application and statement have been made, filed and recorded, the district is a governmental subdivision of this state and a public body corporate and politic. The secretary of state shall issue to the supervisors a certificate, under the seal of the state, of the organization of the district, and shall record the certificate with the application and statement. The boundaries of the district shall include the territory determined by the commission, but shall not include any area included within the boundaries of another conservation district organized under this act.

11-16-114. Repealed by Laws 1998, ch. 115, § 5.

11-16-115. Districts; transfer of land; division or consolidation; change in name.

(a) Upon written request of the board of supervisors of the

conservation district or districts involved, with a showing that the request is approved by a majority vote of the members of each board involved the commission may, by administrative order:

(i) Transfer lands from one district to another;

(ii) Divide a single district into two (2) or more districts, each of which shall thereafter operate as a separate district; or

(iii) Consolidate two (2) or more districts to operate thereafter as a single district.

(b) The secretary of state shall make and issue a corrected certificate of organization upon receipt of such certification from the commission.

(c) Petitions for a change in the name of a conservation district may be submitted to the commission by the board of supervisors of a conservation district. If the commission approves the change of name, it shall certify the change to the secretary of state and shall notify the board of supervisors of the conservation district of the change, setting out in the notice the new name of the district. The secretary of state shall make and issue a corrected certificate of organization upon receipt of such certification from the commission.

11-16-116. Districts; proof of organization.

In any suit, action or proceeding relating to any action of the district, the district is deemed to have been established in accordance with this act upon proof of the issuance of the certificate by the secretary of state. A copy of the certificate certified by the secretary of state is admissible in evidence in any suit, action or proceeding and is proof of the filing and contents thereof.

11-16-117. Districts; termination; dissolution procedures; determination by board of agriculture; legal effects of dissolution.

(a) After five (5) years after the organization of a district under this act, any ten (10) owners of land lying within the district may petition the commission that the operations of the district be discontinued and the existence of the district terminated. The commission may conduct public meetings and hearings upon the petition as necessary in the consideration thereof. Within sixty (60) days after a petition has been filed with the commission, it shall give notice of a referendum as provided in the Special District Elections Act of 1994. The commission shall supervise the referendum and issue appropriate regulations governing the conduct thereof. The question shall be submitted by ballots upon which the words "For terminating the existence of the .... (name of the conservation district to be here inserted)" and "Against terminating the existence of the .... (name of the conservation district to be here inserted)" shall appear, with a square before each proposition and a direction to insert an X mark in the square before one (1) or the other as the voter may favor or oppose dissolution of the district. Qualified electors of the district are eligible to vote in the referendum. No informalities in the conduct of the referendum or related matters shall invalidate the referendum or result if notice is given substantially as herein provided and the referendum is fairly conducted.

(b) The commission shall publish the result of the referendum. If a majority of the votes cast in the referendum oppose dissolution of the district, the commission shall determine whether the continued operation of the district within the defined boundaries is administratively practicable. If the commission determines the continued operation of the district is administratively practicable, it shall record its determination and deny the petition. If a majority of the votes cast favor dissolution of the district it shall certify that fact to the supervisors of the district. In making the determination of administrative practicality to continue the district the commission shall consider those factors set forth in W.S. 11-16-112 for creation of the district.

(c) Upon receipt from the commission of a certification that the majority of votes cast in the referendum favor dissolution of the

district, the supervisors shall forthwith terminate the affairs of the district. The supervisors shall dispose of all property belonging to the district at public auction and pay the net proceeds of the sales to the state treasurer. The supervisors shall thereupon file a verified application with the secretary of state for dissolution of the district, and shall transmit with the application the certificate of the commission that the majority of votes cast at the referendum favored dissolution of the district. The application shall recite that the property of the district has been disposed of and the proceeds paid over as provided by law, setting forth a full accounting of the properties and proceeds of sale. The secretary of state shall issue to the supervisors a certificate of dissolution and shall record the certificate in an appropriate book in his office. The secretary of state shall make no charge for any service required of him by this act.

(d) Upon issuance of a certificate of dissolution all ordinances and regulations adopted and in force within the district are void. All contracts to which the district or supervisors are parties remain in force and effect for the period provided in such contracts. The commission shall be substituted for the district or supervisors as party to the contracts. The commission is entitled to all benefits and subject to all liabilities under such contracts and has the same right and liability to perform, require performance, sue and be sued thereon, and to modify or terminate the contracts as the supervisors of the district would have had. Dissolution does not affect the lien of any judgment entered or the pendency of any action instituted under W.S. 11-16-126 [repealed], and the commission succeeds to all rights and obligations of the district or supervisors as to such liens and actions.

11-16-118. District supervisors; term; vacancies; expenses; removal; quorum; bond required of employees; areas included in district; cooperative agreement with city.

(a) The term of the two (2) supervisors appointed extends from their appointment until the second annual election held in the district. A supervisor shall hold office from his election or appointment and taking of the oath of office until his successor has been elected or

appointed, and qualified. Vacancies shall be filled for the unexpired term. Vacancies in the office of any supervisor shall be filled by appointment by the commission upon the recommendations of the district supervisors, the appointee to serve until the next election at which time the vacancy shall be filled by the electors for the unexpired term. A supervisor shall receive no compensation for his services, but is entitled to expenses, including traveling expenses, necessarily incurred in the discharge of his duties. Any supervisor may be removed by the commission upon notice and hearing, for neglect of duty or malfeasance in office.

(b) A majority of the supervisors constitutes a quorum and the concurrence of three (3) supervisors is required for determination of any matter.

(c) The supervisors shall require a bond to be issued for all employees and officers entrusted with funds or property. The supervisors shall provide for keeping a full and accurate record of all proceedings, resolutions, regulations and orders issued or adopted. The accounts, receipts and disbursements of the district shall be subject to an annual review. If a district's annual budget averages twenty-five thousand dollars ($25,000.00) or more over a period of four (4) consecutive years, the district shall commission an independent audit at the conclusion of the fourth year. Copies of the annual review or audit will be sent to the department of agriculture.

(d) All cities, towns, villages or other urban and suburban areas lying wholly or partly within the exterior boundaries of a conservation district shall, from the effective date of this act, be included in the district. In doubtful cases, the commission shall determine the district which includes any urban or suburban area.

(e) By cooperative agreement with the city concerned, a district may perform within the boundaries of the city any work required or authorized under this act, through such administrative and financial arrangements as the city and the district agree upon.

11-16-119. District supervisors; nomination; qualifications; election; term.

Within thirty (30) days after issuance by the secretary of state of a certificate of organization of a conservation district, applications for election under the Special District Elections Act of 1994 may be filed with the commission by candidates for supervisors, who shall be owners of land within the district. The commission may extend for not to exceed thirty (30) days the time within which applications may be filed. The commission shall give notice of an election to be held for the election of three (3) supervisors for the district. All qualified electors within the district are eligible to vote. The three (3) supervisors first elected shall draw lots, one (1) for a term of two (2) years, and two (2) for a term of three (3) years. Thereafter supervisors shall be elected each year to serve for a full term of three (3) years. The number of supervisors elected each year shall be determined by the number of supervisors whose terms expire at that time. The commission shall provide for all elections, supervise the conduct thereof, and prescribe regulations governing the conduct of all elections, and shall make public the result thereof.

11-16-120. District supervisors; elections under Election Code and for new districts.

(a) District supervisors shall be elected in subsequent elections under the Special District Elections Act of 1994 and as hereinafter provided for new districts:

(i) At the first subsequent director election following establishment of a new district, five (5) supervisors, who reside within the district shall be elected at large by a nonpartisan ballot. Three (3) supervisors shall be rural residents, one (1) shall be a resident of an urban area and one (1) shall be elected at large. At the first subsequent director election, the at large candidate receiving the largest number of votes shall be elected for a four (4) year term, the urban candidate receiving the largest number of votes shall be elected for a four (4) year term, the rural candidate receiving the largest

number of votes shall serve a four (4) year term and the two (2) candidates receiving the next highest number of votes shall be elected for two (2) year terms. In succeeding elections all supervisors shall be elected for four (4) year terms.

(ii) Repealed by Laws 1998, ch. 115, * 5.

11-16-121. District supervisor; cooperation and agreements between districts; agreements with districts in adjoining states.

(a) The supervisors of two (2) or more districts organized under this act may cooperate in the exercise of any or all powers conferred in this act.

(b) Any two (2) or more districts may engage in joint activities by agreement for planning, financing, constructing, operating, maintaining and administering any program or project concerned with the conservation of renewable natural resources. The districts concerned may make available for purposes of the agreement any funds, property, personnel, equipment or services available to them under this act.

(c) Any district may enter into such agreements with districts in an adjoining state if the law in the other state permits such agreements.

(d) The commission may propose, guide and facilitate the establishment and carrying out of such agreements.

11-16-122. Powers and duties of districts and supervisors thereof generally.

(a) Each conservation district organized under this act shall make an annual estimate of the funds required by the district for conservation programs and present a certified copy of the estimate, along with a budget showing all anticipated income and expenses, to the county commissioners.

(b) A conservation district organized under this act and the supervisors thereof, in addition to other powers granted by this act, may:

(i) Employ personnel and determine their duties and conditions of employment;

(ii) Call upon the attorney general of the state for legal services or employ their own counsel and legal staff;

(iii) Delegate to their chairman, to one (1) or more supervisors or to one (1) or more agents or employees such delegable powers and duties as they deem proper;

(iv) Furnish to the state conservation commission upon request, copies of ordinances, rules, regulations, orders, contracts, forms and other documents they adopt or employ, and such other information concerning their activities as it may require and to the county clerk copies of ordinances, rules, regulations and orders it adopts in accordance with law;

(v) Conduct surveys, investigations and research and disseminate information relating to range management, the character of soil erosion, flood prevention or the conservation, development, utilization and disposal of water, and the preventive and control measures and works of improvement needed, but in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or its agencies, or with the United States or its agencies;

(vi) Conduct demonstration projects within the district on lands owned or controlled by this state or its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on other lands within the district with the consent of the owner or occupier of the lands, to demonstrate range management practices, the means, methods and measures by which soil and soil resources may be conserved, and soil erosion in the form of soil blowing and washing may be prevented and controlled and works of

improvement for flood prevention or the conservation, development, utilization and disposal of water may be carried out;

(vii) Carry out preventive and control measures and works of improvement within the district, including engineering operations, range management, methods of cultivation, the growing of grass or other vegetation, changes in use of land or any measure which may be developed for the control of erosion and better use of soil, and works of improvement for flood prevention or the conservation, development, utilization and disposal of water on lands owned or controlled by this state or its agencies, with the cooperation of the agency administering and having jurisdiction thereof, or on other lands within the district with the consent of the owner or occupier of the lands;

(viii) Cooperate, or enter into agreements with and furnish financial or other aid to, any agency, governmental or otherwise, or any owner or occupier of lands within the district, in carrying on range management or erosion control and prevention operations and works of improvement for flood prevention or the conservation, development, utilization and disposal of water within the district, subject to such conditions as the supervisors deem necessary;

(ix) Repealed by Laws 1987, ch. 21, * 3.

(x) Repealed by Laws 1987, ch. 21, * 3.

(xi) Repealed by Laws 1987, ch. 21, * 3.

(xii) Repealed by Laws 1987, ch. 21, * 3.

(xiii) Repealed by Laws 1987, ch. 21, * 3.

(xiv) Make available on terms it prescribes, to owners and occupiers of land within the district, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings, male breeding animals, livestock supplies and such other material or

equipment as will assist the owners and occupiers of land to carry on operations upon their lands and upon those owned or leased by the district, for range improvement and stabilization, the conservation of soil and water resources, the prevention and control of soil erosion and for flood prevention or the conservation, development, utilization and disposal of water. The assistance authorized by this paragraph shall be on a limited scale for demonstration purposes and the district shall not be deemed authorized to compete with private industry;

(xv) Repealed by Laws 1987, ch. 21, * 3.

(xvi) Develop comprehensive plans for range improvement and stabilization, conservation of soil and water resources, control and prevention of soil erosion and for flood prevention or the conservation, development, utilization and disposal of water within the district, which plans shall include range management provisions and shall specify in detail the acts, procedures, performances and avoidances necessary or desirable to carry out the plans, including the specification of engineering operation, fence and stockwater developments, methods of cultivation, the growing of grass and other vegetation, cropping and range programs, tillage and grazing practices, and changes in use of lands;

(xvii) Make public the plans and information and bring them to the attention of owners and occupiers of land within the district;

(xviii) Repealed by Laws 1987, ch. 21, * 3.

(xix) Manage, as agent of the United States or any of its agencies, and enter into agreements with the United States or any of its agencies, or this state or any of its agencies, to effect cooperation with the United States or any of its agencies under United States Public Law 566 approved August 4, 1954, or amendments thereto, in connection with the acquisition, construction, operation or administration of any land utilization, soil conservation, erosion

control, erosion prevention, flood prevention projects, conservation of water, water utilization, disposal of water in watershed areas and other water projects within its boundaries;

(xx) Act as representative for local groups in dealing with the United States or its representatives, in soil or water conservation matters under United States Public Law 566 approved August 4, 1954, or amendments thereto;

(xxi) Accept donations, gifts and contributions in money, services, materials or otherwise from any source which will impose no financial obligation upon the state, and use or expend the monies, services, materials or contributions in carrying on its operations;

(xxii) Sue and be sued in the name of the district;

(xxiii) Have a seal, which shall be judicially noticed;

(xxiv) Have perpetual succession unless terminated as hereinafter provided;

(xxv) Make and execute contracts and other instruments necessary to the exercise of its powers;

(xxvi) Make, amend and repeal rules and regulations not inconsistent with this act, to implement its purposes and powers;

(xxvii) As a condition to extending any benefits to or performance of work upon any land not owned or controlled by the state or its agencies, require contributions in money, services, materials or otherwise to any operations conferring benefits and require owners and occupiers of land to enter into and perform such agreements or covenants as to the permanent use of such lands as will prevent or control erosion and prevent flood water and sediment damages thereon and promote the best use of such lands.

(c) A conservation district shall not purchase or hold title to farm

lands as defined by W.S. 11-34-101(a)(ii).

11-16-123. Applicability of provisions concerning other agencies; validity of contracts of supervisors.

(a) No provisions with respect to the acquisition, operation or disposition of property by other public bodies are applicable to a district organized hereunder unless the legislature shall specifically so state.

(b) No contract of the district supervisors for the payment of money is valid unless the supervisors have at the time the contract is made funds in cash, securities or deposits sufficient for the payment thereof.

11-16-124. Administration of oaths by secretary or treasurer of district.

The secretary or treasurer of the district are severally authorized to administer oaths within their district in any matter pertaining to the business of their district where an oath is required by law.

11-16-125. Repealed by Laws 1987, ch. 21, § 3.

11-16-126. Repealed by Laws 1987, ch. 21, § 3.

11-16-127. Repealed by Laws 1987, ch. 21, § 3.

11-16-128. Repealed by Laws 1987, ch. 21, § 3.

11-16-129. Repealed by Laws 1987, ch. 21, § 3.

11-16-130. Repealed by Laws 1987, ch. 21, § 3.

11-16-131. Repealed by Laws 1987, ch. 21, § 3.

11-16-132. Publicly owned lands to be administered in cooperation with districts.

Agencies of the state, county or any political subdivision of the state which have jurisdiction over or are charged with the administration of any state, county or other publicly owned lands lying within the boundaries of any district organized hereunder, shall cooperate to the fullest extent with the supervisors of the district to effect the programs and operations undertaken by the supervisors under this act and may lease such lands to a district. The supervisors of the districts shall be given free access to enter and perform work upon the publicly owned lands. The provisions of conservation ordinances have the force and effect of law over all publicly owned lands, and shall be in all respects observed by the agencies administering the lands.

11-16-133. Tax levied on property in district; maximum amount; soil and water conservation fund; other appropriation authorized.

(a) Subject to W.S. 11-16-134, the county commissioners may annually levy a tax to carry out this act. The tax shall be levied upon all property in the district and shall not exceed one (1) mill on each one dollar ($1.00) of assessed valuation. The tax is not part of the general county or city mill levies. The tax shall be levied and collected as other county taxes and the county treasurer shall remit the taxes collected to the district to a separate fund to be known as the conservation district fund, which shall be used only to carry out the purposes of this act.

(b) Whether or not a tax levy is authorized under W.S. 11-16-134, each board of county commissioners may make appropriations from the county general fund to districts established under this act for the purpose of providing soil and water conservation programs.

11-16-134. Imposition of tax; vote of electors required.

(a) No tax shall be imposed under W.S. 11-16-133 until the proposition to impose the tax is submitted to a vote of the voters of the district and a majority of those casting their ballots vote in favor of imposing the tax. Any tax imposed under this act shall be levied in

the year following the election at which the imposition of the tax is approved.

(b) The proposition to impose a tax under this act shall be at the expense of the county and may be submitted to the voters of the county upon the receipt by the board of county commissioners of a petition requesting the election signed by a majority of the supervisors of the district. The election shall be at the direction and under the supervision of the board of county commissioners.

(c) Subject to the limitation of subsection (b) of this section, the proposition to impose a tax under this act shall be submitted on an election date authorized under W.S. 22-21-103, or by mail ballot pursuant to W.S. 22-29-115 and 22-29-116. A notice of election shall be given by the county clerk in at least one (1) newspaper of general circulation published in the county wherein the election is to be held and shall specify the object of the election. The notice shall be published at least once each week for a thirty (30) day period preceding the election. At the election the ballots shall contain the words "for the conservation district tax" and "against the conservation district tax". Upon the initial submission of the conservation district tax, or any renewal thereof, after July 1, 1995, the conservation district board of supervisors shall choose one (1) of the following options and the words of the chosen option shall be clearly printed in the appropriate area on the election ballot:

(i) If this proposition is approved, the same proposition shall be submitted at the second following general election or by mail ballot pursuant to W.S. 22-29-115 and 22-29-116, and thereafter at succeeding general elections or by mail ballot pursuant to W.S. 22-29-115 and 22-29-116, every four (4) years until the proposition is defeated; or

(ii) If this proposition is approved, the tax shall remain in effect until a petition to discontinue the tax, signed by not less than ten percent (10%) of the voters of the district, is received by the board of county commissioners, and the proposal to discontinue the tax is

approved by the voters. The proposal to discontinue the tax shall be submitted to the voters of the district at the expense of the county at the next general election or by mail ballot pursuant to W.S. 22-29-115 and 22-29-116 for approval or disapproval.

SWCCD Appendix B

SWEETWATER COUNTY CONSERVATION DISTRICT

Thoman, Chairman Tom Burris, Vice Chairman Jean Dickinson, Secretary Vacancy Randy Shipman, Member

3-B Farson Station Road
P.O. Box 360 Farson, Wyoming 82932-0360 (307) 273-5531 ext. 100

RE: Sweetwater County Conservation District Interim Policy

For your information, we are sending you the following **Sweetwater County Conservation District's Land and Resource Use Plan and Policy**. The Sweetwater County Conservation District operates under Wyoming Statute 11-16-103 (b), "It is hereby declared to be the policy of the legislature to provide for the conservation of the soil, and soil and water resources of this state, and for the control and prevention of soil erosion and for flood prevention or the conservation, development, utilization, and disposal of water, and thereby to stabilize ranching and farming operations, to preserve natural resources, protect the tax base, control floods, prevent impairment of dams and reservoirs, preserve wildlife, protect public lands, and protect and promote the health, safety and general welfare of the people of this state." In keeping with the intent of this law, the Sweetwater County Conservation District has adopted the following:

Chapter 1 – Grazing Best Management Practices

"It is the policy of the Sweetwater County Conservation District that there will be no reduction of state and federal authorized grazing use in the district. Where conflicts between livestock grazing and other uses occur, the **'Grazing Best Management Practices, Wyoming Nonpoint Source Management Plan, Final, March 1997'** (but is not all inclusive), will be adhered to." (Adopted by the Sweetwater County Conservation District on January 11, 2002)

Chapter 2 – Watershed Strategic Plan

"It is the policy of the Sweetwater County Conservation District that all land and resource planning efforts will follow and comply with the Sweetwater County Conservation District's **'Watershed Strategic Plan, approved November 20, 1996, Revised November 16, 2000,** *by Wyoming Conservation Districts.*"(Adopted by the Sweetwater County Conservation District on January 11, 2002)

Chapter 3 – Wyoming Nonpoint Source Management Plan

"It is the policy of the Sweetwater County Conservation District to be consistent with and support the use of best management practices, including, but not limited to those outlined in the **'Wyoming Nonpoint Source Management Plan, March 2000,** *as stated in Wyoming Statute 35-11-102.*'"(Adopted by the Sweetwater County Conservation District on February 8, 2002)

Chapter 4 – Water Resources Plan – Whereas: water is the property of the State of Wyoming and/or other users which hold an adjudicated water right granted by the state and in conformance with Wyoming State Water Law:

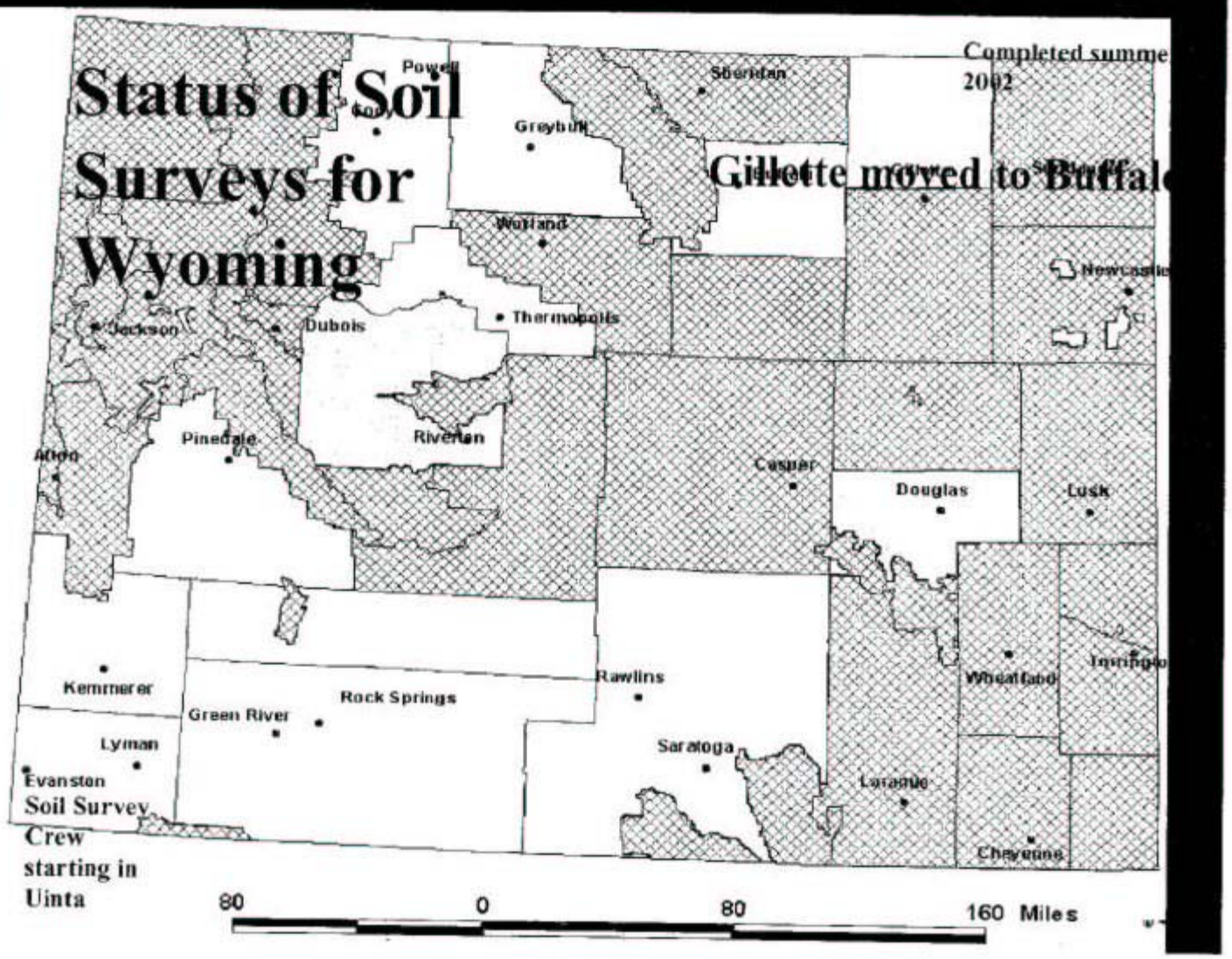
"**1.** It is the policy of the Sweetwater County Conservation District that uses of all waters in the Sweetwater County Conservation District conform to State Water Laws.
2. It is the Policy of the Sweetwater County Conservation District that no entity, including federal agencies may promulgate rules and regulation regarding the adjudication of water and/or establishment of water quality standards in the Sweetwater County Conservation District that negate, supersede, bypass, or are not in conformance with state and local laws and standards.
3. It is the policy of the Sweetwater County Conservation District that any action undertaken by the federal government or it's agencies, the State or its agencies, or private entities regarding the development, adjudication, disposal, and/or use of water in the Sweetwater County Conservation District that said actions be in conformance with the **'Green River Basin Water Planning Process Final Report, February 2001.'** Whereas the Sweetwater County Conservation District has adopted the **'Green River Basin Water Planning Process Final Report, February 2001'** as Sweetwater County Conservation District's **'Water Resources Plan.**
' Where actions undertaken are not addressed or related to those covered by the **'Green River Basin Water Planning Process Final Report'** they must still be in conformance with State law and/or local government land and resource use plans where applicable."
(Adopted by the Sweetwater County Conservation District on February 8, 2002)

Sincerely yours,

Mary E. Thoman, Chairman
Thomas Burris, Vice Chairman
Jean Dickinson, Secretary
Randy Shipman, Member

CONSERVATION • DEVELOPMENT • SELF-GOVERNMENT

SWCCD Appendix



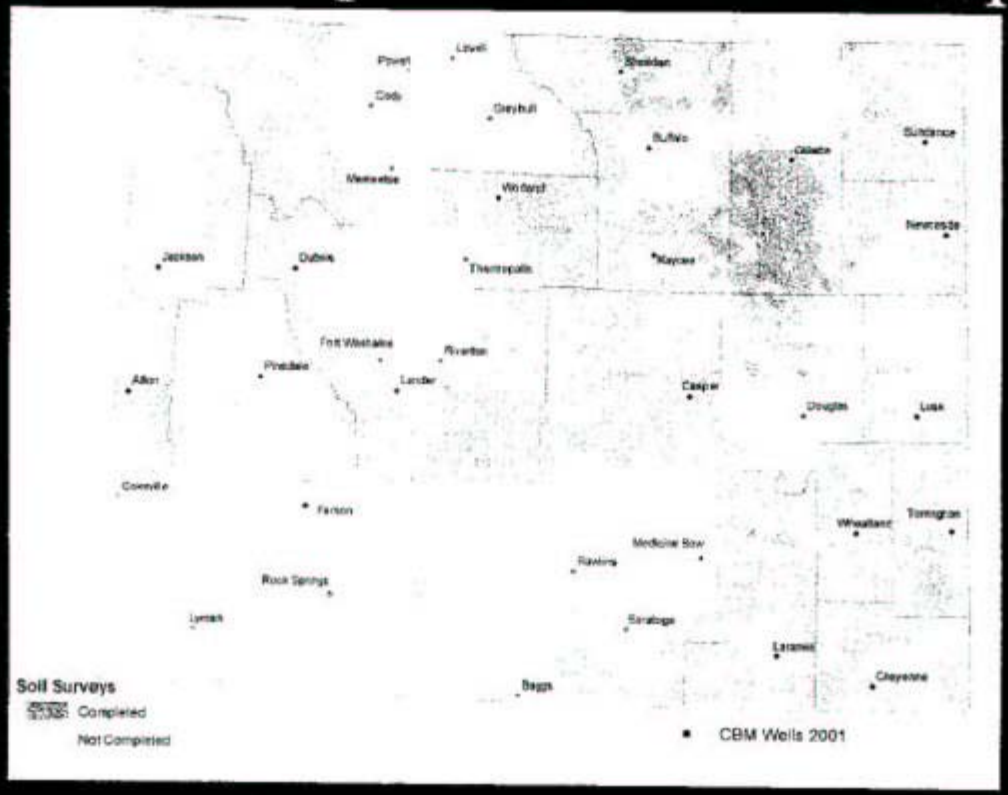
Lands That Do Not Have A Soil Survey By County

County	Total Acres	Acres Private	Acres Federal	Acres State
Big Horn County	1,671,418	385,004	1,207,414	79,000
Carbon County	4,427,650	1,911,072	2,148,578	368,000
Fremont County	1,260,965	1,131,642	123,323	6,000
Hot Springs County	961,777	346,089	531,688	84,000
Johnson County	1,144,739	814,159	211,580	119,000
Lincoln County	1,573,723	441,319	1,021,404	111,000
Park County	1,623,458	669,157	788,301	166,000
Sublette County	1,973,105	592,805	1,257,300	123,000
Sweetwater County	6,592,253	1,962,207	4,413,046	217,000
Uinta County	1,297,835	693,038	550,797	54,000
State Total	**22,526,923**	**8,946,492**	**12,253,431**	**1,327,000**

Land Ownership

County	Percent Private	Percent Federal	Percent State
Big Horn County	23.0	72.2	4.7
Carbon County	43.2	48.5	8.3
Fremont County	89.7	9.8	0.5
Hot Springs County	36.0	55.3	8.7
Johnson County	71.1	18.5	10.4
Lincoln County	28.0	64.9	7.1
Park County	41.2	48.6	10.2
Sublette County	30.0	63.7	6.2
Sweetwater County	29.8	66.9	3.3
Uinta County	53.4	42.4	3.3
Totals	445.5	490.9	62.7

Soils Survey and permitted CBM Well Sites Development…. An Example



Map from Wyoming Oil & Gas Commission

Private Lands

Private lands = $12,793,483

8,946,492 acres @ $1.43/acre

Over 10 years = $1,279,348 per year

*Includes NRCS overhead, soils crews, equipment, etc.

State Lands

State lands only = $1,897,610

1,327,000 acres state lands @ $1.43/acre

Over 10 years = $ 189,761 per year

Currently, NRCS maps state land without cost to state – approximately 2.6 million acres of state land has been mapped by NRCS.

Federal land…

Primarily BLM = $17,522,406

12,253,431 acres @ $1.43/acre

Over 10 years = $ 1,752,240 per year

Estimates for completion in counties with heavy energy development Private/State Lands Only

Johnson County = $1,334,417

Total acres 933,159 @ $1.43/acre

$133,441 per year

Carbon County = $3,236,282

Total acres 2,279,072 @ $1.43/acre

$323,628 per year

Sweetwater County = $3,116,266

2,179,207 acres @ $1.43/acre

$311,626 per year

Local Strategy

- Local Districts/County Commissions meeting to determine availability of local funds for soil surveys
  - Johnson County – Powder River & Lake DeSmet CD committed funding and Johnson County Commission $10,000
  - Uinta County CD $20,000/year for 8 years/Uinta Co. Commission proposed $35,000/yr for 8 years (per year decision)
  - Carbon County Commission taking funding under consideration

Pinedale

State Strategy

- WACD hosted meeting of organizations who utilize or whose members utilize soil survey on August 1- 10 organizations represented and 6 state agencies

  - Will follow-up with organizations with more detailed legislative strategy

- Anticipate pursuing state appropriation to augment soil survey mapping funds

Federal Strategy

- WACD request to delegation for line item funding increase to NRCS to accelerate soil survey – delegation request to ag appropriations committee for $300,000

- Will be researching and developing effort to gain additional BLM funding for fed land soil survey mapping

JOINT RESOLUTIONS
ADOPTED DECEMBER 2002
JOINT CONVENTION
OF
WYOMING ASSOCIATION OF CONSERVATION DISTRICTS
WYOMING STOCK GROWERS ASSOCIATION
WYOMING WOOL GROWERS ASSOCIATION

SOIL SURVEYS

Whereas, soils data is integral to resource management planning, development, reclamation, development of a carbon sequestration program, etc., and

Whereas, at the current staffing level of the USDA Natural Resource Conservation Surface soil survey staff it would take an estimated 45 years to complete the soil survey in Wyoming, and

Whereas, much of the land without completed surveys is federal land administered by the Bureau of Land Management and funding from the BLM for soil surveys has been inconsistent and for acceleration has not yet been committed, and

Whereas, the NRCS has conducted soil surveys on state lands at no cost to the state,

THEREFORE BE IT RESOLVED, that WACD, WSGA and WWGA support the following efforts to obtain the necessary resources to accelerate the completion of the soil survey in Wyoming:

1. **Increased funding to the USDA NRCS for soil survey mapping**
2. **NRCS be charged to complete the soil survey on priority lands in Wyoming.**
3. **State support of the soil survey effort on state lands.**

SOIL SURVEYS/ECOLOGICAL SITE DESCRIPTION

BE IT RESOLVED, that WACD, WSGA and WWGA recommend the prioritization of soil survey mapping and the uniform use of ecological site descriptions developed by NRCS as the foundation for the inventory, evaluation, setting of monitoring objectives, and management of rangelands and forestlands because ecological sites are the basic units of soils and associated plant communities and they provide the basis for setting vegetative management objectives, monitoring and extrapolations of management impacts to other areas.

Soils Survey Policy Statement:

The Wyoming Energy Commission recognizes that soil data is integral to resource management planning, energy development, reclamation, development of carbon sequestration programs and more. However, at the current staffing level of the USDA Natural Resource Conservation Surface soil survey team, it would take an estimated 45 years to complete the first soil survey in Wyoming. Additionally, it is recognized that much of the land without completed surveys is federal land administered by the Bureau of Land Management and funding from the BLM for soil surveys has been inconsistent.

In an effort to accelerate the completion of initial soil survey, the WEC recommends the Governor work with the Wyoming Association of Conservation Districts to determine the most efficient avenue for completing the soil survey on State lands within 10 years. This plan should be developed and fully funded by July 1, 2004.

In a further effort to accelerate the completion of the initial soil survey, the WEC recommends the Office of Federal Land Policy work the Wyoming Association of Conservation Districts and the Wyoming Congressional delegation to encourage the necessary federal funding and staffing for completion of the soil survey on Federal lands within 10 years. This consultation should begin no later than July 1, 2003.