A map of Wyoming serves as the background for the title. It shows major cities like Buffalo, Gillette, Casper, and Laramie. Rivers such as the Powder River, North Platte River, and Laramie River are depicted. National forests like Bighorn and Medicine Bow are also labeled. The title is centered in a dark brown box with white text.

Wyoming Public Lands Handbook

FIRST EDITION



ACKNOWLEDGEMENTS

Development of the first edition of the Wyoming Public Land Handbook relied on support and expertise of local, state, federal, and non-profit contributors. We also appreciate the Wyoming legislature and the Governor's office for funding a number of important federal lands initiatives through the Federal Natural Resource Policy Account — this handbook among them. The consistent and appropriately styled mapping is a product of the University of Wyoming's Geographic Information Science Center (WyGISC).

Foreword by

Wyoming Governor Matthew H. Mead



Public lands, including those managed by the United States Forest Service, the National Park Service, and the Bureau of Land Management, play an important role in Wyoming- its cities, towns and counties. Oil and gas development, and mining along with solar and wind development, create jobs directly and indirectly and help fund government services. Public lands provide opportunities for tourism, wildlife viewing, hunting, fishing, hiking and other recreational activities. For more than a century, public lands have been an important part of our agricultural history.

Public land management is a complex process that includes coordination with all landowners, many individuals and user groups. The Wyoming Public Lands Handbook contributes to an understanding of the establishment and evolution of land management agencies and the system of laws and regulations that govern management of public lands. This is a useful handbook. I thank the County Commissioners Association for their work in compiling it. I hope you find it useful.

A message from

Pete Obermueller

Executive Director, Wyoming County Commissioners Association



We have a complicated relationship with our public lands here in Wyoming. Or, maybe it's fairer to say that we have a complicated relationship with those in charge of managing our public lands. There's simply no argument that we love our open spaces, our abundant wildlife, and our scenic vistas. It's part of who we are, of how we define ourselves. In some ways we take it for granted. We know about Devil's Tower and Yellowstone, but how many have heard of Seedskaadee, the Palisades, Bobcat Draw Badlands, or Prospect Mountain?

In other ways, the federal government's omnipresence in Wyoming forces us to pay attention. No county in Wyoming is entirely free of the federal government's land management reach. Managing these areas in a way that respects the land, the wildlife, and the people who rely on the earth's rich resources is a difficult balancing act. Ensuring decision-makers have all the facts and cultural understanding to make the right choices in managing these areas is a life's work.

This book is intended to be an easy reference guide for public lands in Wyoming and the laws that govern their management. I'm hopeful it also helps to elevate our conversation by laying out the basic facts from which we can begin more robust discussions on management. Be careful though, after leafing through this book you might find yourself sucked into the beautiful, frustrating, engaging and maddening world of Wyoming's public lands.

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TABLE OF ACRONYMS

BLM:	Bureau of Land Management
BOR:	Bureau of Reclamation
CEQ:	Council on Environmental Quality
DOA:	Department of Agriculture
DOI:	Department of Interior
EA:	Environmental Assessment
EIS:	Environmental Impact Statement
EPA:	Environmental Protection Agency
ESA:	Endangered Species Act
FLPMA:	Federal Land Policy and Management Act
FONSI:	Finding of No Significant Impact
FS:	Forest Service
FWS:	Fish and Wildlife Service
GML:	General Mining Law
MLA:	Mineral Leasing Act
NEPA:	National Environmental Policy Act
NFMA:	National Forest Management Act
NPS:	National Park Service
NRA:	National Recreation Area
NWPS:	National Wilderness Preservation System
NWR:	National Wildlife Refuge
NWRS:	National Wildlife Refuge System
NWRSAA:	National Wildlife Refuge System Administration Act
ROW:	Right of Way
SMCRA:	Surface Mining Control and Reclamation Act
SRS:	Secure Rural Schools and Community Self-Determination Act
TGA:	Taylor Grazing Act
WSA:	Wilderness Study Area
WSRA:	Wild and Scenic Rivers Act

FEDERAL LANDS

Overview



The federal government owns and manages approximately 650 million acres (28%) of the nation's total surface area.¹ However, federal land ownership is concentrated in the West where federal lands make up 62% of Alaska and 47% of 11 western states.² To highlight this concentration, the federal government owns only 4% of lands in the remaining states. The western concentration is largely due to early treaties, land settlement laws and patterns, and laws requiring states to surrender any claim of federal lands within their border as a prerequisite for admission to the Union.

These lands are administered primarily by five agencies: the Forest Service (FS),

the National Park Service (NPS), Bureau of Land Management (BLM), Fish and Wildlife Service (FWS), and the Bureau of Reclamation (BOR). All of the managing agencies fall within the Department of Interior (DOI), with the exception of the FS, which is in the Department of Agriculture (DOA).

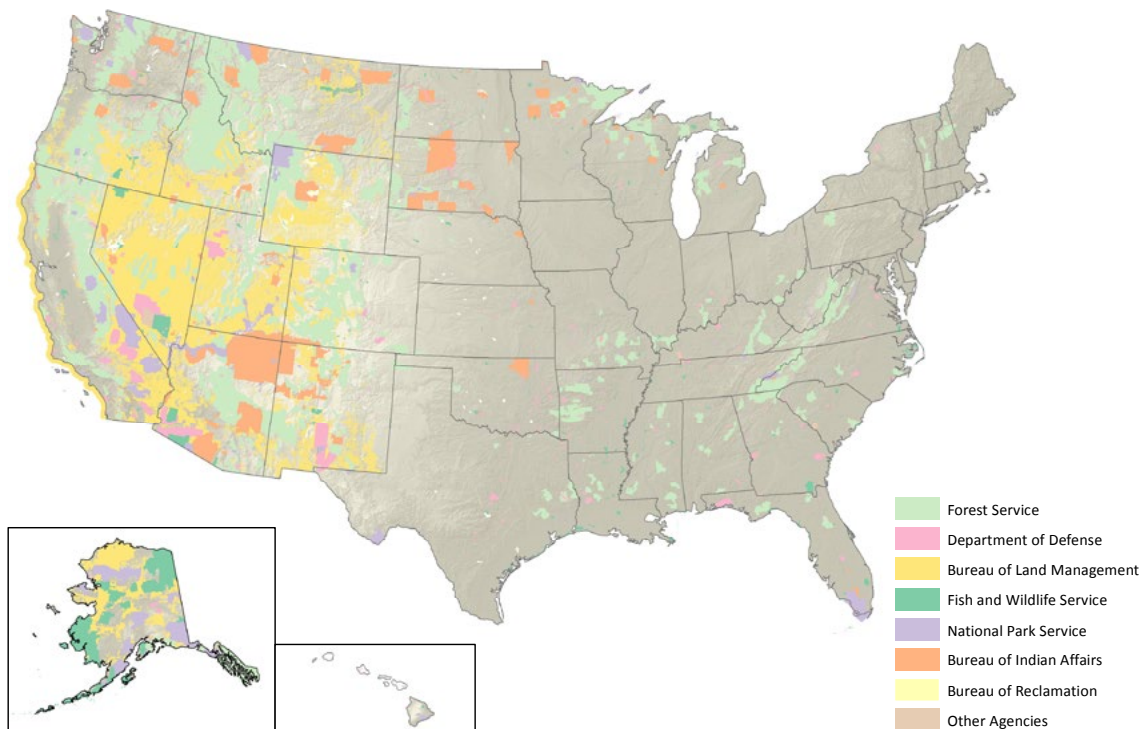
The lands administered by the five agencies are managed for many purposes, primarily related to preservation, recreation, agricultural use, and development of natural resources. Yet each land management agency has distinct responsibilities.

For example, the BLM manages under a multi-use, sustained-yield mandate that supports a variety of uses and programs, including recreation, energy development, grazing, and conservation. The FS also operates under a multi-use and sustained-yield mandate similar to that of the BLM.

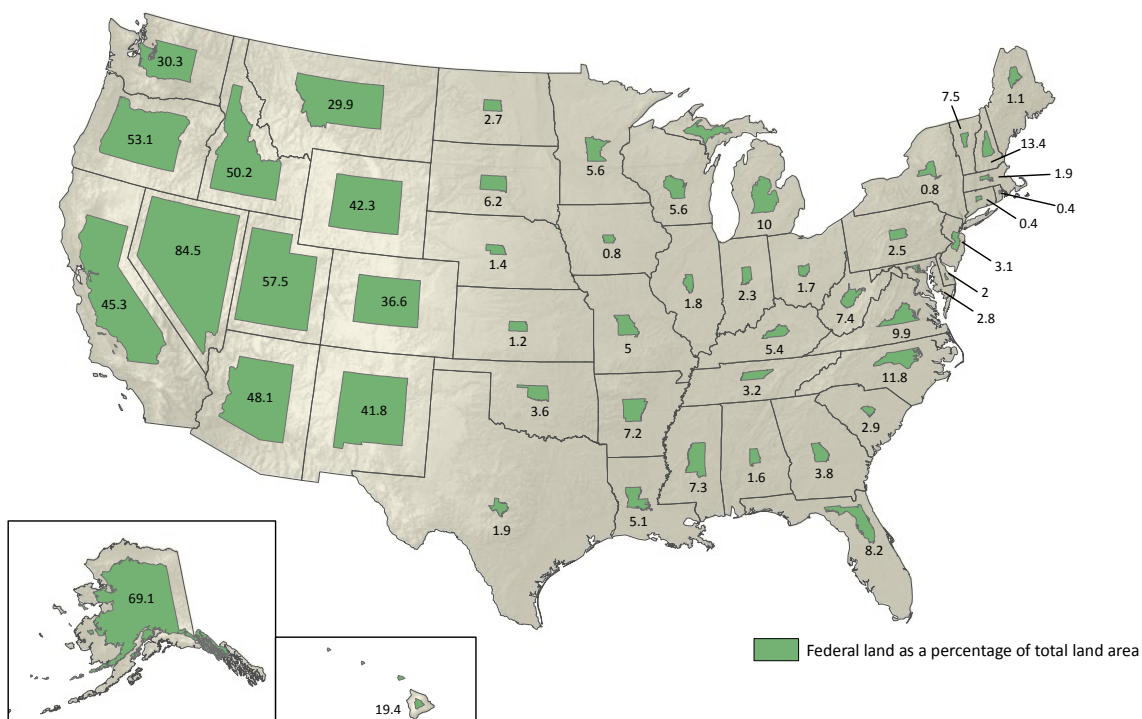
The FWS operates primarily to conserve and protect animals and plants, while the NPS manages to conserve lands and resources and make them available for public use.

The lands administered by the five agencies are managed for many purposes, primarily related to preservation, recreation, and development of natural resources.

FEDERAL LANDS IN THE U.S.



U.S. FEDERAL LAND DISTRIBUTION BY STATE



Historical Background

Federal lands have always been important in American history, adding to the strength and stature of the federal government and providing opportunity for settlement and economic development.

Much of the land the federal government owns today was obtained through acquisition, purchase, and treaties. After the Revolutionary War in 1783, the government sought secessions of western owned lands by the states for the repayment of large war debts.³ As a result, the federal government acquired approximately 233 million acres of land between the late 1780s and 1800.⁴ Additional federal lands were acquired through the Louisiana Purchase in 1803, Oregon Compromise in 1846, cessions from Mexico in 1848, and the purchase of Alaska in 1867.

To determine the scope of the settlement and facilitate the disposition of the then “northwest territory” the Confederation Congress enacted

the 1785 Land Ordinance. The purpose of the act was to provide a concise survey system so lands could be correctly recorded and disposed of accordingly.⁵

The system called for surveying lands into six-mile square townships with each township divided up into 36 sections of 640 acres or one square mile. This served as the foundation of the United States’ property recordation system. The system allowed land to be treated as a “commodity defined by numbers,” and significantly influenced the American landscape, economy, and culture.⁶

In Wyoming, the federal government retained two sections (16 and 36) in each township for public education purposes that passed to the state upon statehood in 1890.

Settlement and the “Checkerboard”

Settlement was the primary focus during the mid to late 1800s. Congress enacted numerous laws to encourage and accelerate the settlement of the West by disposing of federal lands. Approximately 816 million acres were transferred into private ownership, most to individuals and railroads.⁷

In 1862, Congress passed the Pacific Railway Act, which urged the construction of railroads by privately owned railroad companies in exchange for extensive public land tracts. Under the Act, in exchange for building the transcontinental railroad, companies would gain the odd-numbered sections on each side of the tracks for twenty miles, while the government would retain the even-numbered sections. This gave rise to the checkerboard patterns seen today on many land ownership maps. In Wyoming alone, the Union Pacific Railroad received over 4.5 million acres.⁸

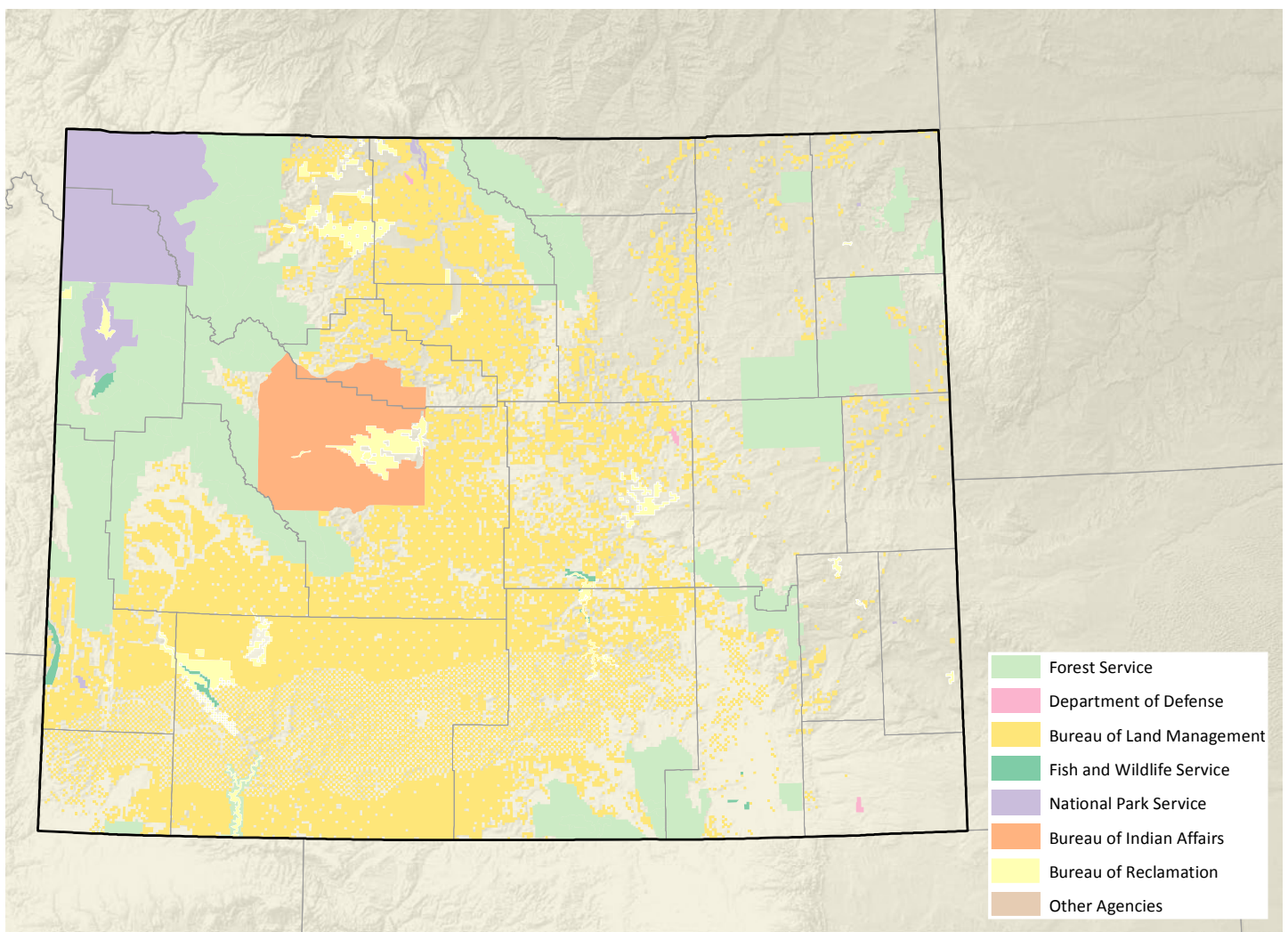


However, from this settlement and expansion era a preservation and conservation movement evolved to ensure certain lands and resources were left untouched or reserved for future use. Lands like Yellowstone, the world's first national park, Devils Tower, the first national monument, and the Shoshone National Forest, the first national forest, were reserved and withdrawn from settlement for future generations to enjoy. With the passage of the 1976 Federal Lands Policy Management Act, the general policy of the

United States shifted from an emphasis on public lands disposal to public lands retention, even in lands not specifically designated as high value conservation lands.⁹

Today the federal government owns nearly 50% of all lands in Wyoming.¹⁰ Of those lands, the BLM controls over 18 million acres, the FS manages almost 9.2 million acres, NPS administers 2.3 million acres, and the FWS operates nearly 100,000 acres.¹¹

FEDERAL LAND MANAGEMENT IN WYOMING



NATIONAL FOREST SYSTEM

History

The National Forest System originates from a one-paragraph statute, the Creative Act, enacted in 1891, which authorized the president to set aside federal lands as national forests, but said little about how those lands were to be administered and used.¹²

It was not until enactment of the Organic Administration Act in 1897 (Organic Act) that Congress identified the purposes for which these national forests were to be administered, allowing the federal government to regulate the use of the land within the national forests.

The Organic Act provided that national forests were to be administered by the federal government to “improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flow, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States.”¹³

In 1911, Congress provided for the expansion of national forests by way of acquisition.¹⁴ Also, the Weeks Act of 1911 authorized the purchase and addition of timberlands outside the Western United States to the National Forest System.¹⁵ In addition, several other laws allowed the transfer of federal land into the National Forest System. For example, federal land that originally had been acquired for other purposes could be transferred to the National Forest System and administered by the FS in accordance with laws governing the National Forest System.

Among these acquisitions is what is now known as the National Grasslands, which includes 24



million acres purchased in the western Great Plains during the drought-ridden years of the Great Depression.¹⁶ Combining these acquisitions and forest reservations from the public domain gave the federal government landholdings in nearly every state.

In 1960, Congress expanded purposes for which national forests were to be administered with the enactment of the

Multiple-Use, Sustained-Yield Act (MUSY) of 1960.¹⁷ Under MUSY, forestlands were to be managed for five “multiple uses”: recreation, grazing, timber, water, and fish & wildlife.¹⁸ However, the uses outlined in MUSY are considered secondary and not in derogation to the purposes set out in the original Organic Act of 1897.¹⁹

The 1976 National Forest Management Act (NFMA) essentially rewrote the management guidelines for forestlands.²⁰ The key provision of the NFMA was a requirement to promulgate regulations to govern the planning process at the national-forest level to accomplish the purposes of MUSY.

Management of National Forests and The United States Forest Service

The original 1897 Organic Administration Act provided that the Secretary of the Interior was to preserve and protect the national forests from destruction by fire and other depredations, and empowered the Secretary to make rules to regulate the occupancy and use of the national forests.²¹

However, in 1905, Congress transferred administration of the national forests to the Secretary of Agriculture and formally created the United States Forest Service (FS) to manage national forests. Today, the FS is within the Department of Agriculture.

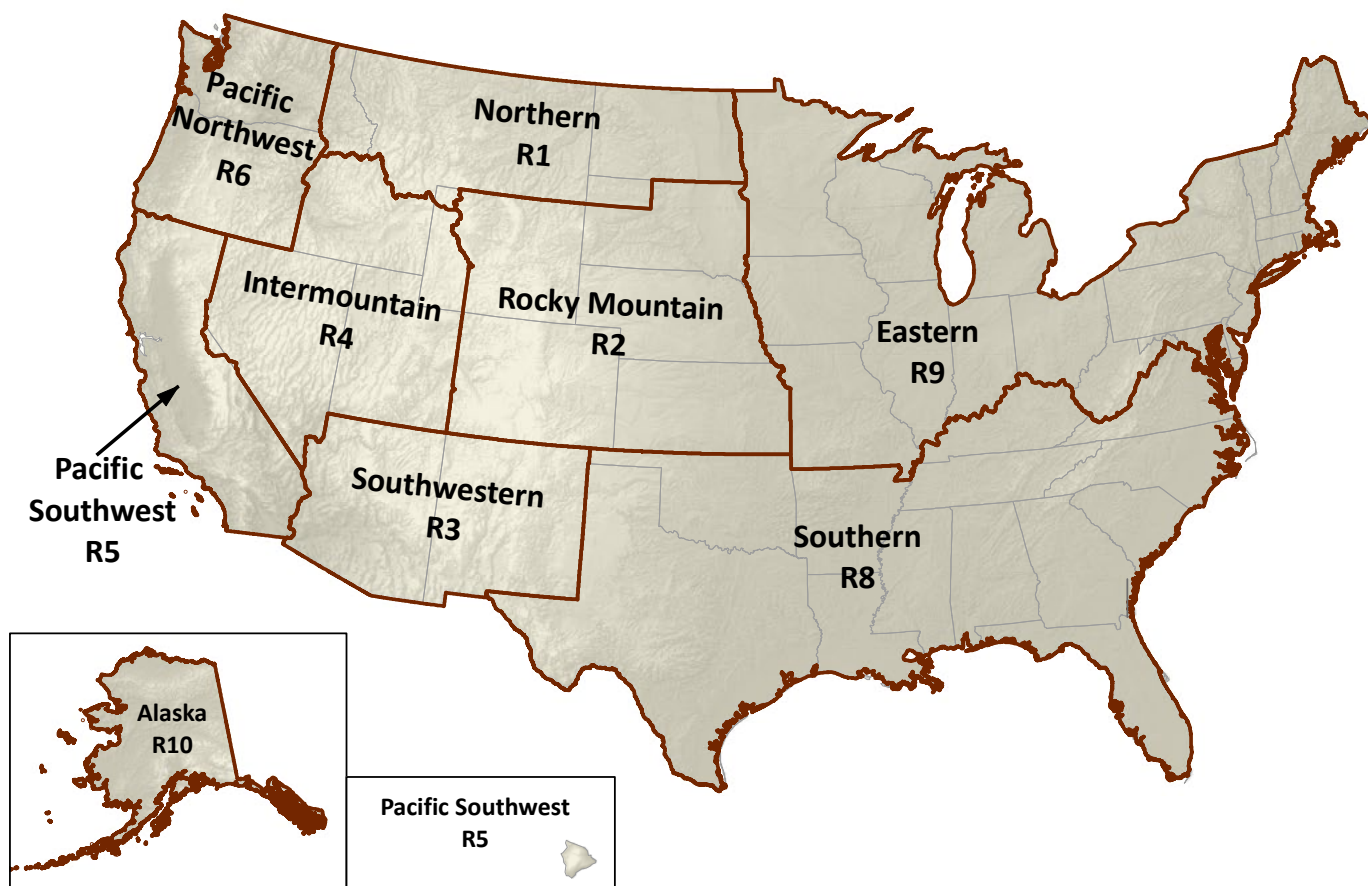
A presidentially appointed and Senate confirmed chief oversees nine forest service regions. Each region encompasses a broad geographic area, and is supervised by a regional forester who reports directly to the chief. The regional forester is responsible for coordinating activities and regional land use planning among the various forests within their region, and provides overall leadership for regional natural resource and social programs. Forest supervisors administer individual forests within the nine regions. The

forest supervisor is responsible for managing rangers, who oversee the day-to-day operations in individual forests. Employees of the FS are permitted to enforce the laws and regulations relating to the national forests and grasslands.²²

One hundred fifty-five national forests and twenty national grasslands sprawl across the United States. Of those, Wyoming is home to four national forests—Bighorn National Forest, Medicine Bow-Routt National Forest, Shoshone National Forest, and Bridger-Teton National Forest; and one national grassland: Thunder Basin.

The four national forests and one grassland in Wyoming fall within the Rocky Mountain Region (Region 2) and the Intermountain Region (Region 4).

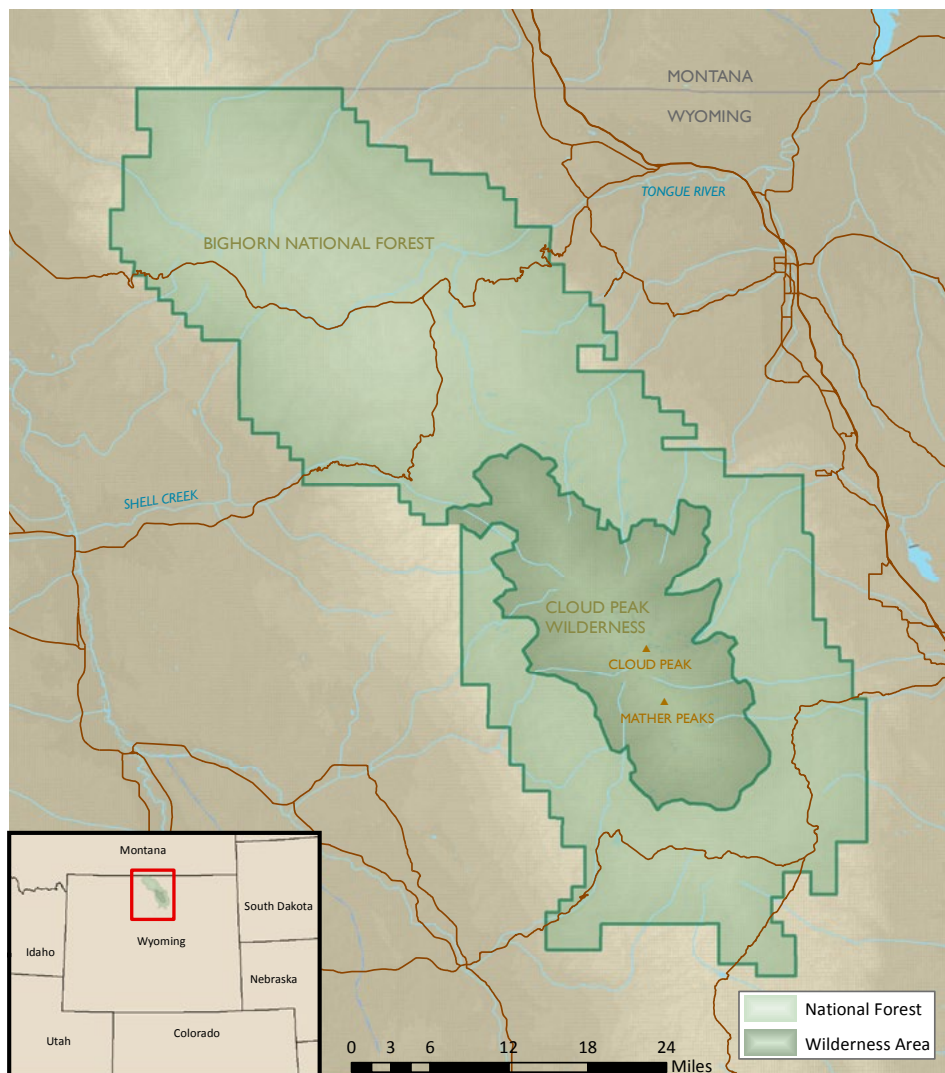
U.S. FOREST SERVICE REGIONS



NATIONAL FORESTS & GRASSLANDS IN WYOMING

Bighorn National Forest

The Bighorn National Forest is located in north-central Wyoming. Situated halfway between the Black Hills and Yellowstone National Park, the Bighorn NF is home to a diverse landscape of lush grasslands, alpine meadows, lakes, glacially-carved valleys, rolling hills, sheer mountain walls and several headwater rivers and streams that are part of the Yellowstone River Basin.²³



Bighorn National Forest Contact Information

USDA Forest Service
Bighorn National Forest
2013 Eastside 2nd St.
Sheridan, WY 82801
307-674-2600

District Contact Information

Powder River
Ranger District
1415 Fort St.
Buffalo, WY 82834
307-684-7806

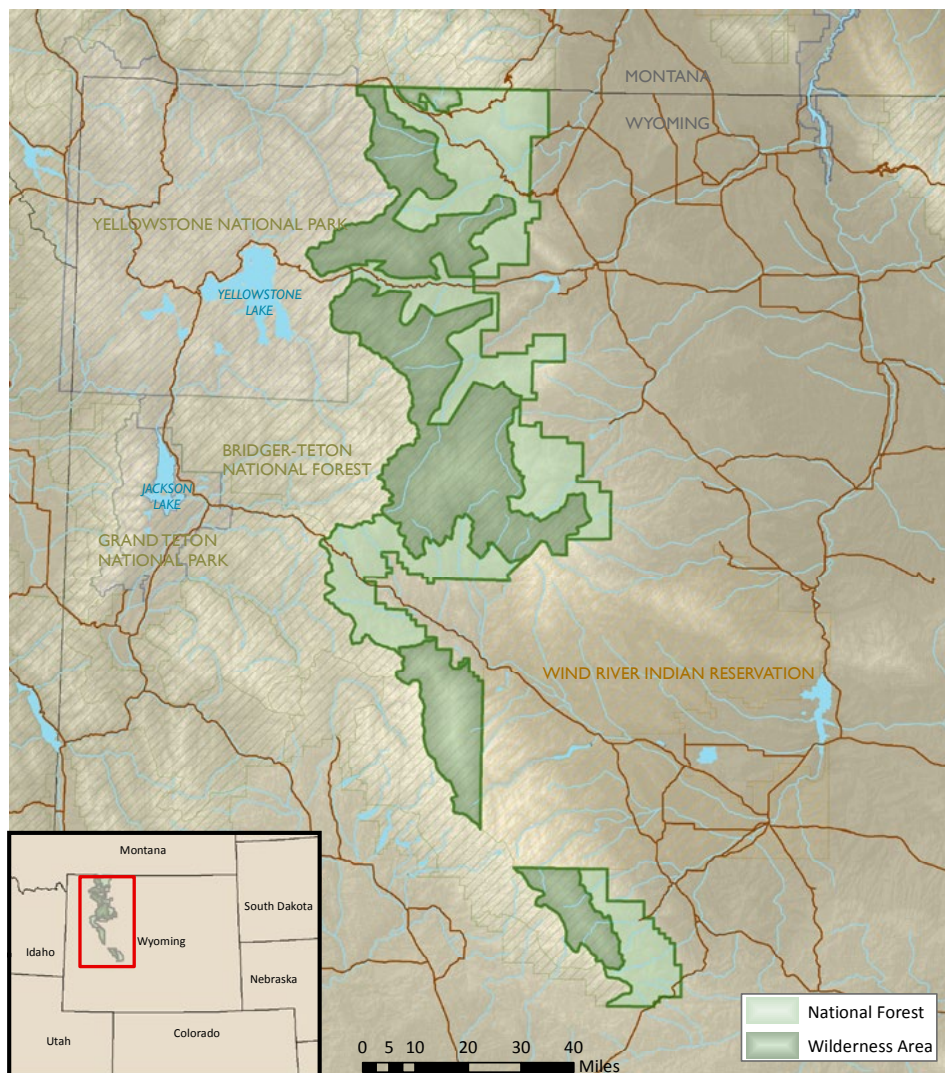
Tongue Ranger District
2013 Eastside 2nd St.
Sheridan, WY 82801
307-674-2600

Medicine Wheel / Paintrock
Ranger District
604 East Main
Lovell, WY 82431
307-548-6541

NATIONAL FORESTS & GRASSLANDS IN WYOMING

Shoshone National Forest

The Shoshone National Forest was set aside in 1891 as part of the Yellowstone Timberland Reserve, making the Shoshone the first national forest in the United States. It consists of some 2.4 million acres of varied terrain ranging from sagebrush flats to rugged mountains. The Shoshone encompasses the area from the Montana state line south to Lander, Wyoming, and includes portions of the Absaroka, Wind River, and Beartooth Mountains. The Shoshone is home to Gannett Peak, Wyoming's tallest peak, sitting at 13,809 feet.²⁴



Shoshone National Forest Contact Information

USDA Forest Service
Bighorn National Forest
2013 Eastside 2nd St
Sheridan, WY 82801
307-674-2600

District Contact Information

Washakie Ranger District
333 Hwy. 789
Lander, WY 82520
307-332-5460

Wind River Ranger District
1403 West Ramshorn
Dubois, WY 82513-0186
Phone: 307-455-2466

NATIONAL FORESTS & GRASSLANDS IN WYOMING

Bridger-Teton National Forest

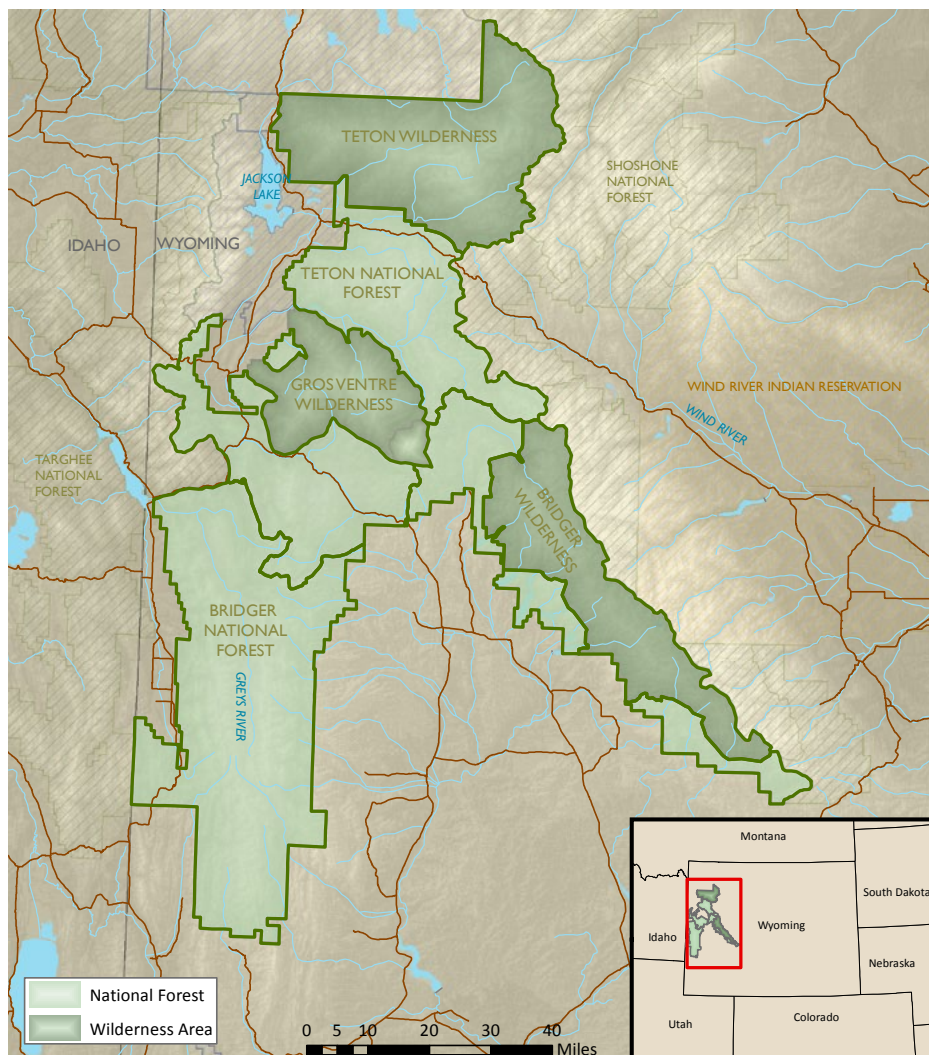
Located in western Wyoming, the Bridger-Teton National Forest covers more than 3.4 million acres. The forest comprises a large part of the Greater Yellowstone Ecosystem—the largest intact ecosystem in the lower 48 United States. Bridger-Teton has nearly 1.2 million acres of designated wilderness, over 3,000 miles of roads and trails, and thousands of miles of rivers and streams.²⁵

Bridger-Teton National Forest Contact Information

USDA Forest Service
Bridger-Teton
National Forest
340 N. Cache
P.O. Box 1888
Jackson, WY 83001
307-739-5500

District Contact Information

Big Piney Ranger District
10418 South US Hwy 189
P.O. Box 218
Big Piney, WY 83113
307-276-3375



Blackrock Ranger District
Hwy 26/287
P.O. Box 278
Moran, WY 83013
307-543-2386

Kemmerer Ranger District
308 Hwy 189 North
Kemmerer, WY 83101
307-828-5100

Greys River Ranger District
671 North Washington St.
Afton, WY 83110
307-886-5300

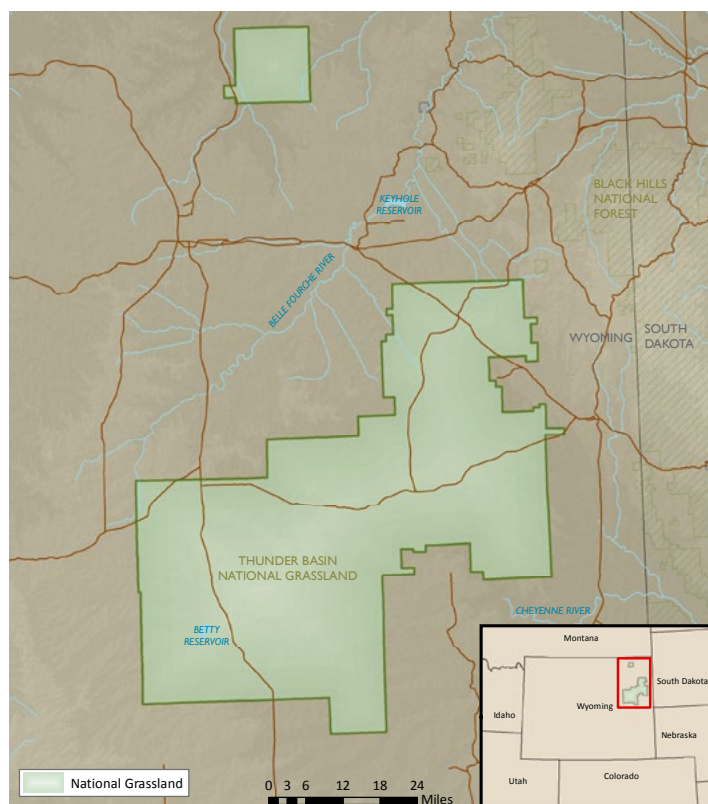
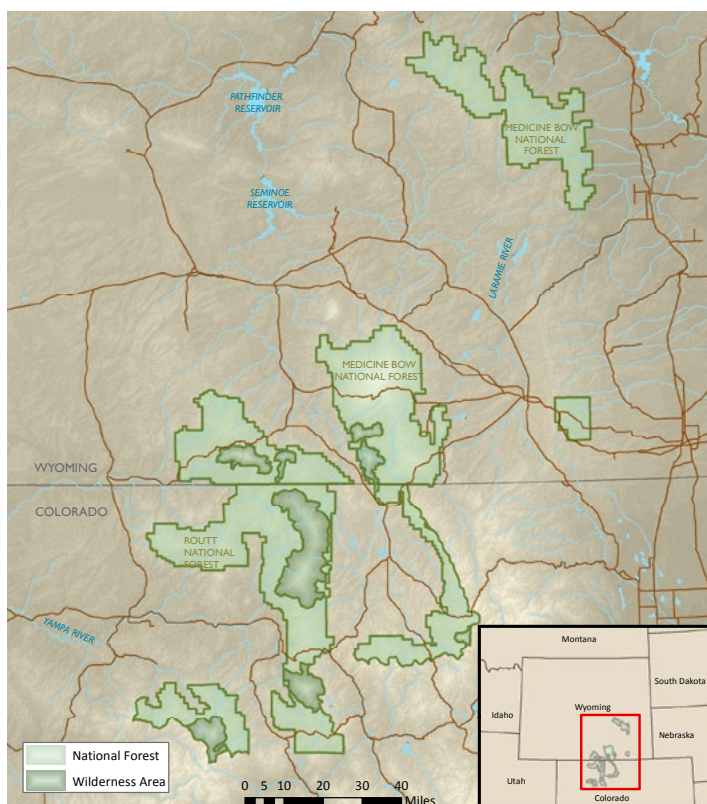
Jackson Ranger District
25 Rosencrans Lane
P.O. Box 1689
Jackson, WY 83001
307-739-5400

Pinedale Ranger District
29 East Fremont Lake Rd.
P.O. Box 220
Pinedale, WY 82941
307-367-4326

NATIONAL FORESTS & GRASSLANDS IN WYOMING

Medicine Bow-Routt National Forests & Thunder Basin National Grassland

The Medicine Bow-Routt National Forests and Thunder Basin National Grassland cover nearly 2.9 million acres from north-central Colorado to central and northeastern Wyoming. The Medicine Bow-Routt National Forest is the headwaters for the famed North Platte River. The Thunder Basin National Grassland is located in the Powder River Basin, between the Bighorn Mountains and the Black Hills in South Dakota.²⁶



Medicine Bow-Routt National Forests & Thunder Basin National Grassland Contact Information

USDA Forest Service
Medicine Bow-Routt National Forests &
Thunder Basin National Grassland
2468 Jackson St.
Laramie, WY 82070
307-745-2300

District Contact Information

Brush Creek/Hayden Ranger District
2171 Hwy 130
P.O. Box 249
Saratoga, WY 82331
307-326-5258

Douglas Ranger District
2250 East Richards St.
Douglas, WY 82633
307-358-4690

NATIONAL PARK SYSTEM

History

In the mid to late 1800s a preservation movement spurred on by artists, writers, and newspapers urged protection of the “wild” areas of the United States. The movement gained widespread support and in 1872 the federal government, through Congress, reserved more than two million acres of public domain from settlement, occupancy, or sale for preservation.

The area reserved became known as Yellowstone, and was set apart as a public park or pleasure-ground for the benefit and enjoyment of the public. The park was placed under the exclusive control of the Secretary of the Interior who was charged to “provide for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders within



said park, and their retention in their natural condition.”²⁷

It was not until 44 years later that Congress formally recognized national parks with the passage of the National Park Organic Act of 1916 (National Park Act). The National Park Act established national parks “to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for

the enjoyment of future generations.”²⁸

In 1970, the National Park Service General Authorities Act amended the 1916 National Park Act and established that the resources and values of national park lands are subject to a no-impairment standard.²⁹



Management of National Parks and The National Park Service

The National Park Organic Act of 1916 established the National Park Service (NPS) within the Department of the Interior to administer the national parks.³⁰ A director nominated by the president and confirmed by the Senate leads the NPS.³¹ The NPS divides the land it administers into seven regions that are managed by regional directors responsible for national park management and program implementation. Superintendents manage individual parks.

The NPS is charged with managing national parks, monuments, battlefields, military parks, historical

parks, historic sites, lakeshores, seashores, recreation areas, scenic rivers and trails, and the White House. Overall, the NPS manages more than 400 national park units that encompass nearly 85 million acres.³²

Wyoming falls exclusively within the Intermountain region and is home to eleven national park sites.³³ They include: the Bighorn Canyon National Recreation Area, California National Historic Trail, Devils Tower National Monument, Fort Laramie National Historic Site, Fossil Butte National Monument, Grand Teton National Park, John D. Rockefeller Jr. Memorial Parkway, Mormon Pioneer National Historic Trail, Oregon National Historic Trail, Pony Express National Historic Trail, and Yellowstone National Park.

U.S. NATIONAL PARK SERVICE REGIONS



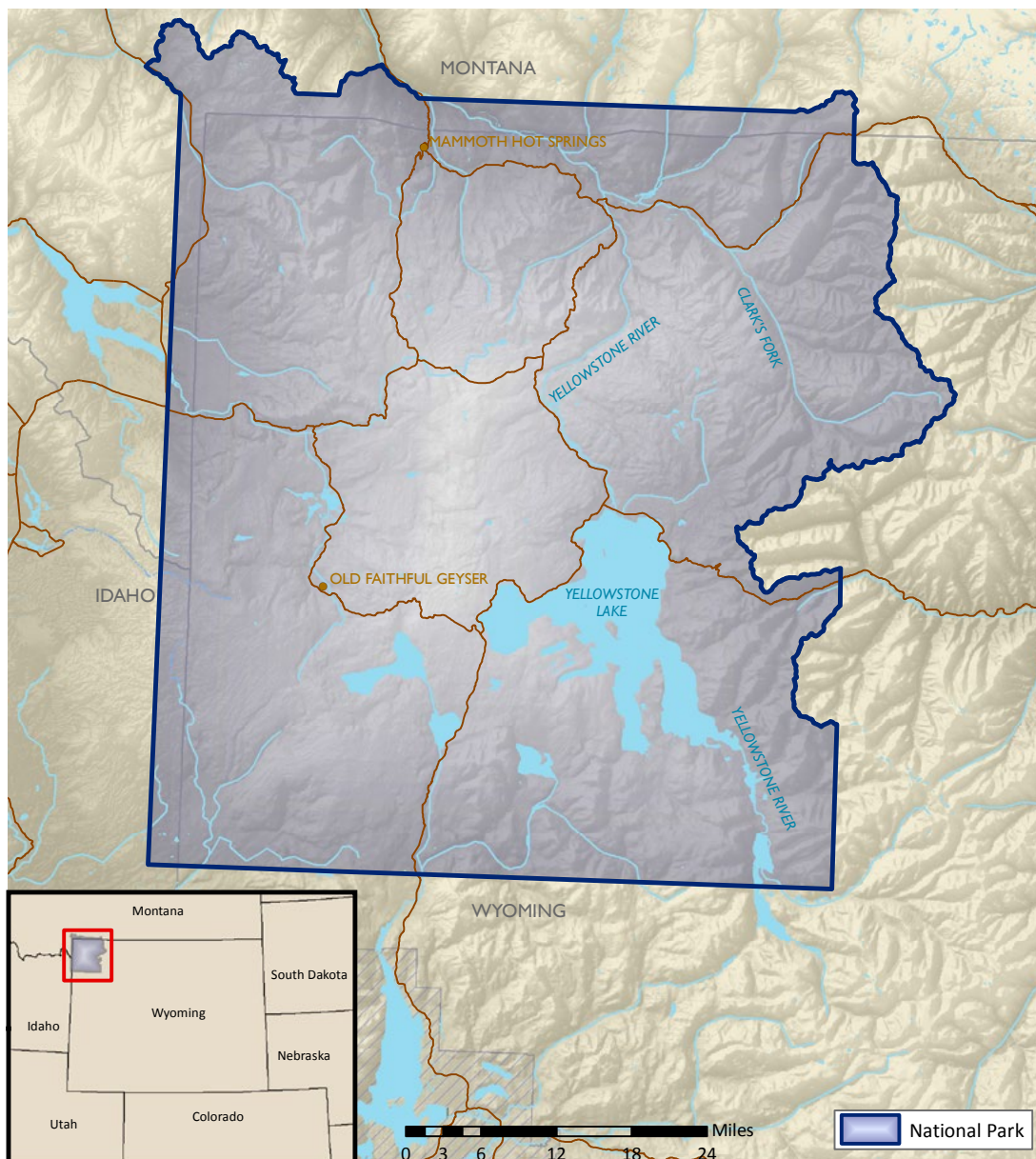
NATIONAL PARK SITES IN WYOMING

Yellowstone National Park

Yellowstone, the nation's first national park, sprawls 3,472 square miles in Wyoming, Montana, and Idaho; however, 96% of Yellowstone is in Wyoming.³⁴ Yellowstone is home to over 60 mammal species, 10,000 thermal features, 300 geysers, and 290 waterfalls. The park attracts more than 3 million visitors annually who come to see sites like Old Faithful and the Grand Canyon of Yellowstone.³⁵

Yellowstone National Park Contact Information

PO Box 168
Yellowstone National
Park, WY 82190
307-344-7381



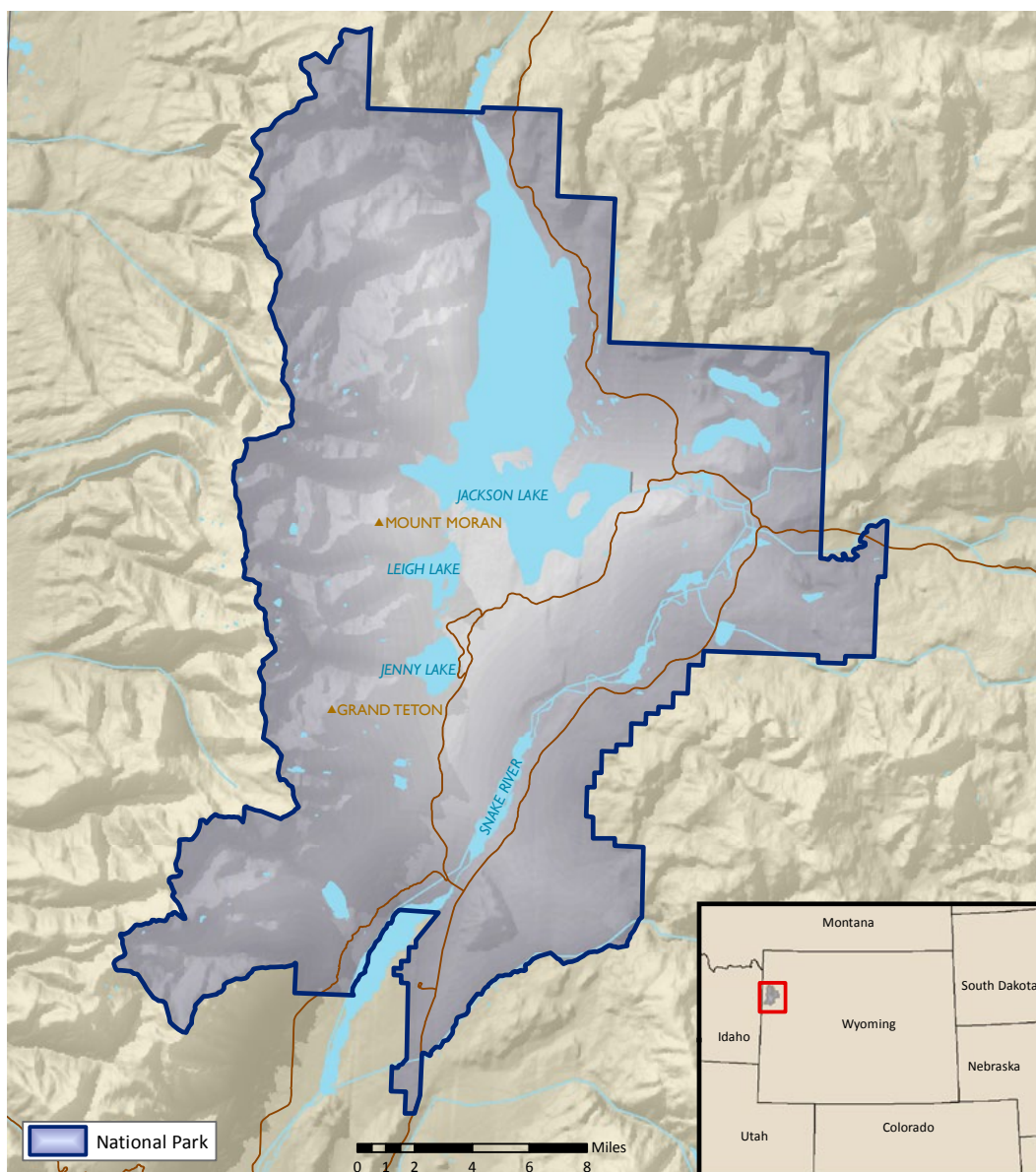
NATIONAL PARK SITES IN WYOMING

Grand Teton National Park

Grand Teton National Park was initially created in 1929. The park expanded in 1950 by presidential proclamation when Jackson Hole National Monument, which consisted of Teton National Forest lands, Jackson Lake, and a 35,000-acre donation by John D. Rockefeller, were combined with various other federal lands. Today the park covers nearly 485 square miles and is a popular destination for mountain climbing, hiking, backpacking, skiing, and many more activities.³⁶

Grand Teton National Park Contact Information

P.O. Drawer 170
Moose, WY 83012
307-739-3300



NATIONAL HISTORIC TRAILS

The National Trail System is a network of scenic, historic, and recreation trails created by the National Trail System Act of 1968.³⁷ These trails provide for outdoor recreation needs, promote the enjoyment, appreciation, and preservation of open-air, outdoor areas and historic resources, and encourage public access and citizen involvement.

Wyoming's National Historic Trails include California National Historic Trail, Mormon Pioneer National Historic Trail, Oregon National Historic Trail, and the Pony Express National Historic Trail.³⁸

Initially the NPS managed national historical trails, but a 1983 interagency agreement between the Rocky Mountain Region of the NPS and the BLM provided for cooperation between the two agencies to implement a comprehensive plan for management of historic trails in Wyoming.³⁹ The NPS is responsible for 40% of the historic trails in Wyoming, while the remaining 60% falls under BLM stewardship.⁴⁰

In 2002, the National Historic Trails Interpretive Center opened its doors in Casper, Wyoming. The center interprets the significant role of the area's historic trails in the

development of the United States and seeks to promote public understanding of both America's western Native cultures and historic westward expansion.⁴¹

National Historic Trails Interpretive Center Contact Information

1501 N Poplar St.
Casper, WY 82601
307-261-7700

NATIONAL MONUMENTS

The NPS is also charged with the management of national monuments. National monuments were first created



under the Antiquities Act of 1906.⁴² The Antiquities Act was designed to protect antiquities and objects of scientific interest in the public domain. It authorized the president to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that exist on public lands in the United States.

In 1906 under President Theodore Roosevelt, Devils Tower, in northeast Wyoming, became the nation's first national monument. Roosevelt

described Devils Tower as a "lofty and isolated rock...to be a natural wonder and an object of historic and great scientific interest."⁴³ Following the designation of Devils Tower, subsequent presidents designated over one million acres of national monuments in Alaska and Arizona under the Antiquities Act. None of the designations encountered significant opposition with the exception of President Franklin D. Roosevelt's 1943 proclamation of Jackson Hole National Monument in northwest Wyoming.⁴⁴

Roosevelt's proclamation unleashed a storm of criticism regarding the use of the Antiquities Act to circumvent Congress. A bill abolishing Jackson Hole National Monument passed Congress, but was vetoed by Roosevelt. Soon after, court challenges to the proclamation's authority were mounted. To appease Wyoming officials, Congress and newly

elected President Truman agreed to exempt Wyoming from the Antiquities Act as part of an agreement to incorporate Jackson Hole Monument into Grand Teton National Park.⁴⁵

Presidential use of the Antiquities Act remains controversial. In 1996 President Bill Clinton designated 1.9 million acres of land in Utah as

the Grand Staircase Escalante National Monument. The governor of Utah, the Utah federal delegation, and the counties affected opposed the designation. In 2015, President Barack Obama designated 704,000 acres as the Basin and Range National Monument in Nevada, once again sparking controversy.

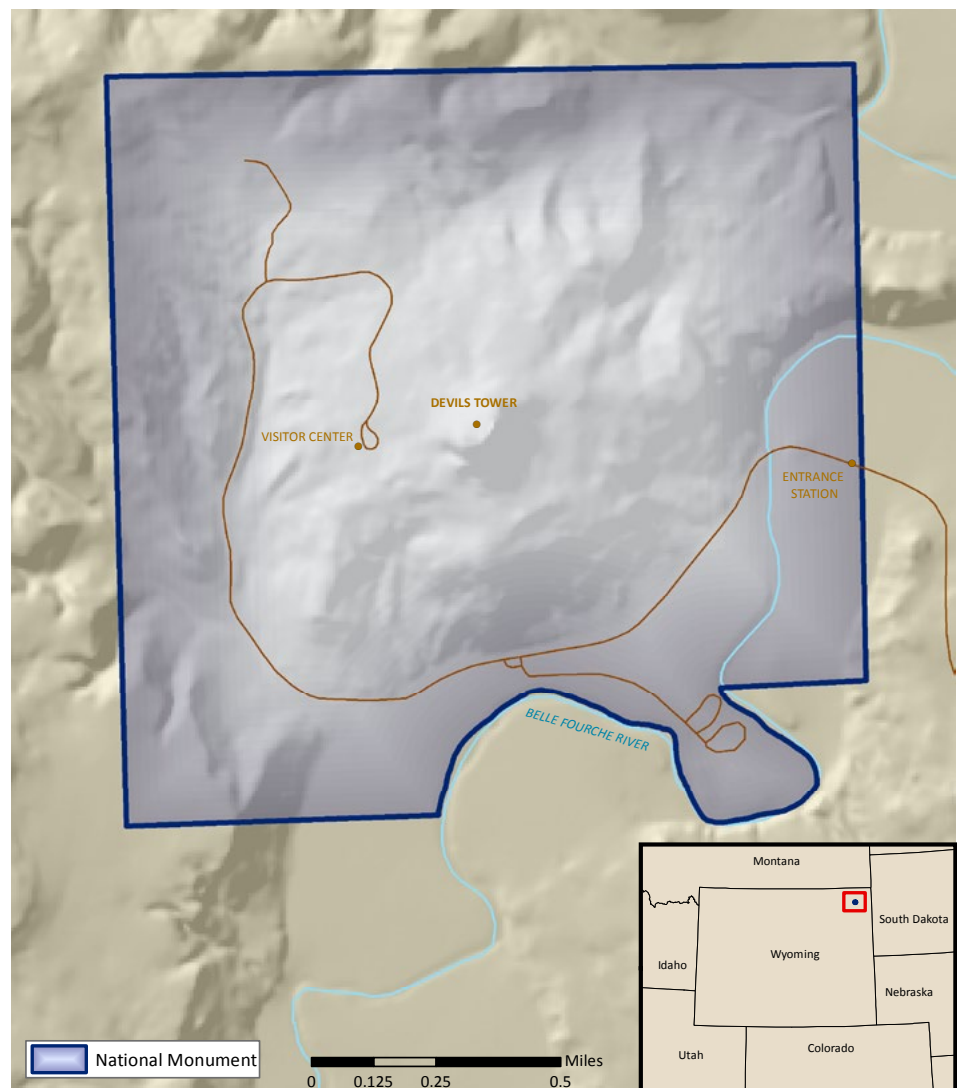
NATIONAL MONUMENTS IN WYOMING

Devils Tower National Monument

Devils Tower National Monument is a geologic feature that protrudes out of the rolling prairie that surrounds the Black Hills. The site is considered sacred to the Lakota and other tribes that have a connection to the area. Hundreds of parallel cracks make it one of the finest traditional crack climbing areas in North America.⁴⁶

Devils Tower National Monument Contact Information

P.O. Box 10
Devils Tower, WY 82714
307-467-5283



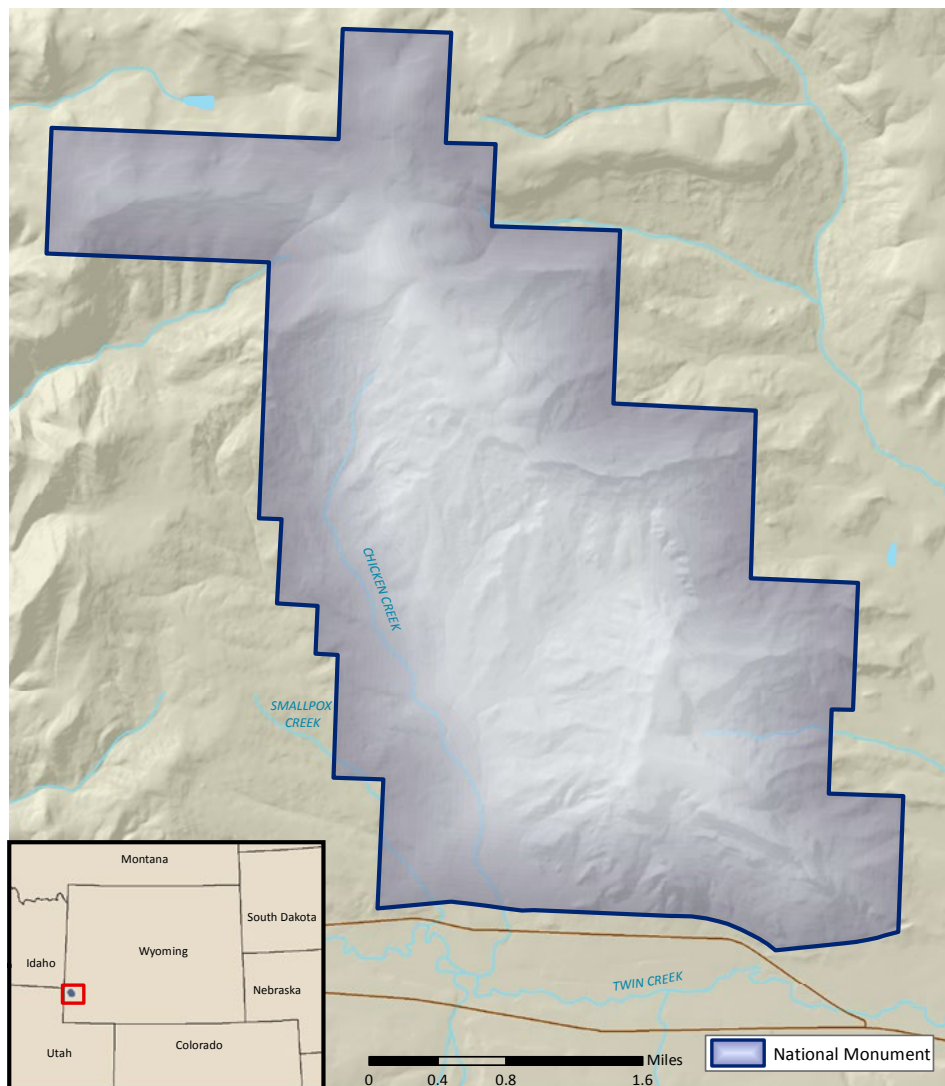
NATIONAL MONUMENTS IN WYOMING

Fossil Butte National Monument

Fossil Butte National Monument is home to some of the world's best preserved fossils, which are found in the flat-topped ridges of southwestern Wyoming's cold sagebrush desert. Fossilized fish, insects, plants, reptiles, birds, and mammals are exceptional for their abundance, variety, and detail of preservation in Fossil Butte.⁴⁷

Fossil Butte National Monument Contact Information

P.O. Box 592
Kemmerer, WY 83101
307-877-4455



NATIONAL RECREATION AREAS

Congress enacted the Park, Parkway, and Recreation Area Study Act of 1936, initiating new types of federal park areas: National Parkways, National Recreation Areas, and National Seashores and Recreation Demonstration Areas. These collectively have since been

designated National Recreation Areas (NRAs) because they have much in common.⁴⁸

Early NRAs were primarily established around large reservoirs created by federally funded dams.⁴⁹ By the 1990s, Congress designated almost fifty

NRAs. There is no organic act for the management of NRAs, each NRA is governed by the statute that created it. Generally, these statutes allow for public use and recreation so long as the use is compatible with the purposes of the NRA.⁵⁰

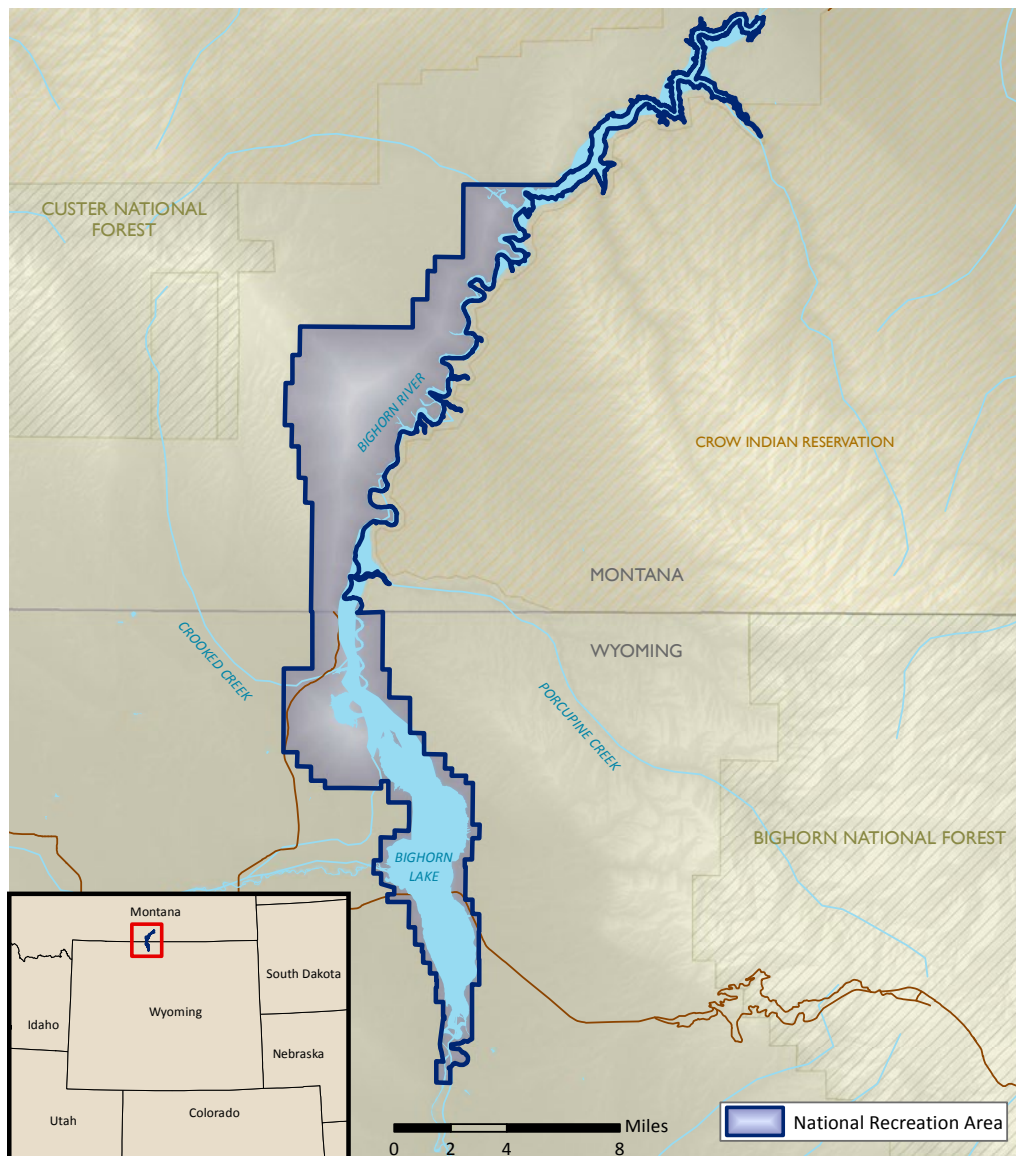
NATIONAL RECREATION AREAS IN WYOMING

Bighorn Canyon National Recreation Area

The Bighorn Canyon NRA was established in 1966 to preserve the area's natural and cultural resources and provide for public enjoyment after the construction of Yellowtail Dam. The Bighorn Canyon NRA encompasses approximately 68,000 acres between the Pryor and Bighorn mountain ranges on the Montana-Wyoming boundary. The area is a popular destination for boating, wildlife viewing, and fishing.⁵¹

Bighorn Canyon National Recreation Area Contact Information

Visitor Center
20 Highway 14A East
Lovell, WY 82431
307-548-5406



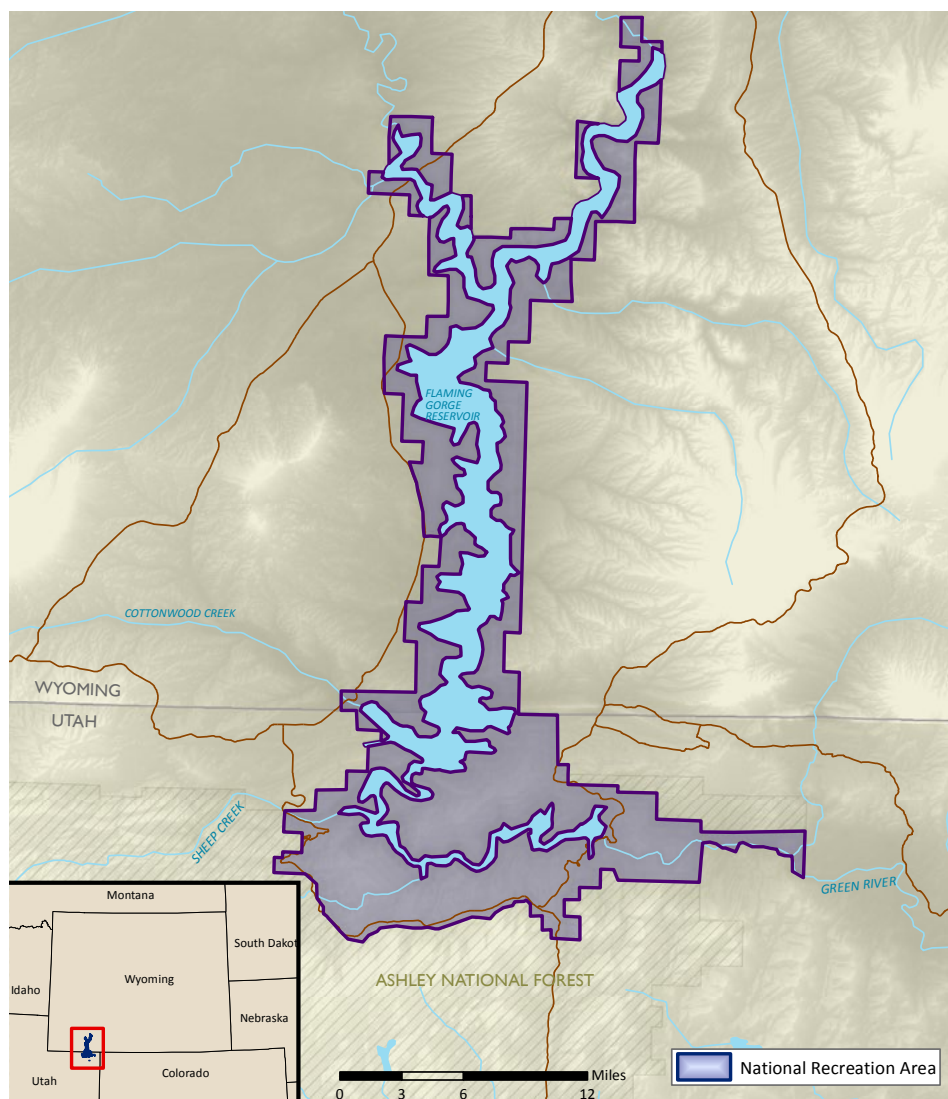
NATIONAL RECREATION AREAS IN WYOMING

Flaming Gorge National Recreation Area

The Flaming Gorge NRA is located in the southwest corner of Wyoming and northeast corner of Utah. It is South of I-80, between Green River and Rock Springs, Wyoming and extends into the Uintah Mountains towards Vernal, Utah. It encompasses almost 1.4 million acres of National Forest (1.3 million in Utah and 100,000 in Wyoming) and covers nearly 91 water-miles encompassing almost 360 miles of shoreline. It is a popular destination for boating, fishing, and camping. Ashley National Forest is responsible for managing the NRA.⁵²

Flaming Gorge National Recreation Area Contact Information

Ashley National Forest
355 North Vernal Avenue
Vernal, UT 84078
435-789-1181



NATIONAL PARKWAYS IN WYOMING

John D. Rockefeller Jr. Memorial Parkway was established in 1972 to commemorate the philanthropic activities of John D. Rockefeller Jr. and his generous donations of lands to the National Park System. The parkway connects

Yellowstone and Grand Teton national parks and contains 23,700 acres. The Parkway is managed as a recreation area under the administration of Grand Teton National Park.⁵³

NATIONAL HISTORICAL SITES AND NATIONAL HISTORIC LANDMARKS

The National Sites Act of 1935 declared “a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States.”⁵⁴ The Act gave the NPS authority to administer historically-significant, federally-owned properties. It also required the NPS to survey historic and archaeological sites, buildings,

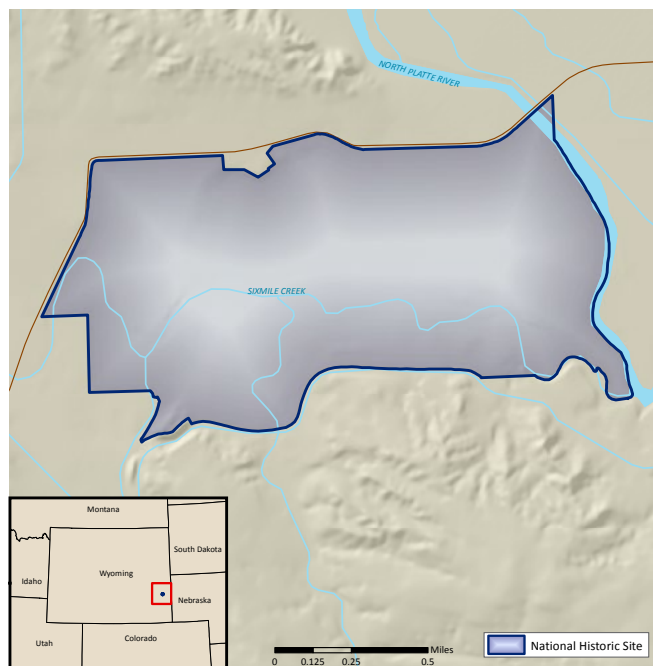
and objects for the purpose of determining sites possessing exceptional value in commemorating or illustrating the history of the United States.⁵⁵

In 1966, Congress passed the National Historic Preservation Act and formally created the National Register of Historic Places, which included the National Historic Landmark Program.⁵⁶

WYOMING’S NATIONAL HISTORICAL SITES AND NATIONAL HISTORIC LANDMARKS

Fort Laramie National Historic Site

Fort Laramie National Historic Site was originally established as a private fur-trading post in 1834. Fort Laramie evolved into the largest and best known military post on the Northern Plains, before its abandonment in 1890.⁵⁷



There are 24 listed national landmarks in Wyoming. Some of the more well know landmarks include: Independence Rock, Jackson Lake Lodge, Old Faithful Inn, and the Wyoming State Capitol.⁵⁸

BUREAU OF LAND MANAGEMENT

The Bureau of Land Management (BLM) was established in 1946 when the General Land Office and the Grazing Service were merged in the Department of the Interior. Initially, the BLM was primarily focused on managing minerals and livestock; however, today the BLM manages its lands for a multitude of resources that include mineral development, grazing, recreation, preservation, and conservation among others.⁵⁹



FLPMA gives the president broad authority to withdraw federal lands to maintain public values or reserve the area for a particular public purpose or program.⁶⁴ FLPMA's detailed withdrawal provisions apply to all federal lands regardless of the governing agency.

Inventorying Resources

Title II of FLPMA requires the Secretary of Interior to inventory resources related to public lands administered by the BLM and to develop, maintain, and revise public land management plans.⁶⁵ Development and revision of such plans requires the observance of multiple-use and sustained-yield objectives with consideration of areas of critical environmental concern (ACEC) and consideration of long-term benefits against short-term needs.

Right-of-Way

With the passage of FLPMA, Congress repealed a statute in the Mining Act of 1866 that provided the right-of-way (ROW) for the construction of highways over public lands. FLPMA grandfathers in ROW claims that predated the passage of the Act and establishes rules by which the BLM can grant ROWs after its enactment. FLPMA allows the Secretary of Interior to finance roads through appropriations, cooperative financing, requiring fees from purchasers of timber and other products from public lands, or a combination of any of these approaches. Recently, FLPMA's ROW provisions have been invoked for wind and solar energy projects as well as new transmission lines designed to expand the western power grid.⁶⁶

Federal Land Planning & Management Act of 1976

The Federal Land Planning and Management Act of 1976 (FLPMA) provides the governing mandate for the BLM.⁶⁰ FLPMA instructs the agency to administer public lands under multiple-use and sustained-yield principles that includes both resource development and conservation.

The BLM is required to administer public lands in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, atmospheric, water resource, and archeological values.⁶¹ While managing the public lands the BLM must take any action necessary to prevent unnecessary or undue degradation of the lands, in an attempt to preserve and protect appropriate public lands in their natural condition.⁶² At the same time public lands must provide for outdoor recreation and human occupancy and use, as well as be managed in a manner that recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber.⁶³

Grazing

Title IV of the Act makes range management procedures applicable to grazing on the national forests. The Act directs that 50% or \$10 million annually, whichever is greater, of all grazing fees under the Taylor Grazing Act be used for range rehabilitation, protection, and improvement.⁶⁷ This includes seeding, fence construction, weed control, water development, and fish and wildlife habitat enhancement.⁶⁸

Other Provisions in FLPMA

FLPMA also contains important land-exchange provisions, which establish general federal standards that govern proposed exchanges. These standards require that exchanges must be for equal value and in the public interest.⁶⁹

Public involvement is also encouraged in FLPMA. To elicit public involvement, the Act authorizes actions such as public meetings, public hearings, and advisory groups.⁷⁰



Management of Special Land Use Designations

In 2009, Congress established the National Landscape Conservation System (NLCS), a subdivision of the BLM, to administer the 877 federally recognized special-use areas covering almost 12% of all lands managed by the BLM.⁷¹ The NLCS administers BLM lands that are designated as: National Monuments, National Scenic Trails or National Historic Trails, WSAs, components of the National Wild and Scenic Rivers System, and components of the National Wilderness Preservation System.⁷²

BLM and the Management of Minerals

The federal government has historically recognized that minerals and mining were lucrative and the preferred use of federal lands. Congress passed the Mining Act of 1872, which is considered the “miners’ Magna Carta” and helped establish the manner in which the federal government would relinquish its control over vast western mineral estates as they were settled. The Mining Act provided for the disposal of these mineral estates separate from the surface estates and allowed for the development of subsurface mineral resources.⁷³

During the same period, Congress passed land-entry statutes to incentivize settlement of the West. However, only the land open for homesteading under those statutes was considered to be “non-mineral” in character. The Stock Raising Homestead Act of 1916 opened up lands considered “mineral” in character by allowing settlers to claim 640 acres of the surface for farming and ranching, but reserved all minerals to the federal government. The new settlers received title to the surface while ownership of the minerals remained with the United States.⁷⁴

The minerals that remained with the federal government have always been lodged in the Interior Department, but now lie with the BLM.⁷⁵ The BLM oversees management of almost 700 million acres of subsurface mineral estates underlying both federal and non-federal lands.⁷⁶

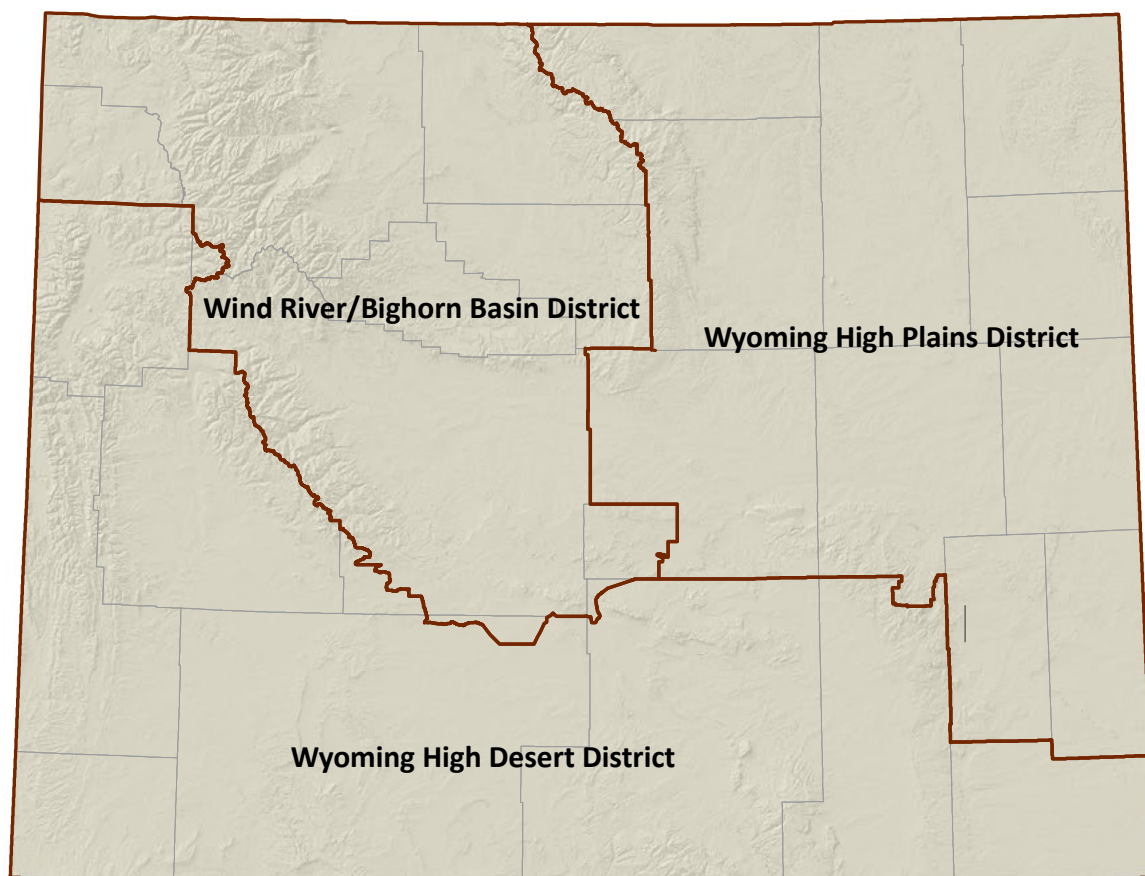
The BLM administers mineral leases underlying lands managed by the FS, FWS, and the NPS. Additionally, the BLM manages 58 million acres of mineral estate beneath surface lands owned by non-federal entities such as states and private landowners.⁷⁷

Organization and Management

A national director, who is appointed by the president and confirmed by Congress, runs the BLM. The national director oversees multiple divisions within the BLM and also supervises state directors. BLM lands are broken into districts that are supervised by district managers. District managers oversee field offices that control daily operations.⁷⁸

Today, the BLM oversees 245 million surface acres, making it the largest federal land-management agency.⁷⁹ In Wyoming, the BLM is made up of three districts, which collectively manage ten field offices. These ten BLM field offices administer more than 17.5 million surface acres of public lands and 40.7 million acres of mineral estates in Wyoming.⁸⁰

WYOMING BLM DISTRICTS



BUREAU OF LAND MANAGEMENT

Contact Information for BLM District Offices in Wyoming

High Desert District
280 Highway 191 North
Rock Springs, WY 82901
307-352-0256

High Plains District
2987 Prospector Drive
Casper, WY 82604
307-261-7600

Wind River/Bighorn
Basin District
101 South 23rd Street
Worland, WY 82401
307-347-5100

Contact Information for BLM Field Offices in Wyoming

Kemmerer Field Office
430 North Hwy 189
Kemmerer, WY 83101
307-828-4500

Casper Field Office
2987 Prospector Drive
Casper, WY 82604
307-261-7600

Pinedale Field Office
1625 West Pine Street
P.O. Box 768
Pinedale, WY 82941
307-367-5300

Newcastle Field Office
1101 Washington Boulevard
Newcastle, WY 82701
307-746-6600

Rawlins Field Office
1300 North Third
P.O. Box 2407
Rawlins, WY 82301
307-328-4200

Cody Field Office
1002 Blackburn Street
Cody, WY 82414
307-578-5900

Rock Springs Field Office
280 Highway 191 North
Rock Springs, WY 82901
307-352-0256

Lander Field Office
1335 Main Street
Lander, WY 82520
307-332-8400

Buffalo Field Office
1425 Fort Street
Buffalo, WY 82834
307-684-1100

Worland Field Office
101 South 23rd Street
Worland, WY 82401
307-347-5100

FISH AND WILDLIFE SERVICE

History and Management of the National Wildlife Refuge System

Initially wildlife management and conservation were left to state fish and game agencies; however, rudimentary state wildlife statutes were largely ineffective for lack of enforcement resources. In 1901, newly elected President Teddy Roosevelt asked Congress to create federal game refuges, but Congress rejected the idea. Roosevelt took matters into his own hands and in 1903 self-declared Pelican Island as a federal bird reservation. The Pelican Island Bird Refuge Proclamation was the birth of a national program designed for the protection of wildlife and their habitat.⁸¹

Congress followed by delegating express authority to the president to declare wildlife refuges and later statutorily establishing specific refuges. Congress later consolidated various wildlife and game areas into the National Wildlife Refuge System (NWRS) with the passage of the National Wildlife Refuge System Administration Act (NWRSA) in 1966.⁸²

The NWRSA vests sole responsibility to administer all units of the NWRS to the Fish and Wildlife Service (FWS). The FWS is one of the oldest institutions



in the world dedicated to wildlife conservation. Its history spans nearly 140 years, dating from the establishment of its predecessor agencies, the Bureau of Fisheries, found within the Department of Commerce, in 1871, and the Bureau of Biological Survey, established in 1885 within the Department of Agriculture.⁸³

The mission of the NWRS is to administer a national network of lands and waters

for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans. The National Wildlife Refuge System Improvement Act of 1997 established a hierarchy of wildlife refuge uses. According to the Act, all human-use must be "compatible" with and not "materially interfere" with the NWRS mission or an individual refuge's purpose.⁸⁴

Three tiers of use for refuges were established by the Act. Conservation of wildlife, plants, and habitat are in the top tier. All other uses must be formally determined to be compatible with wildlife conservation. The next highest priority

is given to "wildlife dependent recreational uses," which include hunting and fishing. All other uses have the lowest priority. These priorities are established and enforced through land use planning and no new uses may be allowed



until specific compatibility findings are made. Each refuge conservation plan must comply with state policies and objectives to the “maximum extent practicable.”⁸⁵ Regulation of hunting and fishing on refuges must be consistent with state law unless the application of that law would be inconsistent with federal management goals.⁸⁶

Today, the FWS is run by a national director who is appointed by the president and confirmed by Congress. FWS lands are divided into eight regions that are run by regional directors that work under the guidance of the national director. Regional directors manage individual refuge

supervisors, and refuge managers oversee direct operations of individual refuges. Wyoming falls into the Mountain-Prairie Region (Region 6).⁸⁷

The FWS administers almost 150 million acres of federal lands spread amongst 560 National Wildlife Refuges (NWRs) and 38 Wetland Management Districts.⁸⁸ Seven NWRs are in Wyoming encompassing more than 100,000 acres. They are the Jackson National Elk Refuge, Seedskaadee NWR, Cokeville Meadows NWR, Pathfinder NWR, Bamforth NWR, Hutton Lake NWR, and Mortenson Lake NWR.

U.S. FISH AND WILDLIFE SERVICE REGIONS



NATIONAL WILDLIFE REFUGES IN WYOMING

Jackson National Elk Refuge

The National Elk Refuge is one of the oldest refuges in the NWRs. It was established in 1912 as a winter game elk reserve, but over the years its purpose has been broadened to include refuges and breeding ground for birds, other big game animals, the conservation of fish and wildlife, and the protection and conservation of natural resources depended on by threatened and endangered species.

National Elk Refuge Contact Information

675 E Broadway
P.O. Box 510
Jackson, Wyoming 83001
307-733-9212



The refuge started as a 1,205-acre tract but has expanded to 24,778 acres by way of purchase, exchange, and condemnation. The FWS has defined hunting, fishing, wildlife observation, photography, environmental education, and interpretation as the six priority public uses of the National Elk Refuge.⁸⁹

Seedskaadee & Cokeville Meadows NWRs

Seedskaadee National Wildlife Refuge Contact Information

PO Box 700
Green River, WY 82935
307-875-2187

The Seedskaadee NWR, established in 1965, is located along the Green River in southwestern Wyoming, about thirty miles from the community of Green River, Wyoming. The refuge was established as mitigation for the loss of habitat when Flaming Gorge and Fontenelle dams were constructed. The refuge encompasses over 26,000 acres. Parts of the refuge protect and interpret cultural resources such as ferry sites, cabins, trading post buildings, and historic sites of the Oregon and Mormon Pioneer National Historic Trails that cross the refuge. Fishing and wildlife viewing are popular activities within the refuge.⁹⁰

Seedskaadee NWR manages Cokeville Meadows as a satellite refuge. Cokeville Meadows NWR was established in 1993 to provide an unaltered sanctuary for migratory birds and for the conservation of riparian habitats and wetlands. The refuge is located on a twenty-mile stretch of the Bear River directly south of Cokeville, Wyoming. The refuge covers over 9,000 acres and has the potential to expand to over 26,000 acres. Except for a visitor contact station consisting of a kiosk and a parking lot, a short walking trail, and the refuge office, the refuge has not been open to public use. Approximately 3,200 visitors a year use these limited facilities for wildlife observation, photography, and interpretation.

NATIONAL WILDLIFE REFUGES IN WYOMING

Arapaho National Wildlife Refuge Complex

Arapahoe National Wildlife Refuge Complex Contact Information

953 JC Road #32
Walden, CO 80480
970-723-8202

The Pathfinder NWR, Bamforth NWR, Hutton Lake NWR, and Mortenson Lake NWR are part of the Arapaho National Wildlife Refuge Complex, which is headquartered near Walden, Colorado, about 65 miles southwest of Laramie, Wyoming.

The
Pathfinder
NWR is
located
in central
Wyoming
in the High

Plains Basin roughly 47 miles southwest of Casper, Wyoming. The refuge was created in 1909 by executive order, and was established on Pathfinder reservoir as an overlay refuge on Bureau of Reclamation lands. Today it covers almost 17,000 acres and acts as a refuge and breeding grounds for native birds. The refuge is an important resting and nesting place for waterfowl and other migratory birds and has been recognized by the National Audubon Society as an important bird area.⁹¹



The Bamforth, Hutton Lake, and Mortenson Lake NWRs lie in the semi-arid, high plains of the Laramie Basin in Albany County. The Bamforth and Hutton Lake refuges were created in 1932 and serve the purpose of providing a refuge and breeding ground for birds and wild animals.⁹² The Bamforth NWR has remained within the NWRS but has not been actively managed. Hutton Lake NWR attracts almost 2,000 visitors a year for its diverse wildlife-viewing opportunities. The Mortenson Lake NWR was established in 1993 under the Endangered Species Act to protect the endangered Wyoming Toad. Public use of Mortenson Lake NWR is restricted to prevent potential adverse effects on the Wyoming Toad.⁹³

BUREAU OF RECLAMATION

As Western settlers moved further west in the 1800s they soon realized the need for irrigation to successfully farm newly acquired arid lands. To facilitate westward expansion,

Congress passed the Reclamation Act of 1902. The Reclamation Act created the Reclamation Service, a new federal agency within the United States Geological Survey (USGS). The mission of the Reclamation Service was to build and maintain water projects in the western states. All projects were to be financed by the Reclamation Fund, with moneys initially provided by the sale of western land. It was intended the fund would be reimbursed by the sale of water from the projects to farmers; however, Congress passed a series of Acts postponing



repayment by farmers who were unable to pay.

In 1907, the Secretary of the Interior separated the Reclamation Service from the USGS and created an independent bureau within the

Department of the Interior, and in 1923 the agency was renamed the Bureau of Reclamation (BOR).⁹⁴

A presidential-appointed commissioner who oversees five regional directors runs the BOR. Area directors report directly to the regional director and are collectively responsible for the ground operations within their region. Regions defined by the BOR are mainly set around river basins. And, Wyoming, home to three major river basins, falls within three BOR regions.⁹⁵

U.S. BUREAU OF RECLAMATION REGIONS



BUREAU OF RECLAMATION

Today, the BOR is the nation's largest wholesale water supplier and the second largest producer of hydropower in the United States. The BOR operates 337 reservoirs, 53 hydroelectric power plants, maintains 475 dam sites, and is responsible for over 8,000 miles of irrigation canals.⁹⁶



The Great Plains Region of the BOR has a unique relationship with the state of Wyoming. The Wyoming area office for the Great Plains Region manages 20 reservoirs, 19 dams, 12 power plants, and serves 43 irrigation entities as well as 8 municipal/industrial contractors within the state. A twenty-five year master agreement between the BOR and State allows for state park agencies to manage specific reservoirs for recreational purposes within the state. Natrona County Parks and Recreation, for example, has exclusive management authority under the master agreement for Pathfinder, Alcova, and Grey Reef reservoirs. The agreement is up for its second renewal in 2017. The BOR is responsible for management of lands that fall outside the scope of the master agreement under individual resource management plans.

The BOR also contracts with various irrigation districts, allowing the management of BOR lands concerned with irrigation. These transfer agreements allow for an irrigation district to issue grazing leases on unused lands within irrigation sites.⁹⁷

The Upper Colorado Region operates Flaming Gorge and Fontenelle reservoirs in Wyoming, while the Pacific Northwest Region manages Jackson Lake Dam and Grassy Lake Dam.

Contact Information for BOR Regional Offices

Great Plains Regional
Office
Wyoming Area Office
P.O. Box 1630
Mills, WY 82644
307-261-5671

Pacific Northwest
Regional Office
1150 North Curtis Road,
Suite 100
Boise, Idaho 83706
208-378-5012

Upper Colorado
Regional Office
125 South State Street,
Room 8100
Salt Lake City, UT 84138
801-524-3600

STATE LANDS IN WYOMING

Upon statehood the federal government granted approximately 4.2 million surface acres to Wyoming; however, various sales and patents issued by the state have reduced state-owned lands to 3.6 million surface acres.⁹⁸ Today, state lands make up 7% of the total surface acres in the state. As mandated by the Wyoming Constitution, state lands are held in a trust and managed to produce income for state schools and public institutions by the Board of Land Commissioners (Board).⁹⁹ Approximately 86% of state owned surface acres are managed for the benefit of the public schools.¹⁰⁰

The governor, secretary of state, state treasurer, state auditor, and superintendent of public instruction make up the Board. Extensive authority is given to the Board. It has the power to lease, sell, permit, revoke a permit, or grant a right-of-way across state owned lands.¹⁰¹

Office of State Lands and Investments

122 W. 25th St. 3W
Cheyenne, WY 82002
307-777-7333

The Wyoming Constitution grants the legislature authority to establish rules and methods to govern the Board, but statutes must be clear and definite, and where there is no such direction, the Board must exercise its best judgment.¹⁰² The Wyoming Office of State Lands and Investments (OSLI) is the administrative arm of the Board. Under statutory duties the OS LI carries out the policy directives and decisions of the Board.¹⁰³ The Trust Land Management Division of the OS LI is responsible for state lands.

For decades the public could not use state lands without permission of lessees. In 1988, the Board adopted rules extending hunting, fishing, and general recreation privileges to the public. Generally, off-road vehicle use, overnight camping, and open fires are prohibited on state land.¹⁰⁴ To ensure compliance, game wardens and local peace officers have authority to issue citations for violations occurring on state land.¹⁰⁵

FOREST LANDS

Wyoming State Forestry Division Headquarters

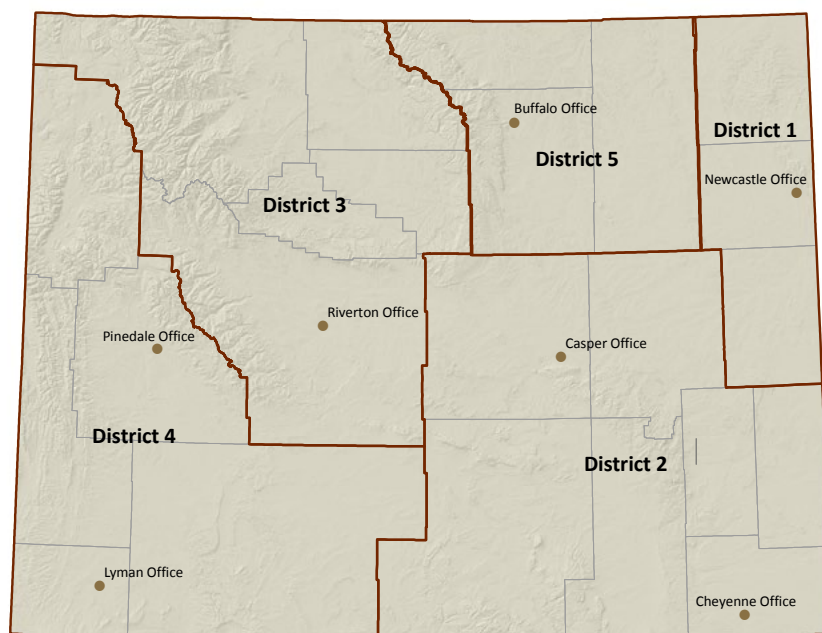
5500 Bishop Boulevard
Cheyenne, WY 82002
307-777-7586

The Wyoming State Forestry Division is an OS LI division, led by the state forester who is appointed by the Board. The state forester directs all forest interests and all matters pertaining to forestry within Wyoming's jurisdiction.¹⁰⁶ The forestry division is responsible

for approximately 263,000 acres of forested trust land across the state. Those lands are managed for timber harvest, forest health and productivity, and fire management. The division is headquartered in Cheyenne and has seven district offices.¹⁰⁷



WYOMING STATE FORESTRY DISTRICTS



Contact Information for Forestry Division District Offices

Newcastle (District 1)
Wyoming State Forestry
Division
P.O. Box 639
431 Delaware Ave
Newcastle, WY 82701
307-746-4261

Laramie (District 2)
Wyoming State Forestry
Division
710 E. Garfield Street
Laramie, WY 82070
307-631-2352

Casper (District 2)
Wyoming State Forestry
Division
2020 Fairgrounds Road,
Suite 101
Casper, WY 82604
307-234-6116

Riverton (District 3)
Wyoming State Forestry
Division
2500 Academy Court
Riverton, WY 82501
307-856-8655

Lyman (District 4)
Wyoming State Forestry
Division
P.O. Box 1497
100 Sage Street
Lyman, WY 82937
307-787-6148

Pinedale (District 4)
Wyoming State Forestry
Division
P.O. Box 1678
145 S. Fremont
Pinedale, WY 82941
307-367-2119

Buffalo (District 5)
Wyoming State Forestry
Division
600 Veterans Lane
Buffalo, WY 82834
307-684-2752

STATE PARKS, HISTORIC SITES & TRAILS

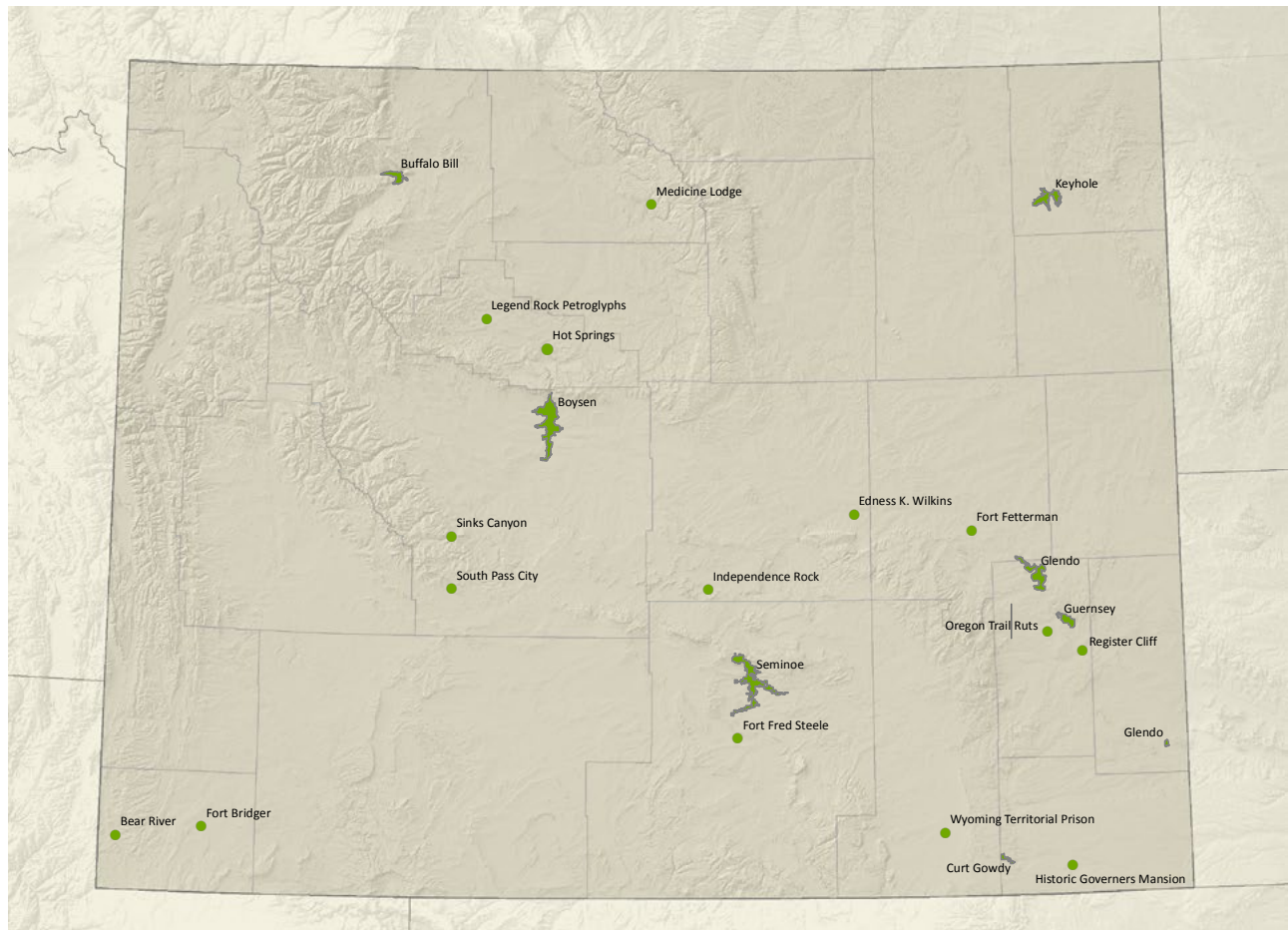
The Wyoming Division of State Parks and Historical Sites, a division within the Wyoming Department of State Parks and Cultural Resources, is responsible for the management of state parks, historic sites, and trails within Wyoming.¹⁰⁸ Forty-one state parks, historic sites, and trails are divided into three regions. The division is run by an administrator who is appointed by the governor. Two sections, a field support section

and a field operations section, make up the division. The field and operations chief supervises three regional managers, who also serve as park/historic site superintendents. Each regional manager also supervises an additional 6-7 park/historic site superintendents. Individual state parks are managed by a comprehensive master plan and law enforcement rangers enforce park rules and regulations in the field.¹⁰⁹

Wyoming State Parks, Historic Sites and Trails Contact Information

Barrett Building
4th Floor
2301 Central Avenue
Cheyenne, WY 82002
307-777-6323

WYOMING STATE PARKS, HISTORIC SITES & TRAILS



THE WYOMING GAME AND FISH DEPARTMENT

The Wyoming Game and Fish Department (WGFD) manages nearly 500,000 acres within the state. Most of these lands were acquired through funding made available by the federal government. Others were acquired by lease, purchase, easement, and cooperative agreements with other federal agencies.

A majority of WGFD lands are managed to provide for the conservation of wildlife and providing access for hunting and fishing opportunities. WGFD lands include regional offices, visitor centers, fish hatchery and rearing stations, wildlife habitat management areas, among other public access areas.

Wyoming Game & Fish Department Headquarters

5400 Bishop Blvd.
Cheyenne, WY 82006
307-777-4600

WGFD lands are under the control of a director who is appointed by the governor and works under the direction and supervision of the Game and Fish Commission. The Commission is comprised of seven governor appointees who are confirmed by the state senate.¹¹⁰ Rules and regulations governing the WGFD are

adopted and implemented by the Commission. Two deputy directors who oversee seven sections assist the director. Chief game wardens and division chiefs manage different divisions within the WGFD, while game wardens enforce regulations in the field.

Contact Information for Game and Fish District Offices

Jackson Regional Office
360 N. Cache
Jackson, WY 83001
307-733-2321

Cody Regional Office
2820 State Highway 120
Cody, Wyoming 82414
307-527-7125

Pinedale Sub-Regional
Office
P.O. Box 850
432 East Mill Street
Pinedale, WY 82941
307-367-4353

Lander Regional Office
260 Buena Vista
Lander, WY 82520
307-332-2688

Green River Regional Office
351 Astle
Green River, WY 82935
307-875-3223

Sheridan Regional Office &
Visitor Center
P.O. Box 6249
700 Valley View Drive
Sheridan, WY 82801
307-672-7418

Laramie Regional Office
528 S. Adams
Laramie, WY 82070
307-745-4046

ADDITIONAL STATE LAND HOLDERS

The Wyoming Army National Guard, a division within the Wyoming Department of Military, holds various deeded state lands in training facilities within the state. An adjutant general, a governor appointee, manages the lands held by the Wyoming Army National Guard. The adjutant general may acquire lands within Wyoming for training or for artillery and target ranges so long as the State Board of Land Commissioners approves.¹¹¹ The Wyoming Department of Military manages nearly 70,000 acres of state lands.

The Wyoming Department of Transportation (DOT) also manages lands in Wyoming for public use. Generally, lands managed by the department are held in the name of the DOT, but are managed for public use. The DOT Commission is responsible for the management of those lands, and most of the lands are acquired by right-of-way. DOT lands account for more than 6,800 miles of highway that connect Wyoming's communities and surrounding states.¹¹²



STATE MINERAL MANAGEMENT

The State Board of Land Commissioners is also responsible for managing almost 3.9 million subsurface mineral acres.¹¹³ State minerals, much like state lands, are managed to produce income for state schools and public institutions.

The Trust Land Management Division within the OSLI is responsible for carrying out the Board's policy directives and decisions regarding mineral management. By statute, the director of OSLI is a member of the Wyoming Oil and Gas Conservation Commission, which is led by the governor.¹¹⁴

The mineral leasing program within the Trust Land Management Division generally oversees management of the state's mineral estate. The program maintains an inventory of lands available for lease and the status of all lands under lease. The OSLI staff conducts at least three oral competitive auctions of state oil and gas leases per year. Not only does the staff assure lessee compliance with the terms and provisions of the state's mineral lease, including payments due for the retention of leaseholder rights for non-producing lease, they maintain all records related to all conveyances of leasehold mineral interests; they also maintain all bond records to ensure adequate security for state assets.

SPECIAL LAND USE DESIGNATIONS

Congress recognized certain lands should be preserved for their historical, educational, and aesthetic values beyond protections already provided by other statutes. To ensure the preservation of these lands, Congress passed various acts designating special areas of land for management in accordance with preservation principals. Those acts generally identified lands to be preserved, the agency charged with managing them, and set out mandates and baseline requirements for how those lands are to be managed.

Wilderness Areas

The Wilderness Act of 1964 created Wilderness Areas as we know them today. Under this legislation, the National Wilderness Preservation System (NWPS) was created.¹¹⁵ The system combined federally-owned lands that were designated by Congress as “wilderness areas” into a single system of administered lands for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and to provide for the protection and preservation of the wilderness character of these areas.¹¹⁶ The Wilderness Act also provides that no other federal lands shall be designated as wilderness areas except as provided for in the 1964 Wilderness Act or by a subsequent act of Congress.¹¹⁷

Management of Designated Wilderness Areas

By definition, Wilderness Areas are protected and managed to preserve natural conditions.¹¹⁸ The FS, BLM, FWS, and NPS are the primary federal agencies charged with managing Wilderness

Areas. Once an area is included in the NWPS, the lands continue to be managed by the agency having jurisdiction immediately prior to the area’s designation as wilderness.¹¹⁹

In general, the administering agency of the designated Wilderness Area must preserve the wilderness character of the area and administer the area for such purposes consistent for which it may have been established.¹²⁰ Except as otherwise provided in the Wilderness Act, Wilderness Areas shall be devoted to the public purposes for recreational, scenic, scientific, educational, conservation, and historical use.¹²¹ Generally, no commercial enterprises or permanent roads are allowed within any Wilderness Area. And, motorized vehicles, motorized equipment, mechanical transport (including bikes or pull carts) are only allowed in emergency situations involving the health and safety of persons within the Wilderness Area.¹²²

Expansion of the Wilderness System

Upon its enactment, the Wilderness Act designated 9.1 million acres as wilderness within national forests.¹²³ The Act required the Secretary of Agriculture to evaluate “primitive” areas within national forests for suitability for preservation as Wilderness Areas and to make recommendations to Congress for the ultimate designation (or not) as wilderness within 10 years of the passage of the Wilderness Act. In addition, the Act also directed the Secretary of the Interior to conduct a 10-year review and make recommendations with respect to roadless areas within the National Park System, National Monuments, NWRs, and game ranges.¹²⁴

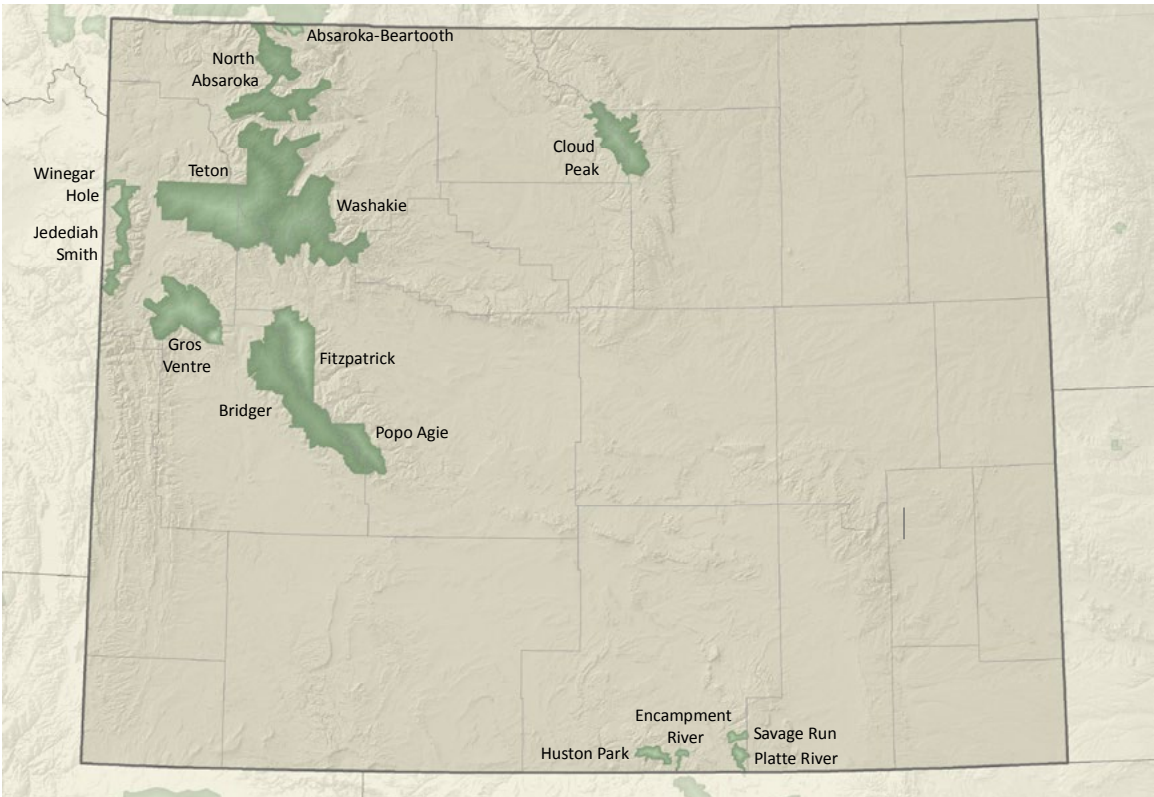
Although the Act did not expressly deal with lands administered by the BLM, FLPMA required

the Secretary of the Interior to complete similar studies and recommendations for roadless areas of BLM lands within 15 years of its enactment. Section 603 of FLPMA requires that these Wilderness Study Areas (WSAs) be managed so as not to impair the suitability of such areas for preservation as wilderness until Congress acts upon the proposals.¹²⁵ WSAs are managed with the goal of prohibiting actions or impacts that will interfere with Congress’s prerogatives in either designating the areas as wilderness or releasing

them for other non-wilderness uses. Today, the BLM manages 528 WSAs containing almost 12.8 million acres.¹²⁶

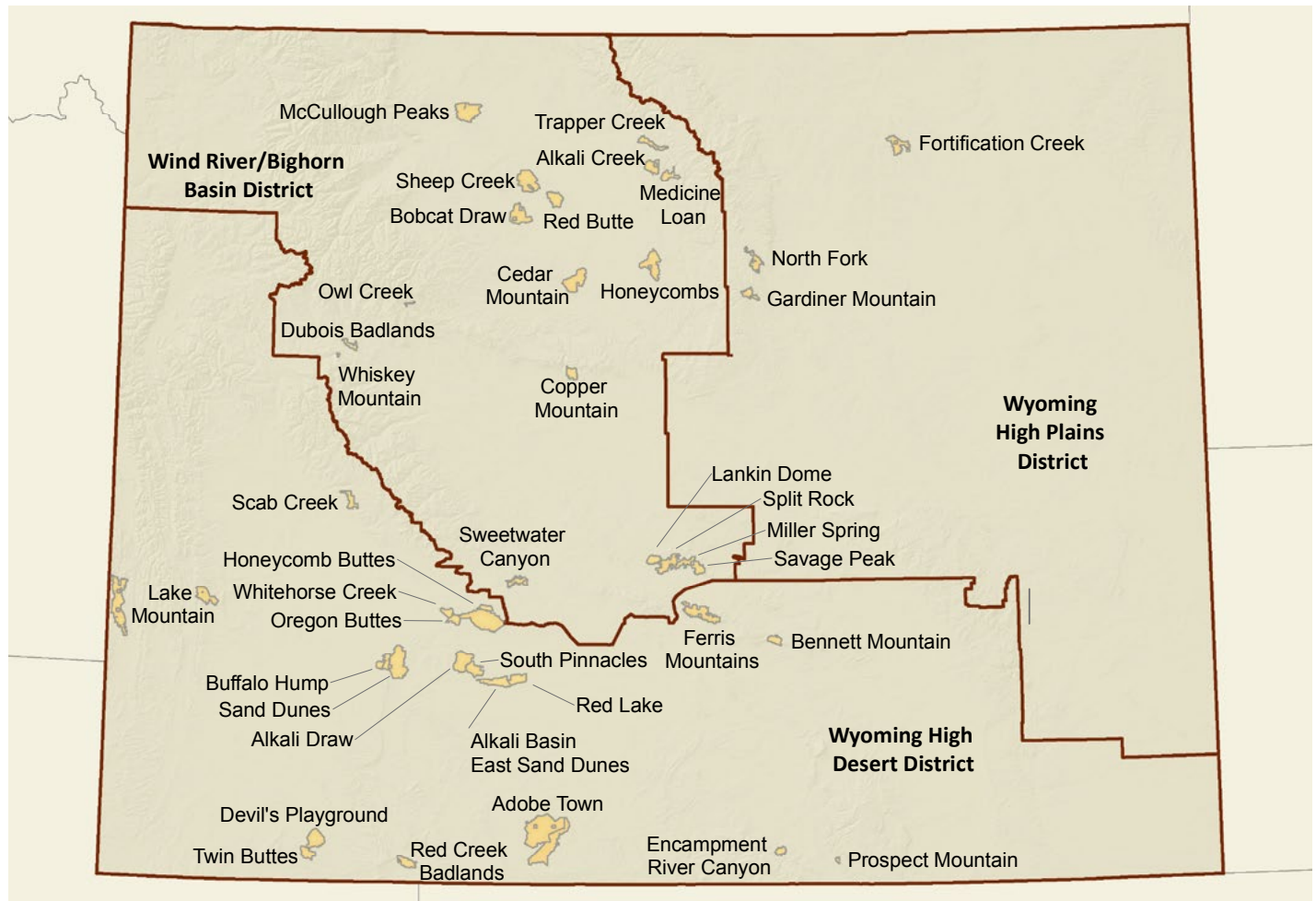
Designated wilderness has grown significantly since the passage of the Wilderness Act. Today there are 796 wilderness units spanning over 109 million acres.¹²⁷ Wyoming is home to 15 designated wilderness areas covering over 4 million acres.¹²⁸ The BLM also manages 42 WSAs encompassing 577,000 acres of public land.¹²⁹

WYOMING WILDERNESS AREAS



Wilderness Name	Total Acreage	Wilderness Name	Total Acreage
Absaroka-Beartooth Wilderness	943,648	North Absaroka Wilderness	350,488
Bridger Wilderness	428,087	Platte River Wilderness	23,492
Cloud Peak Wilderness	189,039	Popo Agie Wilderness	101,870
Encampment River Wilderness	10,124	Savage Run Wilderness	14,927
Fitzpatrick Wilderness	198,525	Teton Wilderness	585,238
Gros Ventre Wilderness	317,874	Washakie Wilderness	704,274
Huston Park Wilderness	30,588	Winegar Hole Wilderness	10,715
Jedediah Smith Wilderness	123,451	TOTAL	4,032,340

WILDERNESS STUDY AREAS IN WYOMING



WSA Name	Total Acreage	WSA Name	Total Acreage	WSA Name	Total Acreage
High Desert District					
Adobe Town	85,710	Red Lake	9,515	Dubois Badlands	4,520
Alkali Basin/ East Sand Dunes	12,800	Sand Dunes	27,109	Honeycombs	21,000
Alkali Draw	16,990	Scab Creek	7,636	Lankin Dome	6,316
Bennett Mountain	6,003	South Pinnacles	10,800	McCullough Peaks	24,570
Buffalo Hump	10,300	Whitehorse Creek	4,002	Medicine Lodge	7,740
Devil's Playground/ Twin Buttes	23,841	High Plains District		Miller Spring	6,429
Encampment River Canyon	4,547	Fortification Creek	12,419	Owl Creek	710
Ferris Mountain	22,245	Gardner Mountain	6,423	Pryor Mountain (WY)	4,352
Honeycomb Buttes	41,188	North Fork	10,089	Red Butte	11,350
Lake Mountain	13,865	Wind River/ Bighorn Basin District		Savage Peak	7,041
Oregon Buttes	5,700	Alkali Creek	10,100	Sheep Mountain	23,250
Prospect Mountain	1,145	Bobcat Draw	17,150	Split Rock	12,789
Raymond Mountain	32,936	Bighorn Tack-On (WY)	353	Sweetwater Canyon	9,056
Red Creek Badlands	8,020	Cedar Mountain	21,560	Trapper Creek	7,200
		Copper Mountain	6,858	Whiskey Mountain	487
				TOTAL	577,504

WILD AND SCENIC RIVERS

Environmental movements in the 1960s prompted Congress to pass the Wild and Scenic Rivers Act (WSRA) of 1968.¹³⁰ The WSRA seeks to preserve certain rivers with outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or similar values that are in a free-flowing condition, for the enjoyment of present and future generations.¹³¹

Congress designates most river segments for inclusion in the wild and scenic rivers system by requiring a federal land management agency to study a particular river segment for inclusion in the system and report to Congress for possible action. But the WSRA also authorizes the Secretary of the Interior, upon the request of a state's governor, to include in the federal system rivers recognized by the state as wild, scenic, or recreational.¹³²

Management of wild and scenic rivers is often complicated because most of the land in these areas is private. The WSRA provides limited authority to land management agencies to acquire, by condemnation or purchase, lands within the boundaries of designated areas.¹³³

Every river in the system must be classified and managed as either wild, scenic, or recreational. Wild rivers represent primitive America and are free of impoundments and generally inaccessible except by trail. Scenic rivers are free of impoundments, largely undeveloped and are generally accessible by road. Recreational rivers are partially developed, readily accessible by road, and may have undergone some impoundment or diversion in the past.¹³⁴

All three categories of designated rivers are subject to the WSRA's general management standard, which requires the land management agency with jurisdiction to protect and enhance the values that provide for its inclusion in the system.¹³⁵ The managing agency must place primary emphasis on protecting the aesthetic, scenic, and related features of the river, but administration should not substantially interfere with public use and enjoyment of a river's values.¹³⁶ Designation neither prohibits development nor gives the federal government control over private property. Recreation, agricultural practices, residential development, and other uses may continue.

The WSRA requires the agency with jurisdiction over a river segment to prepare a comprehensive management plan to protect river values. Each plan must address resource protection, development of lands and facilities, user capacities, and other management practices.¹³⁷

As of 2015, the Wild and Scenic National River System protects almost 12,700 miles of rivers. This includes nearly 6,180 miles designated wild, 2,750 miles of scenic, and 3,770 miles of recreational.¹³⁸

Over 400 miles of Wyoming's 108,700 miles of rivers are designated as wild, scenic, or recreational. The Snake River Headwaters in Wyoming has 218 miles designated as wild, 141 miles as scenic, and 29 miles as recreational, for a total of 388 miles of designated river miles. The Clarks Fork of the Yellowstone River has another 20.5 miles designated as wild.¹³⁹



FEDERAL STATUTES RELATING TO PUBLIC LANDS

Endangered Species Act

The Endangered Species Act (ESA) has been described as the most comprehensive legislation for the preservation of endangered species ever enacted by any nation.¹⁴⁰ The goal of the ESA is to conserve endangered and threatened species and the ecosystems upon which they depend.¹⁴¹ The FWS and the Commerce Department's National Marine Fisheries Service (NMFS) administer the ESA. The FWS has primary responsibility for terrestrial and freshwater organisms, while NMFS is primarily responsible for sea life.

The Act authorizes each agency to determine whether to list a species as either endangered or threatened. When evaluating a species for listing, the FWS considers five factors: 1) damage to, or destruction of, a species' habitat; 2) overutilization of the species for commercial, recreational, scientific, or educational purposes; 3) disease or predation; 4) inadequacy of existing protection; and 5) other natural or manmade factors that affect the continued existence of the species.¹⁴² The FWS must use the "best scientific and commercial data available" when deciding to list a species and economic considerations are irrelevant in the listing determination.¹⁴³ All species of plants and animals, except pest insects, are eligible for listing as endangered or threatened.¹⁴⁴

To achieve the goals of the ESA, the Act imposes duties on all Federal agencies. Section 7 of the Act requires Federal agencies to consult with the FWS or the NMFS to insure its actions are not likely to jeopardize the continued existence of any listed species (threatened or endangered) or result in the destruction or adverse modification of its critical habitat.¹⁴⁵



A species is considered for delisting under similar factors considered for the initial listing.¹⁴⁶

National Environmental Policy Act

The National Environmental Policy Act (NEPA) of 1969 establishes goals for the protection, maintenance, and enhancement of the environment. To accomplish these goals, NEPA requires federal agencies to undertake an assessment of the environmental effects of their proposed actions prior to making final decisions.¹⁴⁷

Agency actions may not be subject to NEPA requirements, however, if the action falls under a categorical exclusion.¹⁴⁸ Most agencies have developed lists of actions that are categorically excluded from environmental evaluation under their NEPA regulations.

If the agency action does not fall into a categorical exclusion the federal agency typically must complete a written Environmental Assessment (EA). The EA is used to determine whether or not the federal undertaking would significantly affect the environment. If the answer is no, the agency issues a Finding of No Significant Impact (FONSI). If the EA determines that the environmental consequences of a proposed federal undertaking may be significant an Environmental Impact Statement (EIS) must be prepared.¹⁴⁹

Each EIS must assess the environmental impact of the proposed action, any adverse environmental impacts that cannot be avoided, alternatives to the proposed action, the relationship between local short-term uses of the environment and maintenance and enhancement of long-term productivity, and finally any irreversible and irretrievable commitments of resources.¹⁵⁰

The public has an important role in the NEPA process. During the EIS process the public is encouraged to provide input regarding the issues a federal agency should address in an EIS and provide comment on an agency's proposed action.¹⁵¹

If only one federal agency is involved in the proposed project, that agency will automatically be the "lead agency", which means it has the primary responsibility for compliance with NEPA.¹⁵² Larger and more complex projects generally involve multiple federal agencies along with state, local, and tribal agencies. In those cases, federal, state, tribal, or local government agencies may be a cooperating agency. A cooperating agency is an agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal.¹⁵³ Thus, a cooperating agency typically will have some responsibilities for the analysis related to its jurisdiction or special expertise.¹⁵⁴

The Council on Environmental Quality (CEQ), established by Congress in NEPA, oversees implementation of NEPA. The CEQ does this principally through issuance and interpretation of NEPA regulations that implement the procedural requirements of NEPA. The CEQ reviews and approves federal agency NEPA procedures, approves alternative arrangements for compliance with NEPA in the case of emergencies, and helps to resolve disputes between federal agencies and other governmental entities as well as members of the public.¹⁵⁵

The Wild Free-Roaming Horses and Burros Act

The Wild Free-Roaming Horses and Burros Act (WF-RHBA) was designed to protect wild horses and burros that compete with domestic cattle and sheep for grass on federal public lands.¹⁵⁶ The Act generally forbids the killing, capture, or harassment of wild horses and burros on BLM



and FS lands and on private lands when they stray onto them from neighboring federal lands.¹⁵⁷ However, the BLM may round up excess animals and place them for adoption or sell them under limited circumstances.¹⁵⁸ Excess wild horses and burros are defined as animals that must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area.¹⁵⁹ Amendments in 1978 stressed quick removal of “excess” animals to prevent the destruction of animal habitat. Provisions of WF-RHBA allow the BLM and FS to assess whether overpopulation exists and take appropriate action if it does.¹⁶⁰

Numerous lawsuits and legislative changes over the management of wild horses have led to a diminishment of removal efforts. Wild horses removed from the range still outpace demand for adoption or purchase, and as a result the BLM expends significant resources to house removed wild horses in long-term holding pens.

Taylor Grazing Act

Livestock graze on approximately 155 million acres of the 250 million acres of BLM administered lands. Currently there are 18,000 grazing permits and leases on 21,000 allotments. In 2013, there were 8.5 million Animal Unit Months (AUMs) of grazing on BLM lands, a decline from 18.2 million AUMs in 1954. Today approximately 40% of the West’s cattle and 50% of the nation’s sheep spend time on public lands, including FS administered lands.¹⁶¹

The Taylor Grazing Act (TGA) allocates grazing privileges of those lands by a preference permit system. The purpose of the TGA was to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, and to stabilize the livestock industry dependent upon the public range.¹⁶² The Act authorized the Secretary of the Interior to establish grazing districts in the public domain.¹⁶³

The Act also directed the Secretary to issue permits to graze livestock on the newly created grazing districts to “bona fide settlers, residents, and other stock owners.”¹⁶⁴

Under the TGA an issuance of a permit does not create any right, title, interest, or estate in or to the lands.¹⁶⁵ Ranchers holding a FS or BLM grazing permit have only a revocable license to use the federal lands for forage.¹⁶⁶ Permits are normally issued for a term of ten years and permittees have a preference right to renewal.¹⁶⁷

If the permit is terminated the permittee is entitled to compensation for the permanent improvements he or she built.¹⁶⁸

Federal agencies must comply with NEPA at every stage of grazing administration. In 1995, the BLM promulgated range regulations called the Fundamentals of Rangeland Health, which called for BLM state directors to develop regional standards that apply to grazing permits issued within their respective region.¹⁶⁹ The focus of the regulations is for the protection and enhancement of watersheds, riparian wetlands, streams, native plant communities, water quality, and endangered or threatened species.¹⁷⁰



FEDERAL REGULATION OF MINERALS

Federal mineral laws distinguish sharply between “locatable” (hardrock) minerals and “leasable” (fuel) minerals. Citizens may obtain a right to hardrock minerals on open public lands by locating valuable deposits pursuant to the General Mining Law of (1872).¹⁷¹ Leases for development of non-hardrock minerals may be obtained from the government under the terms of several statutes, most notably the Mineral Leasing Act of 1920.¹⁷²

General Mining Law of 1872

The General Mining Law (GML) is a short and succinct law that outlines the process for the mining of hardrock minerals. It essentially declares that whoever discovers and develops a valuable mineral deposit on unwithdrawn public lands is entitled to mine that deposit without charge.¹⁷³

The Act uses a simple location system that sets forth several steps before a claim may be made. First, the public lands must be open to prospecting; the mineral discovered must be one that the GML covers; the prospector must diligently prospect before discovery; the claim must be “located”; and the deposit must be both “discovered” and sufficiently “valuable” for the miner to acquire a valid unpatented claim.¹⁷⁴

A successful unpatented mining claim is a unique form of property. The claimant has ownership of the mineral deposit and has right to use as much of the surface as needed to mine it but cannot restrict public access. Public use of the surface may not endanger or materially interfere with mining uses “reasonably incident thereto.” The miner generally does not pay royalties or fees other than administrative fees. The claim is subject to reasonable regulations of the federal government, and the government retains fee title

to the underlying lands.¹⁷⁵ Congress has placed a moratorium on patenting since 1993.¹⁷⁶

Mineral Leasing Act

In 1920, the Mineral Leasing Act (MLA) removed oil, coal, gas, shale oil, and other minerals from the location system of the GML and provided for their lease from the federal government. Amendments to the MLA in 1976 and 1987 have essentially created separate leasing systems for the different major fuel minerals. However, all the federal leasing systems share some similarities.¹⁷⁷ For example, under the MLA a lessee may not unilaterally establish a right to prospecting, development, or production. Rather the federal government must decide whether to make an area available for leasing.

Leases are generally awarded based on a competitive bidding process. Usually, production in paying quantities keeps the lease alive indefinitely, but violation of the law or lease conditions may terminate the lease. The BLM oversees all leasing on all federal lands including national forests. All leasing decisions are subject to FLPMA and NEPA regulations. The federal government collects royalties, rents, and bonuses under the leasing system. The royalty rate, lease duration, and development requirements vary by mineral.

Federal Regulation of Coal

The MLA removed coal from the location system and made the mineral available by lease through the federal government. Competitive leasing was used for areas of known deposits. Preference right leasing, where miners were awarded a preference right lease if they could demonstrate that the land contained commercial quantities of coal, was used for lands with unknown quantities of coal.

From 1920 to the early 1970s more than 16 billion tons of coal were leased to private entities but overall production from federally leased coal deposits was declining as most of the leases were held for speculation. In 1971, with widespread speculation threatening the aims of the MLA, the Interior Department issued a moratorium on coal leases and prospecting permits.

In response, Congress enacted the Federal Coal Leasing Amendments Act of 1976 (FCLAA), which amended the MLA.¹⁷⁸ The FCLAA required that minimum amounts of coal be mined at specific intervals, increased royalty rates, provided for renegotiating terms at ten-year intervals, and instituted a procedural requirement that mandates detailed land use planning processes.

Coal Surface Mining

Congress addressed coal surface mining when they passed the Surface Mining Control and Reclamation Act of 1977 (SMCRA).¹⁷⁹ SMCRA required the application of the statute's general regulatory standards, such as reclamation (restoration to preexisting condition) for mined lands, and the consideration of any unique characteristics of federal lands. The Act also required the Interior Secretary to determine whether any federal lands are unsuitable for surface mining and to withdraw such areas or impose appropriate conditions on leasing. SMCRA outlawed mining in National Parks, Refuges, Wilderness Areas, and Wild and Scenic river segments.

Wyoming is the nation's top coal producer, accounting for 39% of all the coal mined in the United States.¹⁸⁰ It is estimated that one out of every five homes and businesses in the United

States is powered from coal mined in Wyoming.¹⁸¹ As of August 2014, eight of the top ten producing coal mines in the country were located in Wyoming.¹⁸²

Coal Lease Revenues

Bonus payments, rental fees, and production royalties are three general sources of revenue that the BLM receives from coal leases. Bonus payments are paid by a leaseholder when a lease is issued by the BLM. The BLM also receives annual rental fees in the amount of \$3 per acre or fraction thereof.

Production royalties are paid to the BLM on all coal sold, used, or held in inventory unless unavoidably lost. By regulation the BLM receives 12.5% of the value of the coal removed from a

surface mine and not less than 8% of the value of coal removed from a subsurface mine. Under the MLA, all receipts from a lease are to be shared equally with the state in which the lease is located.¹⁸³ However, since 2009 Congress has annually deducted 2% from the royalty payment to states under

a program called Net Receipts Sharing. The purpose of this hold back is to require states to share in the costs of administering the leasing and royalty program.

Additionally, SMCRA requires coal operators pay a reclamation fee on a per ton basis to fund the federal Abandoned Mine Land Program. Similar to the royalty program, the Abandoned Mine Land Program is intended to share revenue equally with the states.¹⁸⁴ In 2011 Congress capped payments to some states at \$15 million annually, a move that affected only Wyoming, resulting in the loss of over \$700 million dollars to the state over 10 years.



FEDERAL COMPENSATION FOR TAX EXEMPT LANDS

Payment in Lieu of Taxes

The federal government has long recognized that federal landholdings in states can place a burden on state local governments. The Payment in Lieu of Taxes Act (PILT) was designed to compensate local governments for the loss of tax revenues resulting from tax-immune federal entitlement land located in their jurisdictions, and for the cost of providing services and access associated with these lands.¹⁸⁵ Federal entitlement lands include lands within the National Forest and National Park Systems, those managed by the BLM, and various other federal lands.¹⁸⁶

Under PILT, the Secretary of the Interior is required to make annual payments to each unit of local government where federal tax-exempt lands are located.¹⁸⁷ PILT payments are reduced by the other federal payments made under the Refuge Revenue Sharing Fund, the National Forest Fund, the TGA, the MLA, and the Secure Rural Schools and Community Self-Determination Act of 2000. The formula used to compute PILT payments is based on population, receipt of sharing payments between the state and federal agency, and the amount of federal land within an affected county.¹⁸⁸ Currently Wyoming's counties receive \$25 million in PILT payments.

Secure Rural Schools and Community Self-Determination Act of 2000

Millions of acres of taxable lands were transferred to federal control after the National Forest System

was established in 1905. The establishment had a direct effect on the revenue of rural communities. In 1908, Congress passed the Twenty-Five Percent Fund Act, which provided that forest counties would receive 25% of revenue from timber harvests to fund schools and public works in the affected communities.¹⁸⁹

In the late 1980s, due to declines in timber sale receipts resulting from endangered species protection programs, payments under the 1908 Act began to drop significantly. In 1994, Congress responded by providing safety net payments to aid counties in California, Oregon, and Washington. In 2000, Congress passed the Secure Rural Schools and Community Self-Determination Act (SRS). The estimated total amount of all 1908 Act payments to all eligible states today is about \$50 million, compared to around \$300 million typically made available for the entire SRS program, an amount that is illustrative of the decline in timber revenue.¹⁹⁰ Wyoming's counties currently receive approximately \$4 million in SRS payments annually.

Taylor Grazing Act

The federal government also noted that local governments were burdened by supporting grazing activities on federal lands within their jurisdictions. Therefore, Congress allowed for payments to local counties under the TGA.

Section 3 of the TGA concerns grazing permits issued on public lands within the grazing districts. The BLM retains approximately 50% of Section 3 grazing land receipts, which they use to improve the general condition of rangelands. These funds are known as Range Betterment Funds, one-half of which are distributed back to the BLM

in the state from which those funds derived. Approximately 37.5% of the remaining 50% remains with the United States Treasury, and the final 12.5% is returned to the State.¹⁹¹

All monies the state receives from grazing fees are paid to the county treasurer of the county the grazing district is located in, and under Wyoming law, placed in a fund designated the Range Improvement Fund for each district. Wyoming has created five Wyoming District Grazing Boards that have authority to direct and guide the disposition of funds paid to the Range Improvement Fund of each TGA district. The grazing board may choose to use the money for rangeland improvement or any other purpose beneficial to the district, including administrative salaries and expenses of the board. Payments to counties are based on the size of area that grazing is permitted on federal lands in that county.¹⁹²

For grazing leases on public lands outside of the original grazing district boundary, Section 15 of the TGA requires that 50% of receipts from grazing go to rangeland betterment projects

with the remaining 50% returned to the state. In Wyoming, this portion returned to the state is distributed to the general school fund of the county and proportionately allocated by the county treasurer to the various school districts where the respective public lands are located.¹⁹³

Mineral Leasing Act

Mineral royalties collected by the federal government under mineral leases are disbursed to a variety of funds. Approximately 50% of lease revenues go back to the state where the lease is located, 40% is disbursed to the national Reclamation Fund, and the remaining 10% goes to the federal government. Payments to states are intended to cover the cost of services the state provides to access and maintain federal mineral leases within the state.

Wyoming historically receives the highest amount of payments among states that receive royalty payments under the MLA. In 2014, Wyoming received over a billion dollars, or over 45% of the total royalty revenues paid to all states.¹⁹⁴



ENDNOTES

- ¹ GEORGE C. COGGINS ET AL., *FEDERAL PUBLIC LAND AND RESOURCE LAW I* (6th ed. 2007).
- ² The 11 western states are Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.
- ³ Dept. of the Interior, Bureau of Land Management, *Public Land Statistics 1* (2010), available at http://www.blm.gov/public_land_statistics/pls10/pls10.pdf.
- ⁴ Gary M. Anderson, Dolores T. Martin, *The Public Domain and Nineteenth Century Transfer Policy*, 6 CATO J. 905, 906 (1987).
- ⁵ NORTH AMERICA, *THE HISTORICAL GEOGRAPHY OF A CHANGING CONTINENT 152* (Thomas F. McIlwraith & Edward K. Muller eds., 2d ed., 2001).
- ⁶ ARNO LINKLATER, *MEASURING AMERICA*, 174 (2002).
- ⁷ *Supra* note 3 at 5. The table depicts the disposition of lands held in the public domain after 1781.
- ⁸ Phil Roberts, *New History of Wyoming*, http://www.uwyo.edu/robertshistory/new_history_of_wyoming.htm (Ch. 6 “Public Lands”).
- ⁹ The Federal Land Policy Management Act (FLPMA), 43 U.S.C. § 1701(a)(1) (2015).
- ¹⁰ Ross W. Gorte et al., *Federal Land Ownership: Overview and Data 19* (CRS REPORT R42346, 2012), available at <https://www.fas.org/sqp/crs/misc/R42346.pdf>.
- ¹¹ *Id.*
- ¹² 26 Stat. 1103 § 24 (1891).
- ¹³ 16 U.S.C. § 475 (1897).
- ¹⁴ 16 U.S.C. § 515 (1911).
- ¹⁵ Weeks Act of 1911, 16 U.S.C. § 513 (1911).
- ¹⁶ U.S. Forest Serv., *National Grasslands Story*, available at <http://www.fs.fed.us/grasslands/aboutus/>.
- ¹⁷ Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. §§ 528-531 (1960).
- ¹⁸ *Id.*
- ¹⁹ *United States v. New Mexico*, 438 U.S. 696 (1978) (acknowledging the 1897 Organic Act still controls).
- ²⁰ National Forest Management Act of 1976, 16 U.S.C. §§ 472a, 521b, 1600, 1611 to 1612 (1976).
- ²¹ *Supra* note 13, § 551.
- ²² 16 U.S.C. § 559 (2015).
- ²³ U.S. Forest Serv., *Bighorn Nat'l Forest*, <http://www.fs.usda.gov/bighorn>.
- ²⁴ U.S. Forest Serv., *Shoshone Nat'l Forest*, <http://www.fs.usda.gov/shoshone>.
- ²⁵ U.S. Forest Serv., *Bridger-Teton Nat'l Forest*, <http://www.fs.usda.gov/btnf>.
- ²⁶ U.S. Forest Serv., *Medicine Bow-Routt Nat'l Forest and Thunder Basin Nat'l Grassland*, <http://www.fs.usda.gov/mbr>.
- ²⁷ 16 U.S.C. § 22 (1872).
- ²⁸ 16 U.S.C. § 1 (1916).
- ²⁹ *Id.* at § 1a-1, (currently codified at 54 U.S.C. § 100101 (2014)).
- ³⁰ *Supra* note 27, (currently codified at 54 U.S.C. § 100301 (2014)).
- ³¹ *Id.* at § 100302.
- ³² Nat'l Park Serv., *FAQs*, available at <http://www.nps.gov/aboutus/faqs.htm>.
- ³³ Nat'l Park Serv., *Wyoming*, <http://www.nps.gov/state/wy/index.htm>.
- ³⁴ Nat'l Park Serv., *Yellowstone*, <http://www.nps.gov/yell/planyourvisit/parkfacts.htm>.
- ³⁵ *Id.*
- ³⁶ Nat'l Park Serv., *Grand Teton*, <http://www.nps.gov/grte/parkmgmt/statistics.htm>.
- ³⁷ 16 U.S.C. § 1241 (1968).
- ³⁸ National Historic Trails in Wyoming, http://www.blm.gov/wy/st/en/programs/nlcs/Historic_Trails.html.
- ³⁹ Bureau of Land Mgmt., *Oregon/Mormon Pioneer Nat'l Historic Trails Mgmt. Plan* (1983).
- ⁴⁰ *Id.*
- ⁴¹ For more information visit: <http://www.nps.gov/nts/index.htm>; and <http://www.blm.gov/wy/st/en/NHTIC.html>
- ⁴² Antiquities Act, 16 U.S.C. § 431-433 (1906).
- ⁴³ View the Monument's declaration here: https://monumentsmatter.files.wordpress.com/2014/04/deto_proc_text_page_1.gif
- ⁴⁴ Christy Hemken, *Department of the Interior speculates on land conservation in the West*, WYO. LIVESTOCK ROUNDUP, Apr. 26, 2010, available at <http://www.wylnet.com/component/content/article/206-natural-resources/open-spaces/1970-department-of-the-interior-speculates-on-land-conservation-in-the-west>.
- ⁴⁵ *Id.*
- ⁴⁶ Nat'l Park Serv., *Devils Tower*, <http://www.nps.gov/deto/index.htm>.
- ⁴⁷ Nat'l Park Serv., *Fossil Butte*, <http://www.nps.gov/fobu/index.htm>.

48. 16 USCA § 17k (1936), (currently codified at 54 U.S.C.A. § 100501 (2014)).
49. Bureau of Reclamation, *List of NRAs associated with Eleven Federal Water Projects*, <http://www.usbr.gov/recreation/recreationAreas.html>.
50. See 16 U.S.C. § 460uuu (establishing Mount Hood National Recreation Area); 16 U.S.C. § 460vv-6 (creating Winding Stair Mountain National Recreation Area).
51. Nat'l Park Serv., *Big Horn Canyon National Recreation Area*, <http://www.nps.gov/bica/index.htm>; also visit <https://www.wyomingtourism.org/things-to-do/detail/Bighorn-Canyon-National-Recreation-Area/7949>.
52. U.S. Forest Serv., *Flaming Gorge National Recreation Area*, <http://www.fs.usda.gov/detail/ashley/specialplaces/?cid=stelprdb5212203>; also visit <http://www.wyomingtourism.org/things-to-do/detail/Flaming-Gorge-National-Recreation-Area/7655>.
53. Nat'l Park Serv., *John D. Rockefeller Memorial Parkway*, <http://www.nps.gov/grte/jodr.htm>.
54. 16 U.S.C. § 461 (1935).
55. 16 USCA § 462(e), (currently codified at 54 U.S.C. § 320102 (2014)).
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