



# Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised July 2019

## 1. General Information

a. Agency/Board Name*		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison	f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address		
h. Date of Public Notice	i. Comment Period End Date	
j. Public Comment URL or Email Address:		
k. Program		

\*  By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.

## 2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular non-emergency rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these non-emergency regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No.  Yes. If the rules are new, please provide the Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):

## 3. Rule Type and Information

For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.

a. Provide the Chapter Number, Title\* and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

\* If the name of a chapter of rules is changing, please provide the NEW chapter name in parenthesis following the OLD chapter name. Example: Old Chapter Name: General Provisions; New Chapter Name: General Provisions and Requirements. This would appear as "General Provisions (General Provisions and Requirements)."

**4. Public Comments and Hearing Information**

a. A public hearing on the proposed rules has been scheduled.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:
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b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

**5. Federal Law Requirements**

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements.  No.  Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:
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Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

**6. State Statutory Requirements**

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b.  The Agency has completed a takings assessment as required by W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

**7. Additional APA Provisions**

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

\_\_\_\_\_ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

\_\_\_\_\_ (Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

**8. Authorization**

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	



# Wyoming State Forestry Division

Office of State Lands and Investments



*Bill Crapser,  
State Forester,  
Wyoming State Forestry Division  
5500 Bishop Blvd.  
Cheyenne, WY 82002*

*Mark Gordon  
Governor*

*Jenifer Scoggin  
Director*

*Bill Crapser  
State Forester*

**May 7, 2020**

**To:**

Mark Gordon, Governor

**From:**

Bill Crapser   
State Forester  
Wyoming State Forestry Division

**Subject:** Statement of Reasons, Proposed Rules for Chapter 2

During the 2020 legislative session, members of the House of Representatives introduced House Bill 56, *Good Neighbor Authority Revolving Account*. The bill, as enacted, created a Wyoming state forestry good neighbor authority revolving account; provided for administration of the account; and authorized additional employees. The bill also required the State Forester to adopt rules governing the administration of the account. A copy of the bill is attached.

The federal Good Neighbor Authority (GNA) program was authorized in the 2014 Farm Bill, and revised in the 2018 Farm Bill. The Authority allows states to partner with the United States Forest Service and the Bureau of Land Management to carry out authorized restoration activities on Forest Service and BLM lands utilizing the state's own processes and procedures. Additional details on GNA can be found in the attached fact sheet.

The account created by the HB56 removes a previous barrier to WSFD's implementation of GNA projects. Without the revolving account, WSFD was limited in its ability to collect project and partner funds, and segregate those funds from state funds. The bill also allows the state to hire one FTE and four AWEC employees to implement GNA projects, as long as federal funds can be secured to fund those positions.

The draft rules comply with HB0056 as enacted by 2020 Wyo. Sess. Laws. Ch. 93. These rules are to govern the administration of the Good Neighbor Authority revolving account created by W.S. 36-1-501 through -503 to provide funds and authorization for additional employees and to administer and implement Good Neighbor Authority or other federally funded cooperative management projects.

## Chapter 2

### Good Neighbor Authority Revolving Account

**Section 1. Authority.** These rules are adopted pursuant to Wyoming Statute 36-1-503.

**Section 2. Purpose.** These rules are to govern the administration of the GNA Account to provide funds and authorizing additional employees for the administration and implementation of Good Neighbor Authority or other federally funded cooperative management projects.

**Section 3. Definitions.** As used in this chapter:

(a) “Division” means the Wyoming State Forestry Division of the Office of State Lands and Investments.

(b) “GNA” or “Good Neighbor Authority” means an agreement between the Division and the Bureau of Land Management, the United States Forest Service, or other authorized Federal agencies, to allow the Division to perform authorized watershed restoration and forest management services on National Forest System, Bureau of Land Management, or other authorized Federal lands as specified in project level agreements.

(c) “GNA Account” means the good neighbor authority revolving account created by W.S. 36-1-501 through -503.

(d) “Project Income” means revenue generated by the sale of forest products from GNA projects, minus approved Division expenditures. Project Income may only be utilized as agreed on in specific project agreements, and in accordance with Federal guidelines.

**Section 4. Agreements and Contracts.** The State Forester may, on behalf of the Division:

(a) Enter into contracts or agreements with federal agencies for GNA projects or other federally-funded forest management projects.

(b) Partner with counties through contracts, subcontracts, or agreements to fund or implement GNA projects or other federally-funded forest management projects.

(c) Enter into contracts or agreements with other partners, such as public utilities, non-governmental organizations, or other entities to fund GNA projects or other federally-funded forest management projects.

(d) Contract for services to be performed on federal lands under GNA agreements.

**Section 5. Funding.**

(a) Funding for GNA agreements and projects may be received from:

- (i) The United States Forest Service;
  - (ii) The Bureau of Land Management;
  - (iii) Other federal agencies;
  - (iv) Counties, Cities, and towns;
  - (v) Public utilities and utility companies;
  - (vi) Non-governmental organizations; or
  - (vii) Other partners.
- (b) Project level funding will be identified in specific project agreements and financial plans.
- (c) Project Income will be deposited into the GNA Account for use toward future projects as designated in specific project agreements.

**Section 6. Expenditures.**

- (a) Expenditures from the account will be made as designated in specific project agreements, financial plans, and contracts.
- (b) Expenditures may be made prior to receipt of federal reimbursements when allowed in specific project agreements and contracts.
- (c) The State Forester shall approve in writing all expenditures.

**Section 7. Employees.**

- (a) As provided in W.S. 36-1-503(b), the State Forester may hire no more than one (1) full-time employee and four (4) at-will employee contract positions to administer and implement GNA projects.
- (b) Employees hired under W.S. 36-1-503(b) must be funded by federal funds. Funding will be identified and designated in specific project agreements.

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