

Power Point Equipment Will Be Used At This Meeting

Agenda

Crook County Land Use Planning & Zoning Commission

Date: 14 September 2009

Time: 7:00 p.m.

Location: **Jury Room**, Crook County Courthouse:

Sundance, Wyoming

Call to Order

Visitors

Amend the Agenda *

U.S. Forest Service-Moskee Land Corporation-Watson Land LLC land swap: set public hearing under the 1998 Land Use Plan for Crook County provisions.

Bureau of Reclamation Keyhole Fencing Project: set public hearing under the 1998 Land Use Plan for Crook County provisions.

Approval of the Minutes *

Take action on the 10 August 2009 Crook County Land Use Planning & Zoning Commission minutes.

New Business

Keyhole fencing project report (see attachment)

Subdivisions

- Ken Nelms: Lots 3&4 Thornton No.1 Subdivision (**waiting** for Mr. Nelms to get plat signed)
- Spring Creek Subdivision for CCLUP& ZC action

Other Business

Northern Leopard Frog (see attachment)

Scoping letters:

Old Business*

Set a date and time for October Comprehensive Plan work session(s):

Board of County Commissioners Communications:

Verbal report BCC meeting held 1-2 September 2009

Correspondence*

Leitha M. Sowder request

FYI

Wind Farm Symposium (see attachment)

Northern Leopard Frog letter

Keyhole Ranch, Inc. letter to Governor Freudenthal
BCC's letter to the Bureau of Reclamation (Tara Piper)

Next Meeting date, **12 October 2009**, is a County Holiday CCLUP & ZC to decide meeting date.

Adjournment*

*requires a motion, second and vote.

Your website address is: www.crookcounty.wy.gov



Minutes

**CROOK COUNTY
LAND USE PLANNING & ZONING COMMISSION
10 AUGUST 2009**

Members present

Jeanne Whalen, Chairman
Nels J. Smith, Vice-Chairman
Ross C. Hawkins

Visitors

Commissioner John A. Moline, Jr.

Staff

Tim Lyons
Fred M. Duncan

Absent:

Jon H. Lienemann
Wilbur Troyer

The Crook County Land Use Planning & Zoning Commission was called to order at 7:05 p.m. by Chairman Whalen. Vice-Chairman Smith moved approval of the agenda as presented and Mr. Hawkins seconded the motion which carried.

Approval of the Minutes

Mr. Hawkins moved the minutes of 13 and 27 July 2009 be approved as written; Vice-Chairman Smith seconded the motion which carried.

New Business

The Commission discussed the Bureau of Reclamation (Tara Piper) e-mail describing the *BOUNDARY FENCING and WATER DISTRIBUTION SYSTEM* projects for Keyhole State Park. Growth & Development was directed to obtain further information on the Bureau of Reclamation fencing project.

Other Business

With the consensus of the members present Chairman Whalen scheduled a comprehensive plan work session for Friday 11 September 2009 from 7:00-9:00 p.m.... The work session will be held in the Jury Room (reserved).

Board of County Commissioners Communications

Chairman Whalen presented a brief summary of the Board of County Commissioner meetings involving the flood insurance agenda item and the Scenic Highways and Byways agenda item. Vice-Chairman Smith moved a letter be prepared opposing the listing of the northern leopard frog and authorize Chairman Whalen to sign the letter when ready for mailing, Mr. Hawkins seconded the motion which carried.

Adjourn

Vice-Chairman Smith move the meeting adjourn, Mr. Hawkins seconded the motion which carried and Chairman Whalen adjourned the meeting at 8:10 p.m.

Next Meeting: 14 September 2009, 7:00 p.m., Jury Room, Crook County Courthouse, Sundance, Wyoming.

**CORRESPONDENCE WITH THE BUREAU OF RECLAMATION REGARDING
FENCING KEYHOLE STATE PARK.**

25 August 2009

Ms. Piper:

Thank you for your recent e-mail.

Reviewing my original e-mail I find that I neglected to include the question about the amount and location of the existing fences, both constructed as the new fence we are discussing and any other existing fence.

Would you be able to show those categories of fences on the map you will show the location of the new fence?

Fred

Mr. Duncan,

We are working on a response to your questions. I will be in contact with you.

Thanks,

Tara Piper
Natural Resource Specialist
Bureau of Reclamation
515 9th Street, Rm101
Rapid City, SD 57701
(605) 394-9757 ext. 3011

From: Fred D [mailto:fredd@crookcounty.wy.gov]

Sent: Tuesday, August 11, 2009 1:38 PM

To: Piper, Tara S

Cc: Tim Lyons; Joseph Baron; WHAL24@blackhills.com; llranch@rangeweb.net; Nels J. Smith; riphawk@aol.com; Wilbur Troyer; jhadley@tribcsp.com

Subject: Keyhole

11 August 2009

Ms. Piper:

Thank you for the Keyhole information. The information was forwarded to the Crook county Land Use Planning & Zoning Commission the evening of 10 August 2009.

After reviewing your e-mail the Commission had the following questions regarding the fencing project:

- Would the Bureau of Reclamation provide the Crook County Land Use Planning & Zoning Commission with a map showing where the fence will start and stop, what type of fence will be constructed, the location of the water lanes and other particulars of the project;
- Is there a list of landowners that will be abutting the fence;
- Does the Bureau of Reclamation consider this fence to be a partition fence;
- Will the Bureau of Reclamation be invoking W.S. 11-28-106 i.e. "The owner of any lawful fence which is or becomes a partition fence separating the owner's land from that belonging to some other person may require the person to pay for one-half (1/2) of what it would or does actually cost to construct the partition fence...";
- Would you explain what the Bureau of Reclamation defines as "private encroachment" and how it differs from what the Bureau of Reclamation defines as trespass; and
- What proper management practices are not practiced without the fence and any changes in management the fence will create?

Fred M. Duncan
Crook County Planner

STAFF NOTE

25 August 2009 Mr. Waters visited the office and discussed the fencing project at Keyhole. After Mr. Waters' visit staff sent an e-mail requesting placing the existing fences on the map the Bureau will be using to show us where the new fence will go. Mr. Waters voiced concern about the problems fires could cause in the fenced areas. To our knowledge the Bureau has not discussed any fire plans with the County or landowners.

Another area Mr. Waters got into is the legal issue as to whether or not the Bureau can fence off water in Wyoming; the Bureau does not own the water so it is a question at least for ranchers in the area.

It was submitted that the Bureau has fenced off some land leased to non-governmental entities (about 6 acres) without the lease holder having knowledge of the action...another legal issue.

Be prepared to discuss this issue as to whether or not you want to recommend the BCC invite the Bureau of Reclamation and all the neighbors to a BCC meeting and discuss the future of Keyhole.

Crook County Land Use Planning & Zoning Commission
P.O. Box 37
Sundance, WY 82729

25 August 2009

Public Comments Processing
Attn: FWS-R2-ES-2009-0030
Division of Policy and Directives Management
U. S. Fish and Wildlife Service
4401 N. Fairfax Drive, Suite 222
Arlington, VA 22203

Dear Sir:

WHEREAS: Crook County, as has Wyoming the nations fifth driest state, experienced moderate to severe drought from 1999 thru 2007(Attachment 1, the 1999-2009 Palmer Drought Indices (July) and the 1999-2008 Crook County Record of Climatological Observations), which has reduced the statewide cattle population by some 21 percent (Attachment 2, page 18) has also reduced the Northern Leopard Frog habitat. If livestock is a cause accelerating the Northern Leopard Frog's journey toward an endangered status, one must also accept the fact the drought reduced the hazard livestock represents commensurately. Grass slowly recovers to a point where it can support the historic livestock numbers supported prior to the drought, these reduced numbers also benefits the Northern Leopard Frog habitat;

WHEREAS: Because we are of the opinion the Northern Leopard Frog is a common species in Crook County, Wyoming, the Crook County Land Use Planning & Zoning Commission contacted herpetologist Dr. Brian Smith for a professional opinion(Attachment 3 and 4). Dr. Smith said..."There are probably few data on Crook County other than basic locality data. To my knowledge, the area has never previously been surveyed". The Crook County Land Use Planning & Zoning Commission strongly urges the U.S. Fish and Wildlife Service to include Dr. Smith's work in its review process (the title page of which is included in Attachment 4.);

WHEREAS: The Commission contacted the Board of County Commissioners for Crook County, Wyoming requesting a list of county projects that would, or could, destroy, modify or curtail Northern Leopard Frog habitat we found Crook County does not have any FY 2009-2010 projects that will destroy, modify or curtail Northern Leopard Frog habitat (Attachment 5). The *1998 Land Use Plan for Crook County* (Attachment 6 pages 15-16) clearly states the county's position in this regard..."*Crook County is opposed to the recovery and/or reintroduction or introduction of, including designation of critical habitat for, any threatened or endangered species that will negatively affect the current custom, culture and economic stability of Crook County, public use, public access; and as to private property rights, may constitute a taking under the state and federal constitutions, laws and rules.*";

WHEREAS: The Crook County Natural Resource District, which operates an ongoing water testing program on the Belle Fourche River and Donkey Creek, submit that thru the agricultural Best Management Practices for which they provide assistance, the Northern Leopard Frog habitat is being improved in Crook County (Attachment 7);

WHEREAS: There is a lack of substantial scientific or commercial information identifying and quantifying the status of the Northern Leopard Frog and its habitat in Crook County, Wyoming;

NOW THEREFORE: The Crook County Land Use Planning & Zoning Commission strongly oppose any listing, delisting or reclassification of the Northern Leopard Frog, in Crook County, Wyoming, without identifying and quantifying scientific and commercial information clearly supporting findings used to warrant listing the Northern Leopard Frog in Crook County, Wyoming as endangered under the Endangered Species Act of 1973.

Respectfully submitted

Jeanne Whalen, Chairman
Crook County Land Use Planning & Zoning Commission

- Attachment 1. 1999-2009 Palmer Drought Indices & 1999-2008 Crook County Record of Climatological Observations Crook County, Wyoming
- Attachment 2. 2009 Wyoming Agricultural Statistics, page 18 & Monday, August 17, 2009 Casper Tribune article "Drought Thins Cattle Herds".
- Attachment 3. Dr. Brian Smith's qualifications & publication "*Conservation Assessment for the Northern Leopard Frog in the Black Hills National Forest South Dakota and Wyoming*" title page.
- Attachment 4. e-mail: Dr. Smith's response to Crook County Land Use Planning & Zoning Commission inquires.
- Attachment 5. Crook County Board of County Commissioners letter.
- Attachment 6. 1998 Land Use Plan for Crook County
- Attachment 7. Crook County Natural Resource District letter.

W/o Attachments

Senator Michael Enzi
Russell Senate Office Building, Room 379A
Washington, D. C. 20510

Senator John Barasso
307 Dirksen, Senate Office Building
Washington, D. C. 20510

Congresswoman Cynthia Lummis
1004 Longworth House Office Building
Washington, D. C. 20515

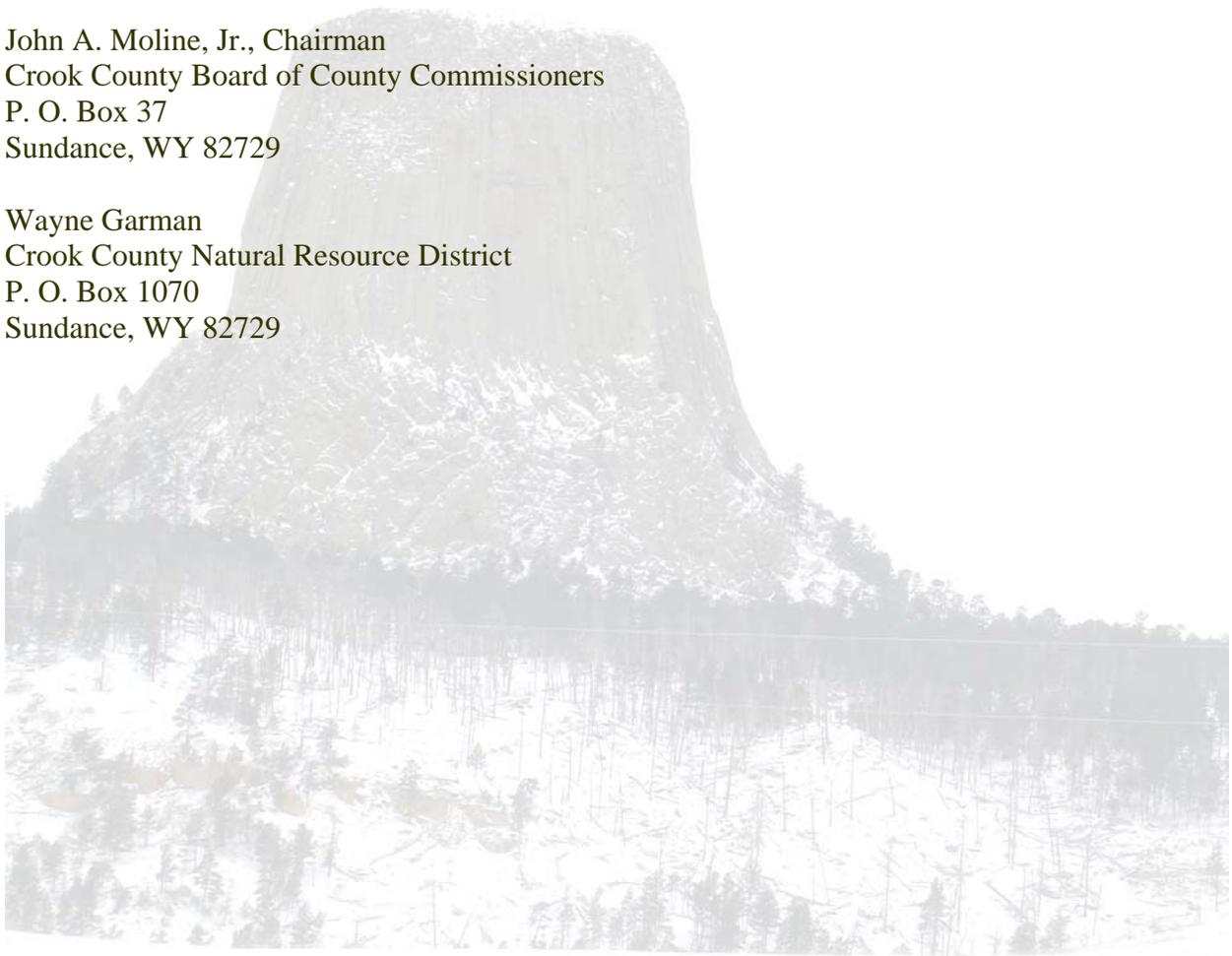
Governor Dave Freudenthal
Capitol Building
Cheyenne, WY 82002

Senator C.L. "Chuck" Townsend
P. O. Box 760
Newcastle, WY 82701

Representative Mark Semlek
1307 D Road
Moorcroft, WY 82721

John A. Moline, Jr., Chairman
Crook County Board of County Commissioners
P. O. Box 37
Sundance, WY 82729

Wayne Garman
Crook County Natural Resource District
P. O. Box 1070
Sundance, WY 82729





**Crook County
Growth & Development**

P.O. Box 848
Sundance, WY 82729-0848

Phone 307-283-4548
Fax 307-283-4549

Timothy R. Lyons, Administrator
timl@crookcounty.wy.gov

Fred M. Duncan, County Planner
fredd@crookcounty.wy.gov

8/26/2009 12:51:37 PM

WYOMING WIND SYMPOSIUM

UNIVERSITY of WYOMING

UNION BALLROOM

LARAMIE, WYOMING

AUGUST 13-14, 2009

For those members interested in the above symposium you can attend all the meetings by going to:

<http://www.uwyo.edu/enr/ienr/info.asp?p=12721>