



To: Interested Parties

From: Beth Callaway, Natural Resources Policy Advisor to Governor Mark Gordon

Date: August 9, 2019

Re: Federal Natural Resource Policy Account: Who and What is Eligible for Funding

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The Federal Natural Resource Policy Account (FNRPA) W.S. 9-4-218 provides, in part, funds expended by the governor on behalf of the State and its local governments to take actions in response to federal natural resource policies in Wyoming. Since its inception in 2003, FNRPA funds have greatly assisted the State of Wyoming and local governments to perform these crucial activities.

FNRPA funds can apply to a wide array of issues, including the participation in the development of environmental impact statements, environmental assessments, and federal land use plans. Funds may also go toward cooperation and coordination-related activities -- such as outreach events, trainings, or workshops -- as well as providing technical assistance and special projects, such as mapping efforts, database management, rangeland health assessments and socioeconomic analyses. Eligibility for FNRPA funds applies to any state or county government, including cities, county commissions, or state agencies. Counties may elect to sponsor cities and conservation districts to be eligible for funding as well.

FNRPA funds are allocated by legislature on a biennial basis and fluctuate in availability depending on demand. This memo is intended to provide clarity for state agencies and counties interested in requesting FNRPA funds.

The attached guidelines are effective for all new requests made as of January 7, 2019. Please refer to the following for further details:

1. Attachment 1 -- Statutory criteria for FNRPA funding
2. Attachment 2 -- Governor's Office policy on eligibility and process for securing funds

Should you need clarification on any matters concerning new and existing FNRPA funded projects, please don't hesitate to contact me at: [beth.callaway@wyo.gov](mailto:beth.callaway@wyo.gov) and 307-777-8204.

## Attachment 1: Statutory Criteria for Federal Natural Resource Policy Account (FNRPA) Funding Eligibility

(Red text indicates HB54/HEA22 2019 amendments)

Section 1. W.S. 9-4-218(a)(intro) and by creating a new paragraph (viii) is amended to read:

*9-4-218. Federal natural resource policy account created; purposes.*

(a) There is created an account known as the "federal natural resource policy account." Funds within the account may be expended by the governor on behalf of the state of Wyoming and its local governments, to take any of the actions specified in this subsection **in-response related** to federal land, water, air, mineral and other natural resource policies which may affect the tax base of the state, wildlife management, state species, recreation, private property rights, water rights or leasehold rights. Funds also may be expended for preparing and participating in environmental impact statements and environmental assessments, including analysis of economic or social and natural or physical environmental effects on the human environment. Funds also may be expended for coordinating and participating in rangeland health assessments pursuant to W.S. 11-2-207. The governor may expend funds from the federal natural resource policy account for:

(i) Participation of the state, a state agency or a county as a joint lead agency to prepare an environmental impact statement in accordance with regulations promulgated by the federal council on environmental quality;

(ii) Participation of the state, a state agency or a county as a cooperating agency in accordance with regulations promulgated by the federal council on environmental quality. Participation may include:

(A) Involvement in the National Environmental Policy Act (NEPA) process at the earliest possible time;

(B) Involvement in the scoping process described in regulations promulgated by the federal council on environmental quality;

(C) Development of information and preparation of environmental analyses including portions of the environmental impact statement in which Wyoming has special expertise;

(D) Assisting the state, a state agency or counties in collecting, compiling, analyzing and distributing economic impact data related to federal natural resource policy formation and participation in policy development;

(E) Making staff support available at the lead agency's request to enhance Wyoming's interdisciplinary capability; and

(F) Expenditure of state or county funds.

(iii) Investigating, initiating, intervening or otherwise participating in litigation, or taking any other legal action by the state, a state agency or the counties of the state individually or jointly, that furthers the purposes of this subsection. In carrying out this subsection, the attorney general or the counties, with approval of the governor, may retain qualified practicing attorneys to act for the state or the counties, including providing representation in other forums with the federal government or other state or county

governments that may preclude or resolve any outstanding issues or attempting to influence pertinent federal legislation;

(iv) Participation in monitoring of federal natural resource issues, including the collection, review, analysis or dissemination of any material that may be required for legal action or to support any other purpose authorized under this section;

(v) Training seminars educating state and local government officials and employees on the provisions and requirements of the federal National Environmental Policy Act of 1969 and related federal rules and regulations, and on the processes used by federal agencies in administering federal law;

(vi) Development of rangeland health assessments in compliance with W.S. 11-2-207;

(vii) Participation in the formulation, preparation and implementation of environmental impact statements and associated records of decision and other federal management decisions.

(b) All funds including any recovered court costs and earned interest remaining in the federal natural resource policy account at the end of a biennium shall remain in the account to implement the purposes of this section.

(c) In the expenditure of funds from the federal natural resources policy account pursuant to this section, preference shall be given to those funding requests that enhance the ability of a county to participate in federal natural resource policy matters.

(d) The governor shall report to the joint appropriations interim committee not later than December 1, of each year:

(i) All actions taken pursuant to this section;

(ii) All expenditures from the federal natural resource policy account;

(iii) The purpose of each expenditure.

(viii) Development and revision of comprehensive natural resource management plans prepared by counties. Plans funded pursuant to this paragraph shall:

(a) Identify objectives and priorities for the use, development and protection of natural resources and land in Wyoming;

(b) Be based on criteria established by the governor's office in consultation with the counties and consistently applied in each comprehensive natural resource management plan;

(c) Serve as a basis for communicating and coordinating with the federal government and its agencies on land and natural resource management issues;

(d) Be developed or revised in public meetings held in accordance with W.S. 16-4-401 through 16-4-408. The public meetings shall allow for participation and contribution from the public.

## **Attachment 2: General Guidelines for Federal Natural Resource Policy Account (FNRPA) Funding Eligibility**

### Guidelines

Existing, active requests as of the date of this memo will be honored and are subject to prior terms of approval as indicated by an approval letter issued by the Governor's Office. The following terms apply for all FNRPA requests submitted on or after January 7, 2019:

The Governor's Office may consider a number of factors as each application and project is reviewed, including (but not limited to):

- *Historical Funding* – How much FNRPA funds have been awarded in the past, proportionate to other requests and awards in the current application cycle?
- *Outstanding grant amounts* – Are there other approved FNRPA requests for the applicant that have not been paid out?
- *Total project cost*
- *How much unobligated FNRPA funding is available*
- *Is the project ready to move forward?*
- *Has the applicant hired a 3<sup>rd</sup> party consultant?* – If so, is the selected consultant located in or out-of-state?
- *Is the applicant providing matching funds?*
- *Are there other funding sources involved?*

Applicants are encouraged to apply a 20% self-funded (or other funding source) match of the total project cost. If an applicant indicates that a 3<sup>rd</sup> party consultant has been or will be hired, preference will be given to projects indicating in-state selections.

### Process

1. Funding requests
  - Submit in writing to the Governor's Office (see application requirements below).
  - Accepted twice a year every March and September; deadline to apply is March 31<sup>st</sup> and September 30<sup>th</sup>.
  - The Governor's Office recognizes that FNRPA funding needs are often dictated by federal agency action and the timeline outlined in this memo may not always coincide with those funding needs. As a result, the Governor's Office strongly encourages applications to be submitted pursuant to the timeline presented here, but will consider applications on a case-by-case basis as needs arise as well.
2. Approvals
  - Recipients will be notified of funding awards by April 15<sup>th</sup> and October 15<sup>th</sup> in writing.
  - Extensions and supplements to existing allocations will be granted year-round on a case-by-case basis. Requests must be submitted in writing to the Governor's Office.
3. Payments
  - Invoices must be submitted to the Governor's Office on a quarterly basis by the first day of the month (March, June, September, and December).

- Governor's Office will acknowledge receipt within 15 days. Payments will be processed and issued within 45 days.
- Reimbursement expenses will not be honored for:
  - Expenses incurred that are greater than one year old.
  - Out-of-state travel (mileage will be applied starting at the state line).
- 4. Status reports
  - Governor's Office will provide an annual status report for active projects no later than April 15<sup>th</sup>. Status reports will include original request amount, funds paid to-date and total funds remaining.
- 5. Project closure
  - Funding recipients must submit a report of activities when close-out of project is complete.

Process Timeline Summary:

Deadline	Date	Action Item
March	1 <sup>st</sup>	Invoices due
March	15 <sup>th</sup>	Annual status report from Governor's Office
March	31 <sup>st</sup>	1 <sup>st</sup> deadline to apply for funds
April	15 <sup>th</sup>	Recipients notified of fund awards
June	1 <sup>st</sup>	Invoices due
September	1 <sup>st</sup>	Invoices due
September	30 <sup>th</sup>	2 <sup>nd</sup> deadline to apply for funds
October	15 <sup>th</sup>	Recipients notified of fund awards
December	1 <sup>st</sup>	Invoices due

Application Requirements

Please provide a written request for FNRPA funds (electronic or hard copy letters) indicating the following, at a minimum:

- Project description
- Indication if the funding request is pursuant to Wyoming Statute 9-4-218(a)(viii) (county natural resource plans)<sup>1</sup>
- Total cost
- Projected budget
- Anticipated project duration
- Previous use of FNRPA funds within the past 2 years
- Indication if a 3<sup>rd</sup> party contractor will be required to complete the project; outline of products contractor will provide
- For multiple party requests, indicate a primary point of contact

<sup>1</sup> Application requirements as denoted in this section apply to county natural resource plan funding requests pursuant to HB54/HEA22. Applications under HB54/HEA22 are accepted on an ongoing basis. For additional guidelines, see separate memo from this office dated July 18, 2019.