



Wyoming Administrative Procedure Act

WYOMING STATUTE ANNOTATED 16-3-101 THROUGH 16-3-115

Why Local Planning

- ▶ Locally elected officials have far ranging responsibilities to their constituents, described by state statutes as protecting their “health, safety and welfare.”
- ▶ That responsibility includes interacting with federal agencies on issues impacting the county or conservation district.
- ▶ To give local officials the strongest voice it can, local governments should adopt land use plans to set policy regarding federal lands.
- ▶ Federal agencies are mandated by federal statutes to engage local governments in federal decision making processes.
- ▶ Local land use plans are an important tool for local government to have a say in federal decisions.

General Rulemaking Requirements

In addition to other rulemaking requirements imposed by law, each agency shall

- ▶ Adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available in connection with contested cases.
- ▶ Make available for public inspection all rules and all other written statements of policy or interpretations formulated, adopted or used by the agency in the discharge of its functions.
- ▶ Make available for public inspection all final orders decisions and opinions

Adoption, amendment and repeal of rules: notice hearing; emergency rules; proceedings to contest; review and approval by governor

- ▶ Prior to an agency's adoption, amendment or repeal of all rules other than interpretative rules or statements of general policy, the agency shall give at least forty-five (45) days notice of its intended action, allowing for public review and comment.
- ▶ The notice shall contain a number of required elements (see list at 16-3-103(a)(i))
- ▶ An agency may adopt emergency rules, if exigency requires that rules be adopted without public review and comment.

Filing of copies of rules; permanent register; effective dates; manner of preparation; advice and assistance of attorney general

- ▶ Each agency shall file in the office of the registrar of rules a certified copy of each rule adopted by it as approved by the governor.
- ▶ State agencies shall file each rule within seventy-five (75) days of the date of agency action adopting the rule or it is not effective.
- ▶ Conservation districts file their rules with the County Clerk.
- ▶ The Attorney General shall furnish advice and assistance to all state agencies in the preparation of their regulations, and in revising , codifying and editing existing or new regulations.

Contested Cases

- ▶ Contested cases are essentially “trials” but instead of being before a judge and jury, they are held in front of administrative agencies, such as the Board of Control or Office of Administrative Hearings.
- ▶ Evidence is presented, and a fact finder makes a decision after considering the law and weighing the evidence.
- ▶ Rules of procedure and evidence apply, just as in a court trial, although rules are more “relaxed”
- ▶ In most cases and situations, parties may appear through counsel or pro se.

Judicial Review

- ▶ District courts (often) have the ability to review the actions and decisions of agencies and contested case proceedings.
- ▶ An aggrieved party may obtain a review of any final judgement of the district court under this act by appeal to the Supreme Court.
 - The appeal shall be taken as in other civil cases.

Local “Land Use Plans”

- ▶ County or District Background including history, economy, important uses of public land from a local perspective, water needs, soils and other natural features and the economic , cultural and natural resource values that are important to the local constituents.
- ▶ Local Policy Statements- This is the heart of the land use plan and describes what the Conservation District wants to happen or not happen within the district. For example you may want to set policy on livestock grazing, timber cutting, water, fire suppression, etc.
- ▶ Local Data needs to be added to the plan to support the policy statements. This can include natural resource data, socioeconomic data or custom and culture data.
- ▶ Analysis, Alternatives and Mitigation- Finally, the plan should include analysis of what could happen based on different actions.