

# 2025

# NIOBRARA COUNTY

# LAND USE PLAN

PREPARED BY:

Updated: March 4, 2025





# Table of Contents

- TITLE 1 - Explanation of the Niobrara County Land Use Plan ..... 12
  - Chapter 1 - Purpose ..... 12
  - Chapter 2 - Scope ..... 12
  - Chapter 3 - Plan Implementation..... 13
    - 1.3.010 Vision..... 13
    - 1.3.020 Objective ..... 13
    - 1.3.030 Goal ..... 13
    - 1.3.040 Policy ..... 13
- TITLE 2 - Definitions ..... 14
- TITLE 3 - County Empowerment ..... 18
  - Chapter 1 - County Influence ..... 18
  - Chapter 2 - National Environmental Policy Act (NEPA) ..... 18
  - Chapter 3 - Federal Involvement ..... 18
  - Chapter 4 - Federal Acts..... 19
    - 3.4.010 Requirements for Coordination ..... 19
    - 3.4.020 Governing the Use and Management of Federal Lands and Minerals ..... 19
  - Chapter 5 - Authority ..... 19
  - Chapter 6 - Plan Implementation..... 21
    - 3.6.010 Vision..... 21
    - 3.6.020 Objective ..... 21
    - 3.6.030 Goal ..... 21
    - 3.6.040 Policy ..... 21
- TITLE 4 - Introduction and Citizen Participation ..... 22
  - Chapter 1 - Benefits ..... 22
  - Chapter 2 - Plan Development and Public Involvement..... 22
  - Chapter 3 - Using and Amending the Plan..... 23
  - Chapter 4 - Plan Implementation..... 23
    - 4.4.010 Vision..... 23
    - 4.4.020 Objective ..... 23
    - 4.4.030 Goal ..... 23
    - 4.4.040 Policy ..... 23

- TITLE 5 - Description, Location, and History of Niobrara County ..... 25
  - Chapter 1 - History of Niobrara County ..... 27
  - Chapter 2 - Demographics ..... 29
- TITLE 6 - Physical Characteristics ..... 30
  - Chapter 1 - Land ..... 30
  - Chapter 2 - Public Land ..... 32
    - 6.2.010 Vision ..... 32
    - 6.2.020 Objective ..... 32
    - 6.2.030 Goal ..... 32
    - 6.2.040 Policy ..... 32
  - Chapter 3 - Private Land ..... 32
    - 6.3.010 Vision ..... 32
    - 6.3.020 Objective ..... 32
    - 6.3.030 Goal ..... 33
    - 6.3.040 Policy ..... 33
  - Chapter 4 - Private Land with Federal Mineral Ownership (commonly known as Split Estate) ..... 33
    - 6.4.010 Vision ..... 33
    - 6.4.020 Objective ..... 33
    - 6.4.030 Goal ..... 33
    - 6.4.040 Policy ..... 33
  - Chapter 5 - Climate ..... 33
  - Chapter 6 - Topography ..... 34
  - Chapter 7 - Geology ..... 34
  - Chapter 8 - Drainage ..... 34
  - Chapter 9 - Soil ..... 36
- TITLE 7 - Water ..... 37
  - Chapter 1 - Precipitation ..... 37
  - Chapter 2 - Groundwater and Surface Water ..... 37
    - 7.2.010 Vision ..... 37
    - 7.2.020 Objective ..... 37
    - 7.2.030 Goal ..... 37
    - 7.2.040 Policy ..... 37
  - Chapter 3 - Wastewater ..... 38

- 7.3.010 Vision..... 38
- 7.3.020 Objective ..... 38
- 7.3.030 Goal ..... 38
- 7.3.040 Policy..... 38
- TITLE 8 - Natural Resources ..... 39
  - Chapter 1 - Timber ..... 39
  - Chapter 2 - Minerals ..... 39
  - Chapter 3 - Plan Implementation..... 44
    - 8.3.010 Vision..... 44
    - 8.3.020 Objective ..... 44
    - 8.3.030 Goal ..... 44
    - 8.3.040 Policy..... 44
- TITLE 9 - Natural Hazards ..... 45
  - Chapter 1 - National Flood Insurance Program ..... 45
  - Chapter 2 - Plan Implementation..... 45
    - 9.2.010 Vision..... 45
    - 9.2.020 Objective ..... 45
    - 9.2.030 Goal ..... 45
    - 9.2.040 Policies ..... 45
- TITLE 10 - Environmental Quality..... 46
  - Chapter 1 - Plan Implementation..... 46
    - 10.1.010 Vision..... 46
    - 10.1.020 Objective ..... 46
    - 10.1.030 Goal ..... 46
    - 10.1.040 Policy..... 46
- TITLE 11 - Solid and Hazardous Waste..... 47
  - Chapter 1 - Plan Implementation..... 47
    - 11.1.010 Vision..... 47
    - 11.1.020 Objective ..... 47
    - 11.1.030 Goal ..... 47
    - 11.1.040 Policy ..... 47
- TITLE 12 - Economic Analysis ..... 48
  - Chapter 1 - Employment Trends ..... 48

- Chapter 2 - Population Trends ..... 50
- Chapter 3 - Household Trends ..... 52
- Chapter 4 - Properties and Housing..... 52
- Chapter 5 - Plan Implementation..... 53
  - 12.5.010 Vision..... 53
  - 12.5.020 Objective ..... 53
  - 12.5.030 Goal ..... 53
  - 12.5.040 Policy ..... 53
- TITLE 13 - Recreation ..... 54
  - Chapter 1 - Facilities..... 54
  - Chapter 2 - Plan Implementation..... 54
    - 13.2.010 Vision..... 54
    - 13.2.020 Objective ..... 54
    - 13.2.030 Goal ..... 54
    - 13.2.040 Policy ..... 54
- TITLE 14 - Historic Preservation ..... 55
  - Chapter 1 - Plan Implementation..... 55
    - 14.1.010 Vision..... 55
    - 14.1.020 Objective ..... 55
    - 14.1.030 Goal ..... 55
    - 14.1.040 Policy ..... 55
- TITLE 15 - Arts and Humanities ..... 56
  - Chapter 1 - Plan Implementation..... 56
    - 15.1.010 Vision..... 56
    - 15.1.020 Objective ..... 56
    - 15.1.030 Goal ..... 56
    - 15.1.040 Policy ..... 56
- TITLE 16 - Education..... 57
  - Chapter 1 - Plan Implementation..... 57
    - 16.1.010 Vision..... 57
    - 16.1.020 Objective ..... 57
    - 16.1.030 Goal ..... 57
    - 16.1.040 Policy ..... 57

- TITLE 17 - Grazing..... 58
  - Chapter 1 - Plan Implementation..... 58
    - 17.1.010 Vision..... 58
    - 17.1.020 Objectives ..... 58
    - 17.1.030 Goal ..... 58
    - 17.1.040 Policy..... 58
- TITLE 18 - Weed and Pest..... 59
  - Chapter 1 - Plan Implementation..... 59
    - 18.1.010 Vision..... 59
    - 18.1.020 Objective ..... 59
    - 18.1.030 Goal ..... 59
    - 18.1.040 Policy..... 59
- TITLE 19 - Endangered Species..... 60
  - Chapter 1 - Plan Implementation..... 60
    - 19.1.010 Vision..... 60
    - 19.1.020 Objective ..... 60
    - 19.1.030 Goal ..... 61
    - 19.1.040 Policy..... 61
- TITLE 20 - Predatory Animals ..... 62
  - Chapter 1 - Plan Implementation..... 62
    - 20.1.010 Vision..... 62
    - 20.1.020 Objective ..... 62
    - 20.1.030 Goal ..... 62
    - 20.1.040 Policy..... 62
- TITLE 21 - Fire Management and Protection ..... 63
  - Chapter 1 - Plan Implementation..... 63
    - 21.1.010 Vision..... 63
    - 21.1.020 Objective ..... 63
    - 21.1.030 Goal ..... 63
    - 21.1.040 Policy..... 63
- TITLE 22 - Health and Human Services..... 64
  - Chapter 1 - Plan Implementation..... 64
    - 22.1.010 Vision..... 64

- 22.1.020 Objective ..... 64
- 22.1.030 Goal ..... 64
- 22.1.040 Policy ..... 64
- TITLE 23 - Road Use and Access ..... 65
  - Chapter 1 - Plan Implementation..... 65
    - 23.1.010 Vision..... 65
    - 23.1.020 Objective ..... 65
    - 23.1.030 Goal ..... 65
    - 23.1.040 Policy ..... 65
- TITLE 24 - Communications and Other Utilities ..... 66
  - Chapter 1 - Plan Implementation..... 66
    - 24.1.010 Vision..... 66
    - 24.1.020 Objective ..... 66
    - 24.1.030 Goal ..... 66
    - 24.1.040 Policy ..... 66
- TITLE 25 - Wind, Solar, Nuclear, and other Alternative Energy Generation ..... 67
  - Chapter 1 - Plan Implementation..... 67
    - 25.1.010 Vision..... 67
    - 25.1.020 Objective ..... 67
    - 25.1.030 Goals ..... 67
    - 25.1.040 Policies ..... 67
- TITLE 26 - Public Lands and Resources ..... 68
  - Chapter 1 - County / Public Land and Resource Agency Coordination..... 68
  - Chapter 2 - Multiple Use ..... 68
  - Chapter 3 - Public Lands Resource Use and Development ..... 68
  - Chapter 4 - Public Lands Access ..... 69
  - Chapter 5 - Wildlife Resources ..... 69
  - Chapter 6 - Public Land Recreation ..... 69
  - Chapter 7 - Special Designations ..... 69
  - Chapter 8 - Public Land Disposal ..... 70
  - Chapter 9 - Plan Implementation..... 70
    - 26.9.010 Vision ..... 70
    - 26.9.020 Objective ..... 70



- 26.9.030 Goals ..... 70
- 26.9.040 Policies ..... 70
- TITLE 27 - Economic Development ..... 71
  - Chapter 1 - Economic Development and Diversification ..... 71
    - 27.1.010 Vision..... 71
    - 27.1.020 Objective ..... 71
    - 27.1.030 Goal ..... 71
    - 27.1.040 Policy ..... 71
  - Chapter 2 - Business Retention and Expansion ..... 71
    - 27.2.010 Vision..... 71
    - 27.2.020 Objective ..... 72
    - 27.2.030 Goal ..... 72
    - 27.2.040 Policy ..... 72
  - Chapter 3 - Business Recruitment..... 72
    - 27.3.010 Vision..... 72
    - 27.3.020 Objective ..... 72
    - 27.3.030 Goal ..... 72
    - 27.3.040 Policy ..... 72
  - Chapter 4 - Recreation and Tourism ..... 72
    - 27.4.010 Vision..... 72
    - 27.4.020 Objective ..... 72
    - 27.4.030 Goal ..... 72
    - 27.4.040 Policy ..... 73
  - Chapter 5 - Agricultural Land and Related Uses ..... 73
    - 27.5.010 Vision..... 73
    - 27.5.020 Objective ..... 73
    - 27.5.030 Goal ..... 73
    - 27.5.040 Policy ..... 73
- TITLE 28 - Infrastructure and County Services ..... 74
  - Chapter 1 - County-provided Services to Rural Areas ..... 74
  - Chapter 2 - Developer-provided Services ..... 74
  - Chapter 3 - Utility Planning and Coordination ..... 74
  - Chapter 4 - Plan Implementation..... 74

28.4.010 Vision..... 74

28.4.020 Objective ..... 74

28.4.030 Goal ..... 74

28.4.040 Policy..... 75

TITLE 29 - Large Scale Developments..... 76

    Chapter 1 - Plan Implementation..... 76

        29.1.010 Vision..... 76

        29.1.020 Objective ..... 76

        29.1.030 Goal ..... 76

        29.1.040 Policy..... 76

TITLE 30 - County/Community/Fringe Area Development ..... 77

    Chapter 1 - Plan Implementation..... 77

        30.1.010 Vision..... 77

        30.1.020 Objective ..... 77

        30.1.030 Goal ..... 77

        30.1.040 Policy..... 77

TITLE 31 - Regulations, Standards and the Approval Process..... 78

    Chapter 1 - Plan Implementation..... 78

        31.1.010 Vision..... 78

        31.1.020 Objective ..... 78

        31.1.030 Goal ..... 78

        31.1.040 Policy..... 78

TITLE 32 - Development Standards..... 79

    Chapter 1 - Plan Implementation..... 79

        32.1.010 Vision..... 79

        32.1.020 Objectives ..... 79

        32.1.030 Goal ..... 79

        32.1.040 Policy..... 79

TITLE 33 - Plan Adoption ..... 80

TITLE 34 - APPENDIX A ..... 82

TITLE 35 - APPENDIX B ..... 83

TITLE 36 - Appendix C..... 84

# Table of Figures

Figure 1. Niobrara County Location Map ..... 25

Figure 2. Map of Niobrara County Highways and Municipalities (Source: Niobrara County) ..... 26

Figure 3. History of Niobrara County ..... 28

Figure 4. Towns in Niobrara County ..... 30

Figure 5. Topography of Niobrara County ..... 35

Figure 6. Niobrara County Coal Map (Source: Wyoming State Geological Survey, February 20, 2024) .... 40

Figure 7. Map of Industrial Minerals (Source: Wyoming State Geological Survey, February 20, 2024, <https://main.wsgs.wyo.gov/>)..... 41

Figure 8. Oil and Gas Pipelines in Niobrara County (Source: Wyoming State Geological Survey, February 20, 2024, <https://main.wsgs.wyo.gov/>)..... 42

Figure 9. Oil and Gas Fields and Wells (Source: Wyoming State Geological Survey, February 20, 2024, <https://main.wsgs.wyo.gov/>)..... 43

Figure 10. Silver Cliff Mining Area (Source: Wyoming State Geological Survey, February 20, 2024)..... 43

Figure 11. Niobrara County Employment by Industry (2001-2022) ..... 49

Figure 12. 2022 Median Earnings by Industry ..... 50

Figure 13. 2022 Household Income ..... 52

Figure 14. 2022 Property Values..... 53



# TITLE 1 - EXPLANATION OF THE NIOBRARA COUNTY LAND USE PLAN

## Chapter 1 - Purpose

The purpose of the 2025 Niobrara County Land Use Plan (approved by the Niobrara County Planning Commission as the “2024 Niobrara County Land Use Plan”) is to protect the culture and customs, economic and community stability of Niobrara County. The decisions concerning these purposes will be determined by the citizens of Niobrara County. This plan will provide the framework for the citizens of Niobrara County in future development endeavors for both private and public actions. The adopted 2025 Land Use Plan updates and replaces any and all preceding Niobrara County Land Use Plans and clarifies/reconfirms the County’s land use and development goals and policies.

In conjunction with the Niobrara County Natural Resource Management Plan dated August 3, 2021, this plan seeks to achieve a balance between the County’s natural and man-made environments and provide recommendations that promote the area’s prosperity while being compatible with the County’s heritage.

The Niobrara County Commissioners believe that the American concept of government of the people, by the people, and for the people is best served when government affairs are conducted as close to the people as possible (i.e., at the local government level). We find it desirable to address the use and management of these important resources, especially rangelands, soil, and water conservation, within the political jurisdiction of the County as the heart of its comprehensive planning efforts. The Commissioners understand one goal of the County’s citizens and, therefore, its government has been the continuation of a lifestyle, which assures the quiet enjoyment of private property rights and property interest and provides the highest degree of protection for these rights. Property rights and interests are important to the people living and working in this remote, rugged county, which is the least populated county in the least populated state. Many people who live in Niobrara County rely on the land and its productive use. Private ownership and the incentives provided by private ownership are driving forces that support the livelihood of many Niobrara County citizens ownership.

The citizens have defined Niobrara County’s culture as having a low population density and a high quality of life, followed closely by self-sustaining environmental quality and diversity in use of natural resources, and a low crime rate.

The citizens have defined Niobrara County’s custom as resolutely independent with strong family values, quality of education, unity and community involvement when facing adversity and mutual respect for each individual.

It is important to note that our custom and culture is the direct result of the freedom that citizens have always had in order to innovate and make management decisions on their property.

## Chapter 2 - Scope

The Plan will be limited to all lands within the borders of Niobrara County be they county, state, private or federal. This Plan shall not preclude or interfere with the authority of the municipalities to govern the lands within their respective boundaries.

The Plan will enable the County Commissioners and the citizens of Niobrara County to agree upon and document in writing a definite set of visions, objectives, goals, and policies that will be utilized to govern the future of the County when development or regulation occurs.

### Chapter 3 - Plan Implementation

#### **1.3.010 Vision**

To achieve a balance between the community's natural and manmade environments, offering recommendations which promote the area's prosperity within a context that is compatible with the County's heritage.

#### **1.3.020 Objective**

The Plan will foster communication between and among elected officials and citizens. The Plan will also provide continuity by communicating county goals and policies from one political administration to the next. With this Plan, all parties concerned should know in advance if proposed projects are likely to be approved or denied.

#### **1.3.030 Goal**

To protect and retain Niobrara County's culture, custom, economic and community stability and to encourage land use decisions and growth patterns that are consistent with the County's adopted plans, policies, and development objectives.

#### **1.3.040 Policy**

As applicable, the Niobrara County Land Use Plan and the Niobrara County Natural Resource Management Plan will be utilized as guides for future land use and development decisions.

**END TITLE 1**

## TITLE 2 - DEFINITIONS

For the purposes of the 2025 Land Use Plan, the following definitions apply:

Commissioners – The Niobrara County Board of Commissioners.

Conservation – Development, improvement, maintenance, preservation, protection, and use of natural resources, and the control and prevention of floodwater and sediment damages, and the disposal of excess waters. (W.S. 11-16-102(iv))

Consistent - Marked by harmony, regularity, or steady continuity: free from variation or contradiction. (Merriam-Webster's Collegiate Dictionary, Deluxe Edition, 1998, p. 386)

Consistency - Agreement or harmony of parts or features to one another or a whole: specifically: ability to be asserted together without contradiction. (Merriam-Webster's Collegiate Dictionary, 5th Edition, 1998, p. 386)

Consult - The act of asking the advice or opinion of someone. (Black's Law Dictionary Deluxe 7th Edition, p. 311)

Cooperate - To act or work with another or others: act together. (Merriam-Webster's Collegiate Dictionary, Deluxe Edition, 1998, p. 399)

Culture – The integrated pattern of human knowledge and behavior passed to succeeding generations; it is customary beliefs, social forms, and material traits of a social group. (Webster's 9<sup>th</sup> New Collegiate Dictionary, 1991, p. 314)

Custom – A usage or practice of the people, which, by common adoption and acquiescence, and by long and unvarying habit, has become compulsory and has acquired the force of law with respect to the place or subject matter to which it relates. (Bouvier's Law Dictionary, 417, 1<sup>st</sup> ed. 1867)

DEQ – The Wyoming Department of Environmental Quality

Economic and Community Stability - A combination of local custom, culture and economic preservation. (Forest Service, US Department of Agriculture, The Use Book, 133 (1906 ed.) The citizens of Niobrara County have placed paramount importance on the continued use of natural resources (on both private and public lands) for the production of food and fiber when defining economic and community stability. The vast open spaces in our locale are vital to the unlimited recreational and tourism opportunities. Local retail and family-type business, railroads, oil and gas industries and governmental agencies also contribute substantially to the County's economic and community stability.

Economic Viability - The condition of a society and/or community to be economically capable of working, functioning, growing, developing, and prospering as an independent unit. It is a critical component of social and community stability.

Federally or State managed lands - Lands and natural resources that fall under Federal or State management including, but not limited to, the National Forest System (Reserves, National Forest, Wilderness, Roadless, Wild and Scenic), Bureau of Land Management lands (including, but not limited to, wilderness study areas, lands with wilderness characteristics, areas of critical environmental concern),

Bureau of Reclamation lands; State school lands and other State trust lands (including Game and Fish lands).

Fringe Area – The rural-urban fringe is the boundary zone outside the urban area proper where rural and urban land uses intermix.

Goal - The thing to be accomplished to ensure that a community's quality of life, economic vitality, infrastructure, public safety and environmental health are protected and improved over time.

Groundwater – Any water, including hot water and geothermal steam, under the surface of the land or the bed of any stream, lake, reservoir, or other body of surface water, including water that has been exposed to the surface by an excavation, such as a gravel pit or some type of mining operation. (Wyoming Administrative Rules; Engineer, State; Ground Water)

Heritage – The history, traditions, practices, etc. of a particular country, society, or company that exist from the past and continue to be important. (Cambridge Dictionary)

Land Use Planning - Process by which citizens and leaders identify and pursue the vision, goals, and objectives for their community and its future. Planning allows the local community to efficiently and effectively administer government services based on the physical layout of the community and its needs, and by anticipating future changes in population, employment, and land use. (The Legal Basis of Planning in Wyoming, 2018).

Large Scale Development – Any private or public development which, because of its magnitude of land area or the magnitude of its effect on the surrounding environment, is likely to affect a wide area or population.

Local Government - Cities and towns, counties, school districts, joint powers boards, airport boards, public corporations, community college districts, conservation districts, special districts and their governing bodies, all political subdivisions of the state, and their agencies, instrumentalities and institutions, and governmental entities of another state but only while physically present in the state of Wyoming and while in the course of operating a cooperative public transportation program as defined by W.S. 16-1-104(f). (W.S. 1-39-103)

Local Land Use Plan - Any written statement of land use policies, visions, goals, and objectives adopted by local governments. Local land use plans shall provide an explanation of the methods for implementation of the plan; however, these plans shall not require any provisions for zoning and implementation of the plan shall be subject to the provisions of this article. Any local land use plan may contain maps, graphs, charts, illustrations or any other form of written or visual communication. (W.S. 9-8-301)

May - The discretion or choice between two or more alternatives. (Black's Law Dictionary, 5th edition, p. 883)

Notify - For the purposes of this plan, official notification which shall be constituted by delivery of information documents to the attention of the Chairman of the Niobrara County Board of Commissioners, 424 South Elm Street, Lusk, WY 82225.

Objective - A desired level of achievement towards achievement of a goal.

Permit - A certificate evidencing permission; a license. (Black's Law Dictionary Deluxe 7th edition, p. 1160)



Policy - The general principles by which a government is guided in its management of public affairs, or the legislature in its measures. (Black's Law Dictionary, Rev. 4th edition, p. 1317)

Pollution – (relating to water quality) Contamination or other alteration of the physical, chemical or biological properties of any waters of the state, including change in temperature, taste, color, turbidity or odor of the waters or any discharge of any acid or toxic material, chemical or chemical compound, whether it be liquid, gaseous, solid, radioactive or other substance, including wastes, into any waters of the state which creates a nuisance or renders any waters harmful, detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses, or to livestock, wildlife or aquatic life, or which degrades the water for its intended use, or adversely affects the environment. This term does not mean water, gas or other material which is injected into a well to facilitate production of oil, or gas or water, derived in association with oil or gas production and disposed of in a well if the well is used either to facilitate production or for disposal purposes is approved by authority of the state, and if the state determines that such injection or disposal well will not result in the degradation of ground or surface or water resources. (W.S. 35-11-103.c.i)

Private land/private property – Belonging to and concerning an individual person, company, or interest (i.e. non-government entity) over which the owner has exclusive and absolute rights. (Forest Service, US Department of Agriculture, The Use Book, 13, 1906 Ed and Black's Law Dictionary Deluxe 7<sup>th</sup> edition)

Property - Any external thing over which the rights of possession, use, and enjoyment are exercised. (Black's Law Dictionary Deluxe 7th edition, p. 1232)

Property right - A right to specific property, whether tangible or intangible. (Black's Law Dictionary Deluxe 7th edition, p. 1323)

Public land/public property - Those lands held by the federal or state government not restricted to any one individual's use or possession.

Resolution or County Resolution - A formal expression of a decision by the Board of Niobrara County Commissioners, which carries the force and effect of law.

Right - The interest, claim, or ownership that one has tangible or intangible property. (Black's Law Dictionary, 7th edition, p. 1322)

Riparian - Of, on, or relating to the banks of a natural course of water. (American Heritage Dictionary, 4th edition)

Sensitive Area – An area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by human activities and developments. (Lawinsider.com/dictionary/environmentally-sensitive-areas)

Shall - Imperative or mandatory. It excludes the idea of discretion. (Black's Law Dictionary, 5th edition, p. 1233)

Social Stability - The condition of a society and/or community being firmly established, permanent and steadfast, not subject to insecurity, emotional illness or outside disruption, and with the strength to stand and endure in its established way of life.

Surface Water – All surface water belongs to the State of Wyoming. Surface waters of the state means all perennial, intermittent and ephemeral defined drainages, lakes, reservoirs and wetlands which are not man-made retention ponds used for the treatment of municipal, agricultural or industrial waste; and all other bodies of surface water, either public or private which are wholly or partially within the boundaries of the state. (Wyoming Administrative Rules; Dept of Environmental Quality; Water Quality Chapter 1)

Urbanizing Area - Those areas experiencing, or likely to experience, increased growth and development interest and pressure. Generally, urbanizing areas are adjacent to the existing communities of Lusk, Manville, and Van Tassell, and are therefore easily serviceable by the Wyoming State Highway system, major county arterial roads, snow removal services, police and fire protection, central water and sewer services, schools, and shopping facilities.

Vision – An articulation not of purpose, but of a preferred future for the County.

Water Quality – Shall be defined per US Environmental Protection Agency and Wyoming Department of Environmental Quality.

Waters of the State – All surface and groundwater, including waters associated with wetlands, within Wyoming.

Zoning – A form of regulatory control granted to local governments which may be used to guide and to develop specific allowable land use. (W.S. 9-8-302)

**END TITLE 2**

## TITLE 3 - COUNTY EMPOWERMENT

### Chapter 1 - County Influence

Federal laws provide for county influence under the following acts:

1. National Environmental Policy Act (NEPA)
2. National Forest Management Act (NFMA)
3. Federal Land Policy and Management Act (FLPMA)
4. Endangered Species Act (ESA)
5. Wild and Scenic Rivers Act
6. Others

County governments have the responsibilities to uphold federal and state constitutions and laws to protect and promote well-being of the citizens.

### Chapter 2 - National Environmental Policy Act (NEPA)

“...Declares that it is the continuing policy of the Federal Government, in cooperation and State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.”<sup>1</sup>

“...to improve and coordinate Federal plans, functions, programs, and resources<sup>2</sup>... and ‘preserve important historic, cultural, and natural aspects of our national heritage’<sup>3</sup>...”

NEPA is an important tool available to a county to meet its responsibility and to protect its tax base, private property rights and civil rights of its citizens from intrusion by governmental agencies that restrict the use and development of land resources on private and federal lands.

### Chapter 3 - Federal Involvement

Federal laws governing land management mandate coordination by the managing agency.

It is the policy of Niobrara County that federal and state agencies shall notify the Board of Niobrara County Commissioners (Commissioners), in writing of all pending or proposed actions and coordinate with the Commissioners in the planning and implementation of those actions. For the purposes of this plan, official notification shall be constituted by delivery of information documents to the attention of the Chairman of the Board of Niobrara County Commissioners, 424 South Elm Street, Lusk, WY 82225.

---

<sup>1</sup> 42 USC 4331(a)

<sup>2</sup> 42 USC 4331 (b)

<sup>3</sup> 42 USC 4331 (b)(4)

## Chapter 4 - Federal Acts

### **3.4.010 Requirements for Coordination**

National Forest Management Act of 1976

Federal Land Policy and Management Act of 1976

### **3.4.020 Governing the Use and Management of Federal Lands and Minerals**

Multiple-Use Sustained-Yield Act of 1960

Rangeland Renewable Resources Planning Act of 1974

Public Rangeland Improvement Act of 1978

Taylor Grazing Act of 1934

Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA)

The Wild and Free Roaming Horse and Burro Act 16 U.S.C. 1331 et seq.

BLM authority to write commercial recreation permits-43 U.S.C. 1740; 16 U.S.C. 4601-6A

43 CFR 1610.3-1 Coordination of planning efforts.

National Environmental Protection Act 1969

Endangered Species Act

7 U.S.C. 426b. Authorization of expenditures for the eradication and control of predatory and other wild animals

7 U.S.C. 426c. Control of nuisance mammals and birds and those constituting reservoirs of zoonotic diseases

Granger-Thye Act of 1950

Title 7 of Laws Applicable to the United States Department of Agriculture (1931). APHIS (7 U.S.C. 426) Predatory and Other Wild Animals; Eradication and Control

Presidential Executive Order No. 12630 issued March 15, 1988

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Small Business Regulatory Enforcement Fairness Act 5 U.S.C. 804 (2)

Mineral Leasing Act of 1920 as amended by Mineral Leasing Act revision 2001

Outdoor Recreation Act 1963

## Chapter 5 - Authority

In 1975, the Wyoming Legislature enacted the State Land Use Planning Act, and W.S. 9-8-301(a) mandates that “all local governments shall develop a local land use plan within their jurisdiction”.

“Local land use plans may guide local governments in adopting or amending local zoning regulations, however, such plans shall not be construed as a substitute for, or equivalent to, duly enacted local zoning regulations, which have the force and effect of law.” (W.S. 9-8-301(e))

“In the event of a conflict between a duly enacted local zoning regulation and a local land use plan the local zoning regulation shall control.” (W.S. 9-8-301(e)(i))

“No local government shall require that a land use or physical development be consistent with a local land use plan unless the applicable provisions of the local land use plan have been incorporated into the local zoning regulations.” (W.S. 9-8-301(e)(ii))

“Nothing in this article [3] shall allow any local government to use a local land use plan as authority to deny or restrict a permissible land use or physical development which is not restricted or prohibited under existing zoning regulations.” (W.S. 9-8-301(f))

Nothing in this document may be used for the taking of any private property, or property right, without constitutional due process and full and complete compensation to all victims thereof as required by Article 1, Section 32 and Section 33 of the Wyoming Constitution and W.S. 1-26-101 through 1-26-817).

W.S. 9-8-301(c) requires that all counties develop a countywide land use plan which incorporates the land use plans of all incorporated cities and towns within the county.

The development and adoption of this plan is in conformance with W.S. 9-8-302, which states, “The duty, procedures and requirements for public hearings and responsibility for land use planning at the local level shall be exercised... and by the respective counties pursuant to W.S. 18-5-201 et seq.”

W.S. 18-5-208. Special expertise of board of county commissioners and coordination of planning efforts with federal agencies.

a. When representing a county as a cooperating agency in matters related to the National Environmental Policy Act and in federal land planning, implementation and management actions, a board of county commissioners shall be deemed to have special expertise on all subject matters for which it has statutory responsibility including, but not limited to, all subject matters directly or indirectly related to the health, safety, welfare, custom, culture and socio-economic viability of a county.

b. The board of county commissioners of a county which has officially adopted a comprehensive plan pursuant to W.S. 18-5-202(b) may participate in efforts to coordinate the plan with federal agencies as provided in the Federal Land Policy and Management Act of 1976, the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976 and any other federal statute which provides for coordination with local governments and federal regulations adopted pursuant to those acts.

Niobrara County has adopted Resolution 25-0x (Appendix A) which sets forth procedural protections which shall be followed to ensure full and complete cooperation and coordination between the County and the federal government to protect the custom, culture, and heritage of Niobrara County and its citizens.

## Chapter 6 - Plan Implementation

### **3.6.010 Vision**

The Niobrara County Commissioners will support the education of the public on the basic fundamentals of responsible government.

### **3.6.020 Objective**

The Niobrara County Commissioners support the concept of the local government as the primary and fundamental unit of government.

### **3.6.030 Goal**

Encourage inter-jurisdictional coordination and cooperation to identify and address growth management and land use issues.

### **3.6.040 Policy**

Niobrara County may coordinate its land use planning and decision-making processes with local, state, and federal government entities, service/utility providers and private interests to promote the efficient development of rural and urbanizing areas within the County.

**END TITLE 3**

## TITLE 4 - INTRODUCTION AND CITIZEN PARTICIPATION

Concern for the future of the County in light of the rapid changes taking place in Wyoming, and the State Land Use Planning Act of 1975, which required that all local governments develop land use plans by the end of 1977, resulted in the Board of County Commissioners appointing a County Planning Commission. In turn, the Planning Commission developed and recommended a Preliminary Niobrara County Land Use Plan to the County Commissioners. The County Commissioners approved the Preliminary Plan, which was sent to the State Land Use Commission for Review. The Final Plan incorporates comments received at the public hearing on November 22, 1977.

The revised Niobrara County Land Use Plan was updated using a county-wide survey, public comments, and public hearings in 1996.

The 2025 Niobrara County Land Use Plan is a new update and revision. Once again, a county-wide survey, public comments, and public hearings were used to develop this updated Plan. This plan focuses on land use and development issues as prioritized and discussed by County leaders and residents through an extensive public involvement and policy refinement process.

### Chapter 1 - Benefits

Primary benefits of the 2025 Land Use Plan are two-fold. First, the County possesses a document that articulates a consistent and clear direction for future land use and development. For the Plan to remain a valuable planning tool, it should be reviewed and amended as necessary to address emerging County issues and interests.

Second, the planning process itself has been a valuable learning experience for Niobrara County decision-makers, planning staff and citizens. A diverse group of County interests actively participated in various stages of the project and draft material review. Through this process, the 2025 Land Use Plan truly reflects Niobrara County interests. Public ownership of the Plan and familiarity with the accompanying policies will be invaluable as County leaders adopt the document and implement the Plan.

### Chapter 2 - Plan Development and Public Involvement

The Niobrara County Land Use Plan is being updated and revised in accordance with Resolution 25-xx (Appendix A) adopted TBD, 2025 by the Commissioners.

The Commissioners and Planning Commission members spent much of 2023 holding public meetings and gathering the residents' input regarding the direction they want to see Niobrara County move in relation to the County's natural resources and future development as a tool to update and revise the "Niobrara County Planning and Zoning Manual".

In 2024, a public meeting was held to hear the residents' input related to the goals and policies set forth in this document. A county-wide survey was also sent to all Niobrara County landowners for additional input. This input was reviewed by the Planning Commission and recommended for approval by the Commissioners.

As required by Wyoming State Statute, the draft Plan was available for public review and comment through an open Planning Commission and County Commission public hearing and adoption process. A public hearing was held by the Planning Commission on the 10<sup>th</sup> day of September, 2024. Formal approval

and recommendation were made by the Planning Commission during their regular meeting held in Lusk, Wyoming on the 10<sup>th</sup> day of December, 2024.

A public hearing was held by the Commissioners on the 4<sup>th</sup> day of February, 2025. Formal action was then taken by the Board of Niobrara County Commissioners during their regular meeting held in Lusk, Wyoming on the TBD day of TBD, 2025 where the Commission voted unanimously to approve and adopt the 2025 Niobrara County Land Use Plan as official County Policy.

### Chapter 3 - Using and Amending the Plan

It is intended that the 2025 Land Use Plan will serve as a framework for County decision-makers as they consider future land use and development decisions. The Plan is also designed to provide a formal policy foundation for enhancing County and community relations, pursuing economic development activities, coordinating infrastructure and resource planning, encouraging responsible natural resource use, and fostering County and State/Federal agency cooperation and coordination.

While the 2025 Plan, upon adoption, reflects the thoughtful direction of Niobrara County in 2024 and 2025, the Plan must be updated and revised as circumstances change and new challenges arise. The process for amending the Plan, as outlined in Wyoming State statutes and County regulations, requires adequately noticed public hearings and formal action by the Niobrara County Planning Commission and Board of County Commissioners in accordance with W.S. 18-5-202.

### Chapter 4 - Plan Implementation

#### 4.4.010 Vision

All developments shall promote, protect, and retain Niobrara County's culture, custom, economic and community stability.

#### 4.4.020 Objective

The County will encourage safe, healthy, and attractive residential opportunities for families and individuals of all income levels, lifestyles, and stages of life. The County will also welcome and encourage commercial, industrial, residential, agricultural and recreational land uses and development patterns consistent with the goals and policies of adopted County land use plans and studies.

#### 4.4.030 Goal

The County will maintain a land use plan, policies, and regulations designed to protect ~~property values and balance private property rights~~ private property rights and private property values of all landowners balanced with the general health, safety, and welfare interests of present and future residents.

#### 4.4.040 Policy

Adopted County land use goals, policies, and regulations will be periodically reviewed and updated in order to remain useful decision-making tools. The Commissioners will encourage the participation of County citizens in their local government.



**END TITLE 4**

# TITLE 5 - DESCRIPTION, LOCATION, AND HISTORY OF NIOBRARA COUNTY

Niobrara County is located in the center of the Counties making up Wyoming’s eastern border. It is adjoined by Weston County to the north, Converse County to the west, Platte and Goshen Counties to the south and the states of South Dakota and Nebraska to the east. The County is a gateway to the Black Hills of South Dakota to the northeast, Yellowstone and Grand Teton National Parks to the northwest, Cheyenne Frontier Days and the Colorado Front Range to the south, and the rich farmlands and sandhill counties of Nebraska to the east. A map of the county’s location is shown in Figure 1 below.

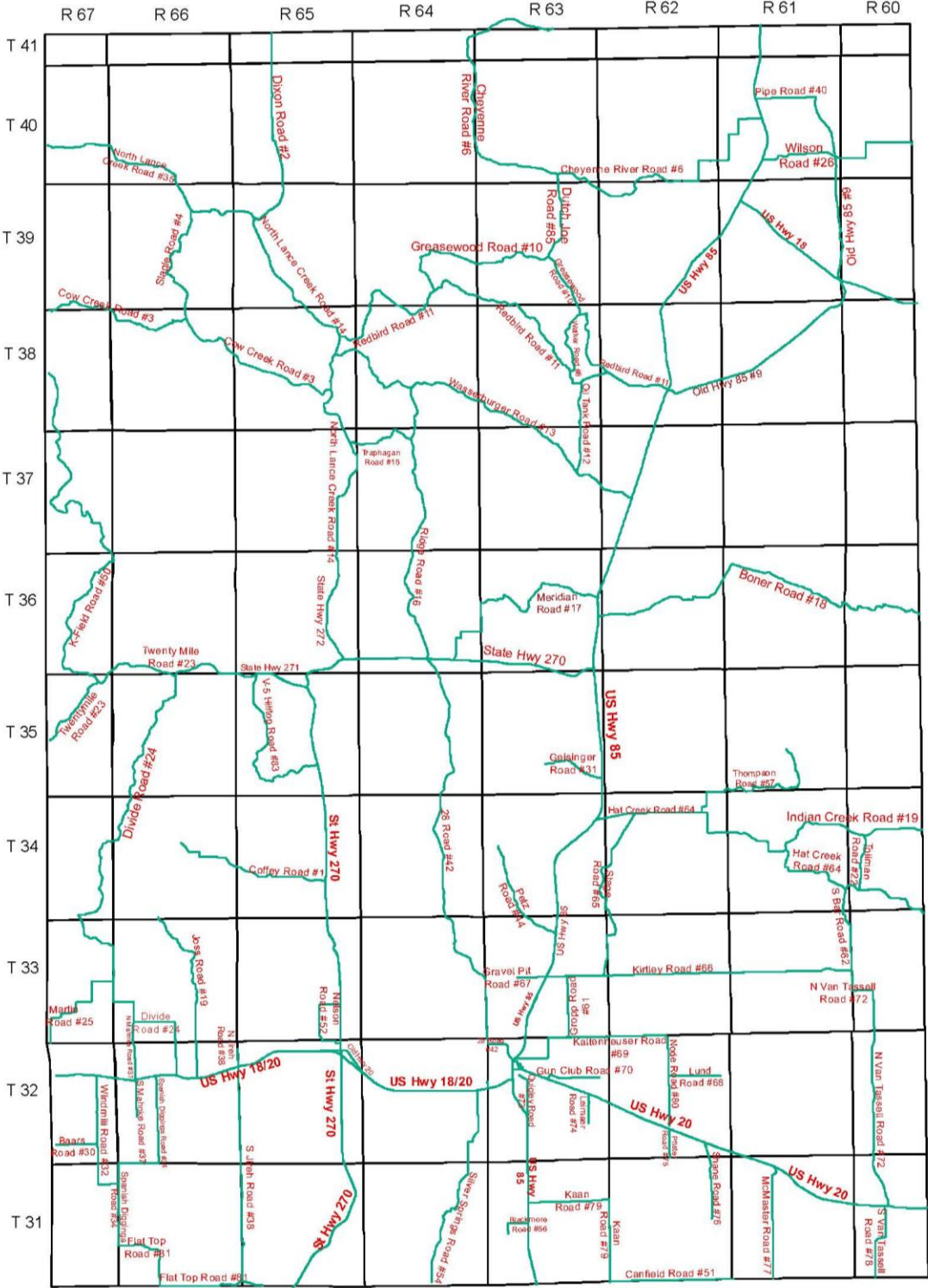
The town of Lusk is the county seat, with Manville and Van Tassell being the two other incorporated towns within the County. Lance Creek, Keeline, and Mule Creek Junction are unincorporated communities within Niobrara County.

The closest larger urban areas are Douglas and Casper to the west, Torrington to the south, and Chadron, Nebraska to the east.



Figure 1. Niobrara County Location Map

Major highways serving Niobrara County include U.S. Route 85 bisecting the County from north to south and U.S. Route 18 and 20 which bisect the County west to east, with U.S. Route 18 turning north and joining U.S. Route 85 at Lusk. See Figure 2 on Page 26.



To view the most current ownership information please visit: [https://www.niobraracounty.org/\\_departments/\\_assessor/parcel\\_viewer.asp](https://www.niobraracounty.org/_departments/_assessor/parcel_viewer.asp)  
This map is provided by Niobrara County, Wyoming and is for display purposes only. This is NOT survey quality.  
Any user accepts this map as is, with all faults, and assumes all responsibility for use thereof. Independent verification of all information contained on this map should be obtained by the end user. The Niobrara County Assessor's Office makes no warranties as to the validity and assumes no liability associated with the use or misuse of this information.

Figure 2. Map of Niobrara County Highways and Municipalities (Source: Niobrara County)

Rail facilities serving the County are the Union Pacific, which follows the basic alignment of U.S. Route 20 as it crosses the southern third of the County in an east-west direction. There is a public airport at Lusk.

Most of the county is rolling prairie, although there is a ridge of pine and cedar-covered hills, known as the Hat Creek Breaks, that run east-west through the south-central portion of the county. The Hat Creek Breaks make a climatic division with land south of the breaks receiving 15-17 inches of precipitation annually, while north of the breaks the land is 1,000 feet lower in elevation and receives 10-14 inches of precipitation annually. Elevations in the county range from 6,100 feet in the Rawhide Buttes to 3,600 feet in the northeastern corner of the county. The elevation of Lusk is 5,015 feet. Most of the county ranges from 3,800 feet to 5,000 feet.

## Chapter 1 - History of Niobrara County

Until the mid-1870's, northeastern Wyoming had been reserved as "Indian Territory". The Custer Expedition explored the Black Hills in 1874, and discovered gold on French Creek, South Dakota on July 30, 1874. With the news of the discovery, miners poured into the territory, opening the Black Hills to settlement.

In 1866, the first cattle drive was made from Texas to Montana. In subsequent years, many thousands of longhorns came up the Texas trail through this part of Wyoming, despite the constant hazards of Indian attack. After 1876, ranches were established along this trail and stock cattle were obtained from the trail herds. (See Figure 3 on Page 28)

Transportation facilities began to develop. The Cheyenne-Black Hills stage was established to link Black Hills gold fields with the Union Pacific Railroad at Cheyenne some 250 miles to the south. Freight outfits pulled by horses, mules and oxen operated along the same route.

In 1884, copper mining began at Rawhide Butte, and between 1884 and 1898, the Great Western Mining and Milling company operated a mill at Lusk. By 1885, over 20 men were employed at the Silver Cliff Mill. During the year of 1886, silver and mica ores were discovered a short distance from Lusk. Mining operations were started but never became very extensive.

As was the case elsewhere, the major development of northeastern Wyoming came with the railroads. In 1886, a branch of the Chicago Northwestern system, known as the Wyoming Central Railroad, was built across the southern portion of this area. Just prior to this, Frank Lusk, a local ranch manager, had set up a post office along the Niobrara (Running Water) River. He immediately entered into an agreement with the railroad land agents to establish several towns along the right-of-way, and Lusk was one of these. It is said to have had 200 inhabitants before lots could be surveyed. This railroad offered direct competition with the Union Pacific and made the time distance between northern Wyoming and states to the east much shorter. CNW improved the track in 1981 to transport coal from Campbell County. In 1995 a second track was completed. CNW sold to Union Pacific in 1995.

The coming of the railroad brought a flood of homesteaders which continued until the 1920's. Large sheep, cattle, and horse ranches which had been established in the 1880's were overrun by farmers. Dry-land farming of corn and wheat was attempted with limited success. A grain elevator was built at Lusk. The arid climate drove many homesteaders out and the livestock industry again dominated the County.

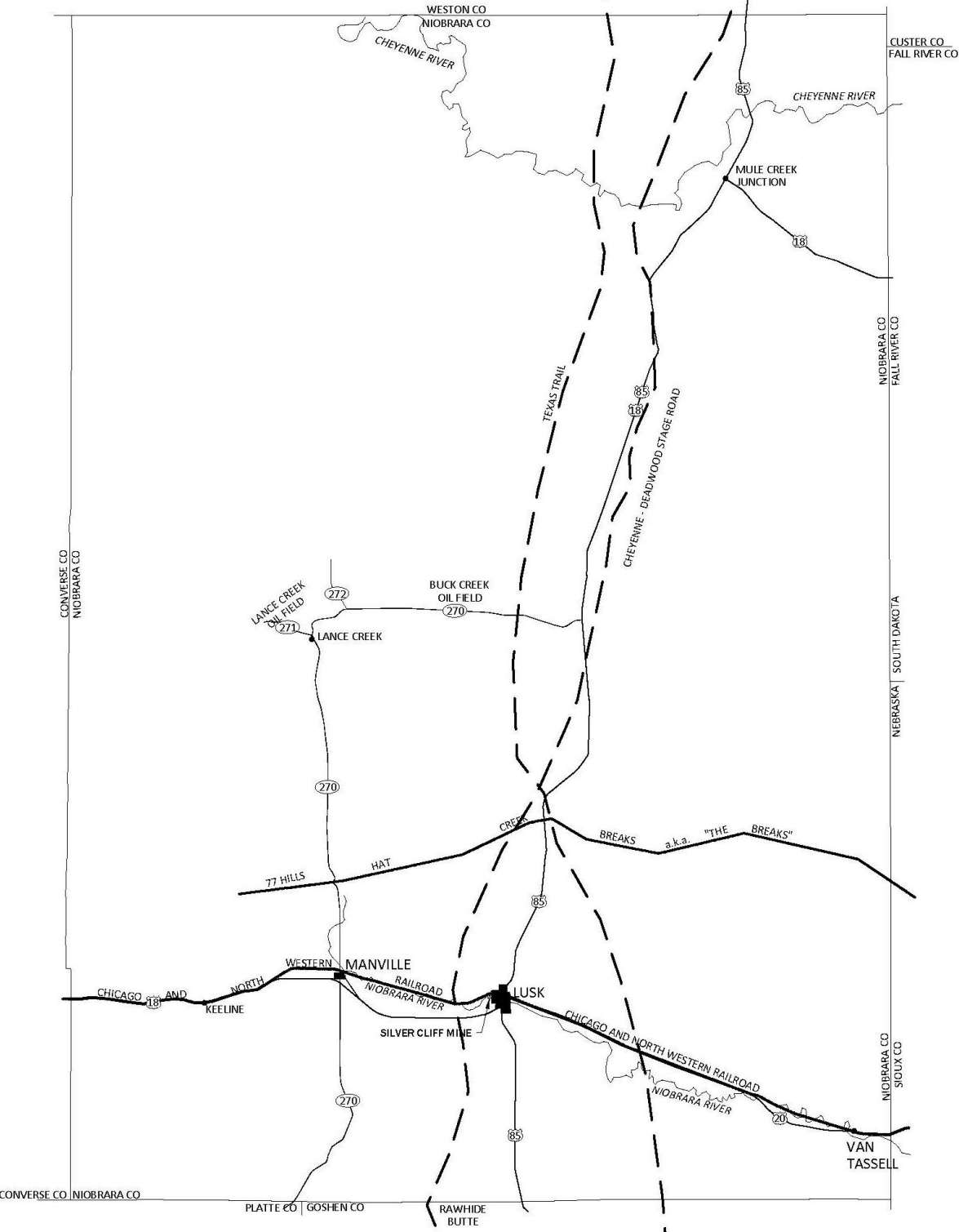


Figure 3. History of Niobrara County

Dry-land farming has been important in the County since the homesteading days. Irrigation from groundwater was developed in the late 1960’s and early 1970’s and irrigated farming has become an important economic factor in the area.

Niobrara County was formed on January 7, 1912 from part of Converse County.

Oil was discovered at Buck Creek Dome and at Lance Creek in 1917. Lance Creek became one of Wyoming’s most prolific oil fields during its peak years between 1919 and 1928. The Lance Creek community flourished as a company oil camp, and Lusk and Manville prospered from the trade.

## Chapter 2 - Demographics

According to the 2020 U.S. Census data, the total population of Niobrara County is 2,467, making it the least populated of the 23 counties in Wyoming. Approximately 1,662 people (or two-thirds of the population) in Niobrara County live within the towns of Lusk and Manville, with the remaining population living in rural areas throughout the County.

The people of Niobrara County have traditionally earned their livelihood from activities associated with agriculture and natural resources. The economy of the county, past and present, depends on the availability and utilization of natural resources. Directly or indirectly, most of the people employed in Niobrara County depend on oil and gas, mining in the form of rock and gravel quarries and related service industries, ranching/farming, recreation, and other activities related to the availability of natural resources. Other employers in the County include the public schools, the hospital, the Wyoming Women’s Center, and local government agencies. Table 1 below shows the various industries which employed the County’s residents in 2022.

*Table 1. Industry for the Civilian Employed Population (2022 Census Bureau American Community Survey 5-year Estimates)*

### **Industry for the Civilian Employed Population 16 Years and Over**

Niobrara County, Wyoming

Agriculture, forestry, fishing and hunting, and mining	23.2%
Construction	4.2%
Manufacturing	0.0%
Wholesale trade	0.4%
Retail trade	2.4%
Transportation and warehousing, and utilities	8.1%
Information	3.1%
Finance and insurance, and real estate and rental and leasing	4.2%
Professional, scientific, and management, and administrative and waste management services	6.4%
Educational services, and health care and social assistance	26.2%
Arts, entertainment, and recreation, and accommodation and food services	9.9%
Other services, except public administration	4.6%
Public administration	7.5%

**END TITLE 5**



# TITLE 6 - PHYSICAL CHARACTERISTICS

## Chapter 1 - Land

The general land use patterns in Niobrara County can be characterized by a dominance of agricultural land uses, primarily open range in the northern two-thirds of the county and open range combined with dryland farming and center pivot irrigated farming in the southern third. Urban uses are generally confined to the incorporated communities of Lusk, Manville, and Van Tassell and the unincorporated communities of Lance Creek, Keeline, and Mule Creek Junction. The dominant urban place in the County is Lusk, the County seat. These towns are shown on the map in Figure 4 below.

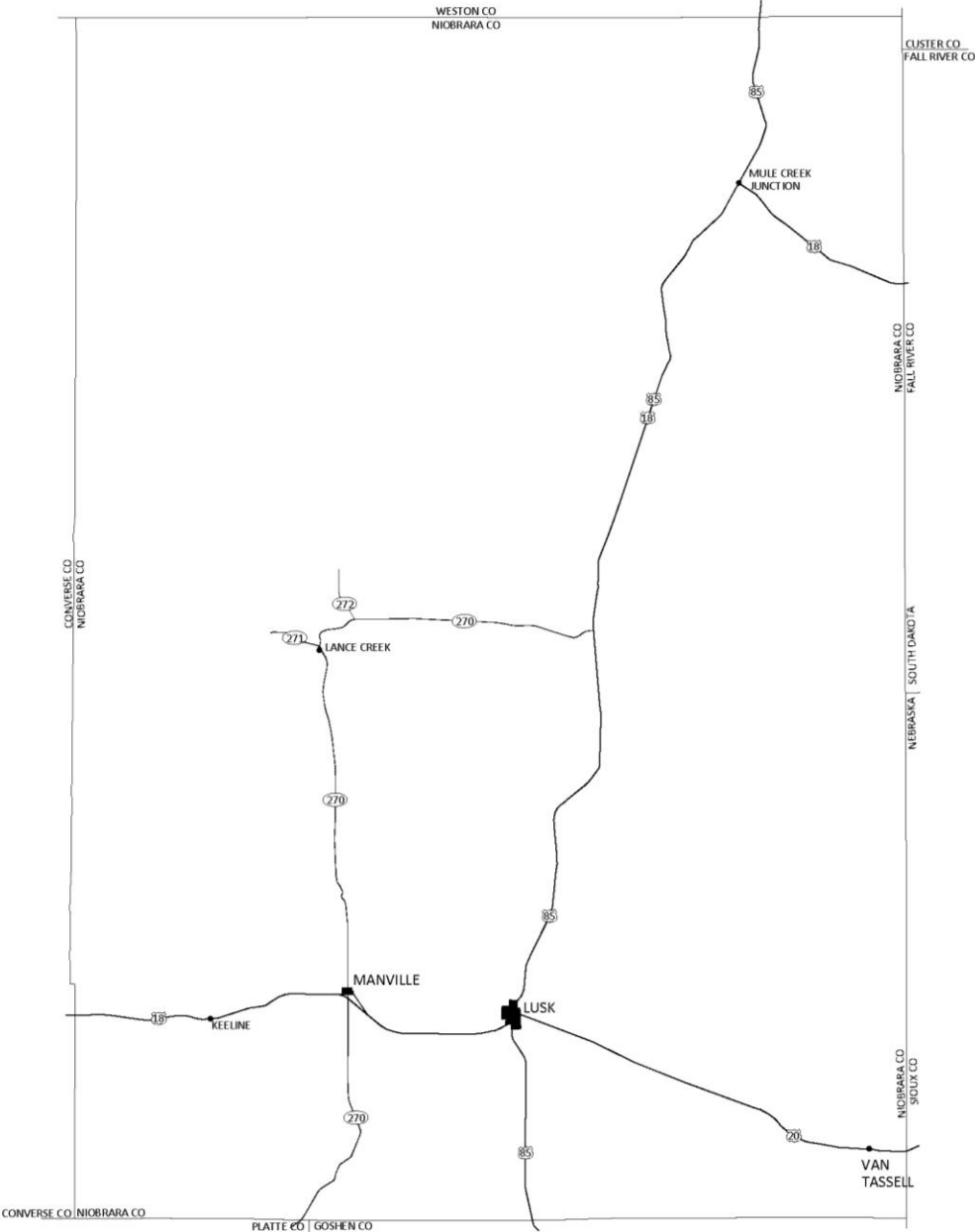


Figure 4. Towns in Niobrara County

The County covers approximately 2,614 square miles or 1,672,960 acres, and is the 16<sup>th</sup> largest county in Wyoming. Approximately 82% of the land is privately owned, 8% of the land is owned by the federal government, and 10% of the land is owned by the State. Most of the federal land is administered by the Newcastle BLM Field Office but a small portion is administered by the US Forrest Service as the Thunder Basin National Grassland.

The Wyoming Department of Revenue provides the County Assessor with certified values of state assessed companies for oil and gas production, railroad, industrial pipelines, and other specific industrial properties. For 2022, those values were \$115,337,186, and for 2023, they were \$125,770,697. The total assessed valuations for Niobrara County from 1994-2024 are shown in Table 2 below.

In 2022, there were 220 agricultural operations in Niobrara County operating on approximately 1.3 million acres of land, with an average farm size of 5,990 acres. Of this land, 95% is pastureland, 4% is cropland, and 1% is woodland (USDA, National Agricultural Statistics Service 2022 Census of Agriculture). A total of 10,295 acres of the agricultural lands are irrigated. The most abundant crop grown in the County is hay, followed by wheat for grain, and corn.

Niobrara County, like the rest of Wyoming, is protected by the “Wyoming Right to Farm and Ranch Act” which serves “To protect agriculture as a vital part of the economy of Wyoming, the rights of farmers and ranchers to engage in farm or ranch operations shall be forever guaranteed in this state.” (W. S. §11-44-104(a))

Table 2. County Assessor - Total Assessed Valuation 1994-2024<sup>4</sup>

<b>County Assessor - Total Assessed Valuation</b>	
2024	172,722,303
2023	164,615,078
2022	150,738,861
2021	121,014,228
2020	124,177,155
2019	122,331,572
2018	104,888,969
2017	98,134,879
2016	106,371,548
2015	141,797,152
2014	131,501,266
2013	115,966,708
2012	108,226,755
2011	89,953,319
2010	73,647,278
2009	91,986,318
2008	69,178,442
2007	66,141,159
2006	56,929,604
2005	46,107,966
2004	43,728,488
2003	39,529,867
2002	38,541,535
2001	39,842,927
2000	30,862,862
1999	27,701,695
1998	33,275,890
1997	34,312,052
1996	33,972,566
1995	29,659,701
1994	28,798,374

<sup>4</sup> [https://www.niobraracounty.org/departments/assessor/total\\_assessed\\_valuation.asp](https://www.niobraracounty.org/departments/assessor/total_assessed_valuation.asp)



## Chapter 2 - Public Land

The Commissioners authorized the Niobrara Resources Association to develop a comprehensive land use plan per Resolution 95-07 signed on December 6, 1994 (Appendix B) and renewed with Resolution 96-01 (Appendix B). In 2021, the Commissioners and Niobrara Conservation District adopted Resolution No. 21-12 to approve the “Niobrara County Natural Resource Management Plan” (Appendix B).

### 6.2.010 Vision

To protect the open spaces of Niobrara County for all to enjoy.

### 6.2.020 Objective

The Commissioners will support the provisions of the Wyoming Statutes in their application to the autonomous federal control of public lands within Niobrara County.

### 6.2.030 Goal

Support the implementation of Wyoming Statute 36-12-101 et seq. A copy appears in Appendix C.

### 6.2.040 Policy

The multiple use concept is determined to be the primary consideration in planning for the public land use in Niobrara County. All planning processes employed in Niobrara County will allow equal footing and consideration for public land managers and private landowners. While providing recreational opportunities for residents and visitors, the public land management agencies will determine that their management practices on public lands will not adversely impact the private landowners within Niobrara County. Access points to public lands will be evaluated for minimizing adverse impacts on adjacent private and public lands, as well as properly and adequately serving the various public land users. There will be no net gain of acreage of public lands, be they state or federal, within the boundaries of Niobrara County, nor will there be a net taxable acreage loss. All public land decisions will consider economic impact and any adverse impacts on adjacent private and public lands within Niobrara County. The Commissioners will require all federal, state and local governments to consult, coordinate, and cooperate regarding any action, plans or regulations affecting public lands.

## Chapter 3 - Private Land

### 6.3.010 Vision

To protect the private property rights of all property owners in Niobrara County.

### 6.3.020 Objective

The Commissioners will enact regulations and policies that are designed to protect ~~private property values and private property rights~~ private property rights and private property values of all landowners balanced with the general health, safety and welfare of the present and future residents of the County. Subdivision of land for commercial/industrial development should occur on the least productive lands as defined by the Wyoming Department of Revenue’s classification. In order to maintain the agricultural resources, the history, traditions and culture of Niobrara County must be considered.

#### **6.3.030 Goal**

The first objective of government is the protection of private property rights as provided in the United States Constitution and the Wyoming State Constitution.

#### **6.3.040 Policy**

The Commissioners will support the protection of private property rights as provided in the U.S. Constitution and the Wyoming State Constitution. The Commissioners will support the private landowners in Niobrara County against the taking of private land and will protect the residents from government regulation which unlawfully infringes on private property rights, and will enact policies, provisions, and regulations to limit and control local, state and federal government and/or international and global regulations to the extent of their authority. The Commission is opposed to the use of eminent domain or condemnation.

### Chapter 4 - Private Land with Federal Mineral Ownership (commonly known as Split Estate)

The Commissioners require all local, state, federal, international, and/or global governments to consult, coordinate, and cooperate regarding any actions, plans, or regulations affecting private land with Federal Mineral Ownership (commonly known as Split Estate Minerals).

#### **6.4.010 Vision**

To protect the private property rights, including split estates, of the residents of Niobrara County.

#### **6.4.020 Objective**

The Commissioners will protect and preserve the right to private property, including split estates, in Niobrara County. Consideration of the history, traditions and culture of Niobrara County must be adhered to in order to maintain the agricultural resource.

#### **6.4.030 Goal**

The first objective of government is the protection of private property rights as provided in the United States Constitution and the Wyoming State Constitution.

#### **6.4.040 Policy**

The Commissioners will support the protection of private property rights including split estate as provided in the U.S. Constitution. The Commissioners will support the private landowner in Niobrara County against the taking of private land by regulatory action or in-action, will protect the residents from government regulation which infringes on private property rights, and will limit and control local, state, and federal government and/or international and global regulations.

### Chapter 5 - Climate

The climate of Niobrara County is classified as semi-arid. Temperatures show a wide range between summer and winter and between daily maximums and minimums. The average annual temperature is 46°F, with a range of average daily temperatures from 24°F in January to 71°F in July. The average length of the growing season is 115 days, with the average date of the last freezing temperature on May 26, and

the first freezing temperature on September 18. The temperatures and the length of growing season vary over the County, generally with lower temperatures and a shorter growing season at the higher elevations.

## Chapter 6 - Topography

Niobrara County is primarily a land of gently rolling plains, which slope to the east. Elevation varies from over 5,000 feet above sea level at the southwestern edge to 3,000 feet at the northern edge. The county is divided at the Hat Creek Breaks (“the Breaks”), which seem to form a line of demarcation between predominately livestock grazing in the northern portion of the County and livestock grazing with a significant amount of dry-land and irrigated farming to the south (see Figure 5 on Page 35).

## Chapter 7 - Geology

Geological aspects present in Niobrara County are much more complex than is apparent from surface features. The Hartville Uplift extends from the Laramie Mountains beginning between Glendo and Wheatland and extending northeasterly to the Black Hills. Igneous rock outcrops along the east flank of the Hartville Uplift and significant mineralization occur. Iron is mined at Sunrise, south of Lusk, and copper, gold, silver, and other minerals have been found. Igneous rocks are covered with massive layers of limestone and other sediments on the west flank of the Hartville Uplift, and if mineralization occurs, its presence is not known. Lusk is located near the axis of the Hartville Uplift at a point where surface features are minimal. A sharp angle fault is also located along this axis.

The Powder River Basin is located on the west flank and the Denver-Julesburg Basin on the east flank of the Hartville Uplift. Both Basins are prolific oil and gas producing regions, but most production is from cretaceous deposits, which typically deplete rapidly.

Surface features are more pronounced south of Lusk. Rolling hills, granite knobs, and sharp, low canyons are present. Plains exist to the east, north, and west, except for some broken country to the north of Lusk, and a northeasterly ridge extending from the Hat Creek Breaks to the Black Hills.

## Chapter 8 - Drainage

Drainage divides along the Hat Creek Breaks with the northern portion of the County draining into the Cheyenne River to the northeast and the southern portion of the County draining into the Niobrara River to the southeast. All other streams in the County are intermittent. The flows of the two rivers have historically been erratic, and records are marginal.



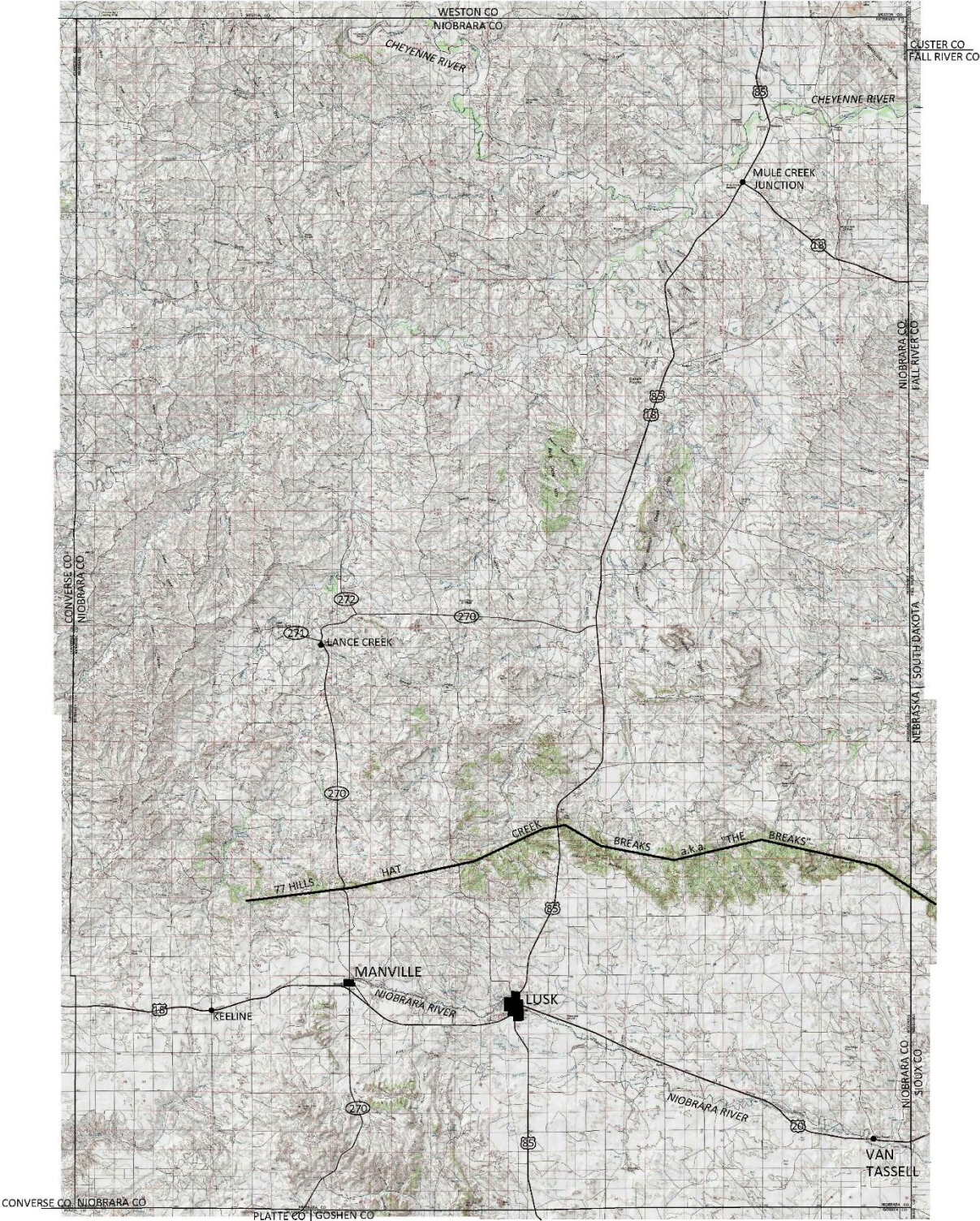


Figure 5. Topography of Niobrara County

## Chapter 9 - Soil

The types of soil within Niobrara County are many and varied, but there are general geographical areas that possess similar characteristics due to origin and climate. The following description of these similar characteristics is given, using descriptive terms that are not the names of the recognized soil series, families, or groups.

The soils in the southern third of the County are referred to as the Central Plains Soils. There are two major divisions in this soil group: dark-colored topsoil and light topsoil.

Characteristics of these two divisions include the following:

1. Sandy textured soils
2. Distinctive horizons in the form of color, texture and structural features in maturely developed soils
3. High organic matter content

The major use of these soils is in range land, although some areas are very suitable to dry-land farming. Some of the land is suitable for irrigation where there is available groundwater.

The soils in the northern two-thirds of the County are referred to as the Northern Plains Soils. There are two major divisions in this soil group: dark-colored soils and light-colored soils.

The dark-colored soils have a sandy texture and the horizons are very distinct in areas where the soil is maturely developed. Organic matter content is high, but moisture content is irregular, making dry-land farming on these soils somewhat unpredictable. There are, however, some areas where this type of soil has supported fairly successful operations.

The light-colored soils have a texture that ranges from loams to clays, and very little sand. The structural development is very strong and the subsoil exhibits prominent horizons in areas where the soil is maturely developed. Despite the light color, the organic content is relatively high in these soils. As with the dark-colored soils, there are soil moisture limitations, making dryland farming a risky undertaking. The soil does support a good cover of mid-grasses and short grasses, and there are areas where crop land has been converted to grasses.

The soils in Niobrara County have low moisture content in most years, and limited organic matter, which lend them to drought conditions and poor soil regeneration.

**END TITLE 6**



## TITLE 7 - WATER

### Chapter 1 - Precipitation

Precipitation measured at Lusk averages 15 inches per year and ranges from less than 10 inches to the north to more than 16 inches to the south, 12.6 inches in the northwest and 14.1 inches at Redbird. Seventy-five percent falls between April and September. Snowfall varies from 30 to 65 inches.

### Chapter 2 - Groundwater and Surface Water

In the absence of adequate surface water, groundwater is of critical importance. Most of the groundwater available to wells in Niobrara County is in bedrock formations, which are to be differentiated from shallow unconsolidated aquifers found in flood plain alluvium. Bedrock stores greater amounts of water than does unconsolidated material, but the unconsolidated material usually yields water at a greater rate and accepts recharge faster.

Groundwater is used for domestic, stock, industrial, irrigation and other purposes. Domestic and stock wells are normally low yield, intermittent producers north of the Hat Creek Breaks while groundwater is generally found at depths above 1,000 feet, particularly south of the Breaks. However, in the northern corner of the County, water is difficult to find and some wells reach depths of up to 3,000 feet. The Groundwater Depth Observation Wells Map in Appendix C shows the location of observation wells and other pertinent data.

#### **7.2.010 Vision**

To allow growth and industry while conserving the limited groundwater and surface water available in Niobrara County.

#### **7.2.020 Objective**

Niobrara County will utilize best management practices and innovative conservation technologies.

#### **7.2.030 Goal**

The Commissioners will support the private property owners use of the water in a responsible manner and encourage beneficial use of water as defined by the Wyoming State Engineer's Office. They will ensure that the impacts of future development on water resources are considered in the planning process. Efforts and activities that utilize/develop the County's water supplies and energy resources in an efficient manner and in accordance with Wyoming State Law will be supported.

#### **7.2.040 Policy**

The Commissioners support the present state laws and regulatory system administering the use and ownership of all water within the State of Wyoming and acknowledge all applicable Wyoming state statutes. Niobrara County recognizes that the protection and development of its water resources are essential to its short-term and long-term economic and cultural viability. The protection and preservation of existing water rights and water uses within Niobrara County is of primary importance to the County and State economic and cultural well-being. Therefore, transfer or abandonment in water use will be carefully considered in relationship to the history, tradition and culture of Niobrara County.

Any federally proposed designation of Wild and Scenic Rivers and all local, state and federal and international and/or global 2025 Niobrara County Land Use Plan 42 policies regarding riparian and wetland management in Niobrara County shall be coordinated with the local Niobrara Conservation District and will comply with all adopted water use plans. State, federal, international and/or global agencies managing waterways and wetlands will consult, coordinate, and cooperate their management activities and plans with the Commissioners and the Niobrara Conservation District. The Commissioners will be notified of all state, interstate, and federal actions that have any impact on the water of Niobrara County, prior to such actions or planning processes being initiated. In addition, any proposed actions and listing processes, including federally proposed Wild and Scenic River designation will be consulted, coordinated, and cooperated with the Commissioners. Any new action, development or subdivision of land in Niobrara County will be evaluated for the effects on water availability, consumption, disposal, and sustainability.

## Chapter 3 - Wastewater

### **7.3.010 Vision**

To ensure all wastewater is disposed of properly so as to not pollute or degrade soil and water resources.

### **7.3.020 Objective**

Niobrara County will utilize best management practices and innovative conservation technologies.

### **7.3.030 Goal**

Protect groundwater and surface water.

### **7.3.040 Policy**

The Commissioners support state laws. All permitting and planning will follow Wyoming DEQ rules and regulations.

Maintain County control of wastewater planning. All governmental agencies will consult, coordinate, and cooperate with the Commissioners concerning wastewater.

**END TITLE 7**

## TITLE 8 - NATURAL RESOURCES

### Chapter 1 - Timber

There are 28,000 plus acres of forested range which constitutes the County’s timber resources. Most of these lands are owned by private individuals and are scattered throughout the County. None of the timber is considered of significant commercial value and there are no commercial sawmills in the County. The major forest type in the County is ponderosa pine.

### Chapter 2 - Minerals

The Geological Survey of Wyoming lists the following mineral occurrences in Niobrara County:

Bentonite	Limestone	Beryl	Oil & Gas
Coal	Selenium	Copper	Stone – Granite
Helium	Uranium	Iron - Hematite	

Figure 6 on Page 40 shows the Coal Map of Niobrara County, and Figure 7 on Page 41 shows other industrial minerals.

Of these, oil and gas have been the most important. Figure 8 on Page 42 shows the oil and gas pipelines in Niobrara County as of February 2024. Figure 9 on Page 43 shows the oil and gas wells and fields in Niobrara County.

Others considered to have commercial potential include:

*(i) Limestone*

There are limestone deposits in Niobrara County that may hold commercial potential as railroad ballast, as good quality aggregate for cement, or as a resource to be used in controlling Sulphur Dioxide emission from power plants.

*(ii) Metals*

The old Silver Cliff Mine, one-half mile west of Lusk (Figure 10 on Page 43), is located in a highly mineralized area. The mine was opened about 1880, and worked for silver and copper on a small scale. Between 1918 and 1922, six carloads containing about three percent  $U_3O_8$  were shipped to the Radium Company of Denver, Colorado. The mine was located along a high angle reverse fault zone. This zone needs further exploration for all types of metal. As some relatively rich uranium bearing ores have been found in the area, potential for uranium mining may exist.

*(iii) Rare Earth Minerals*

At this time, there are no known rare earth mineral deposits in Niobrara County. If rare earth minerals are identified, the Planning Commission and Commissioners will adopt land use regulations and permitting processes as necessary.



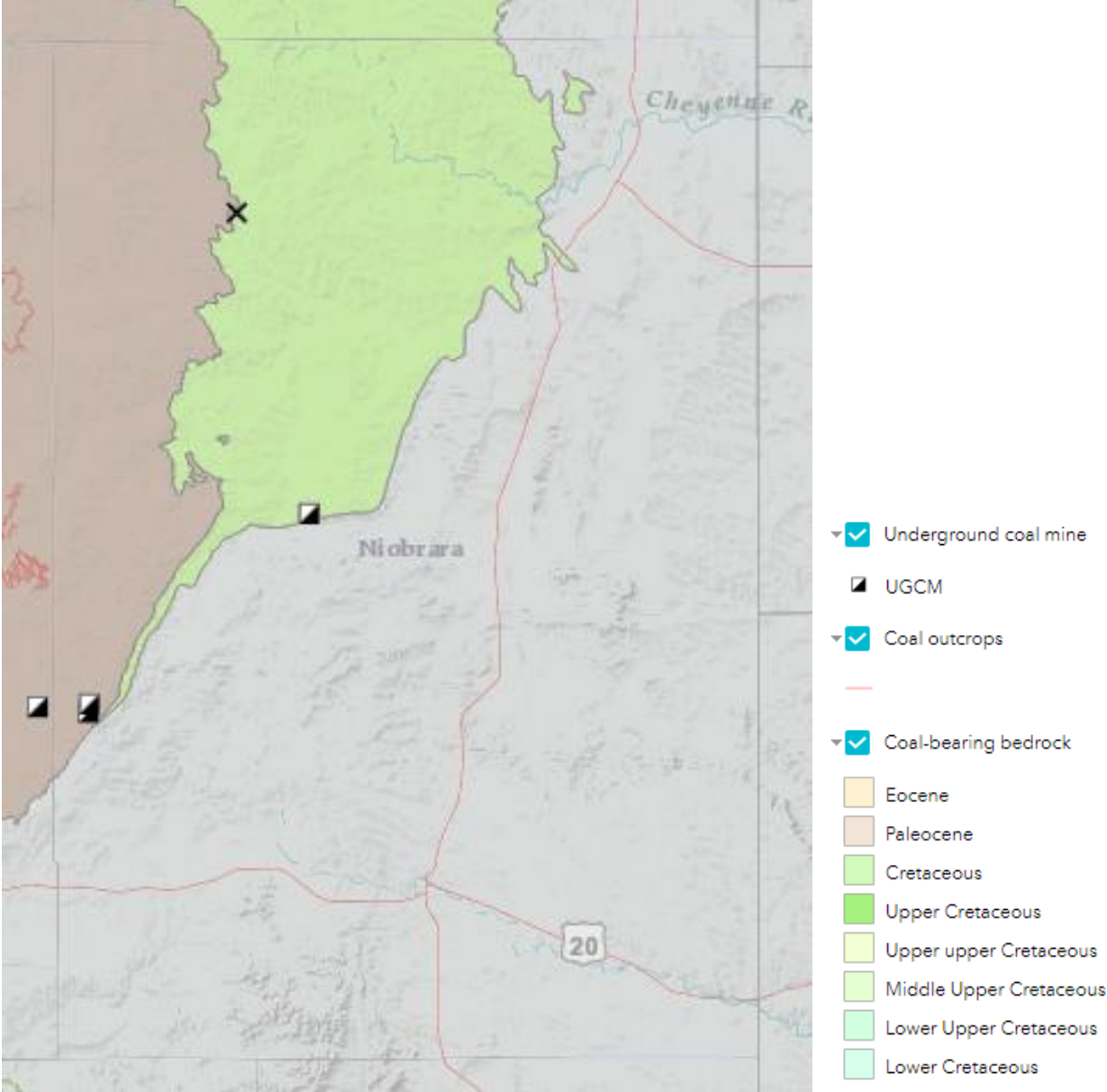


Figure 6. Niobrara County Coal Map (Source: Wyoming State Geological Survey, February 20, 2024)

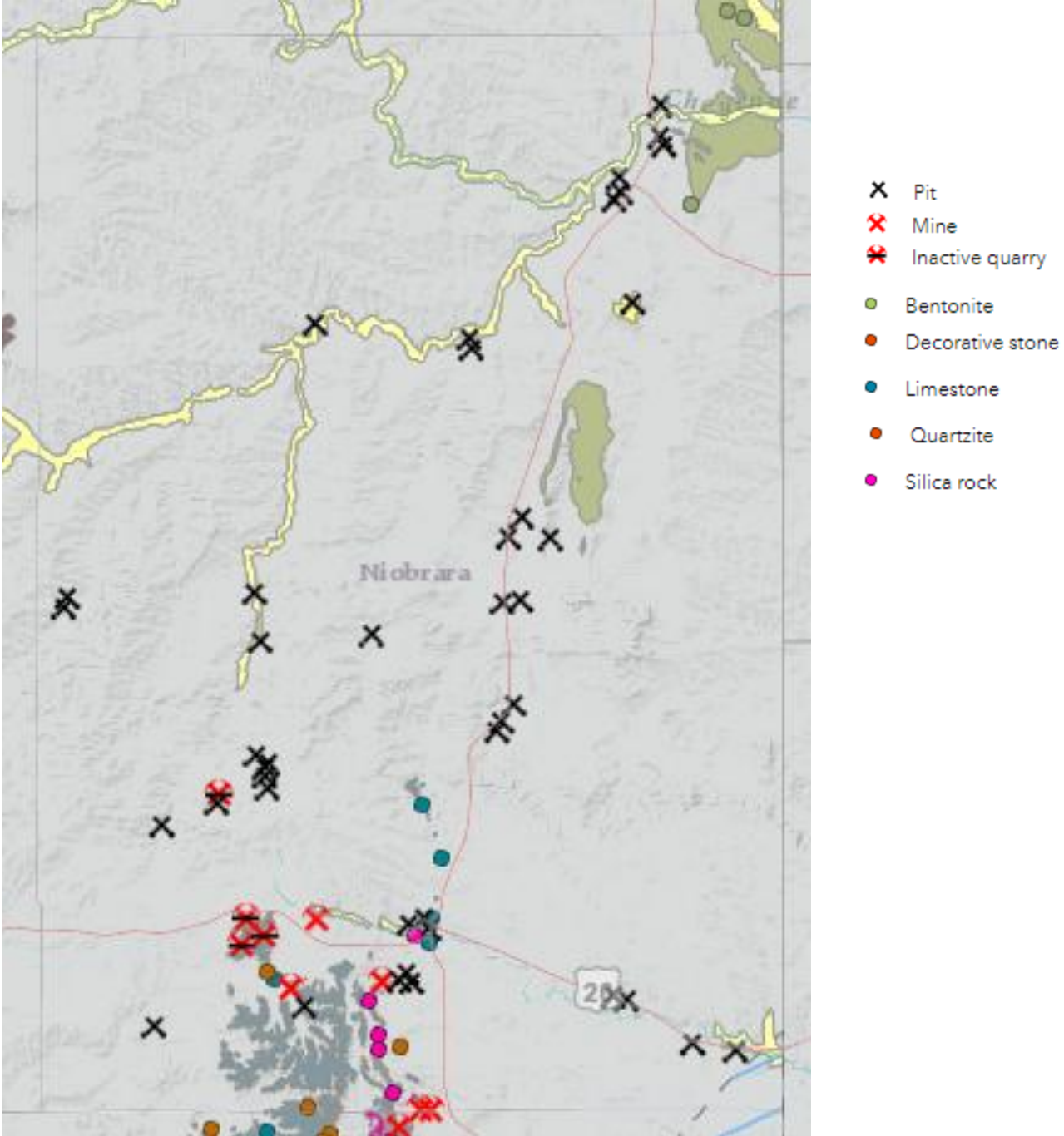


Figure 7. Map of Industrial Minerals (Source: Wyoming State Geological Survey, February 20, 2024, <https://main.wsgs.wyo.gov/>)

In the Lance Creek area, there have been occurrences of uranium and other metals, but not commercial discoveries to date.

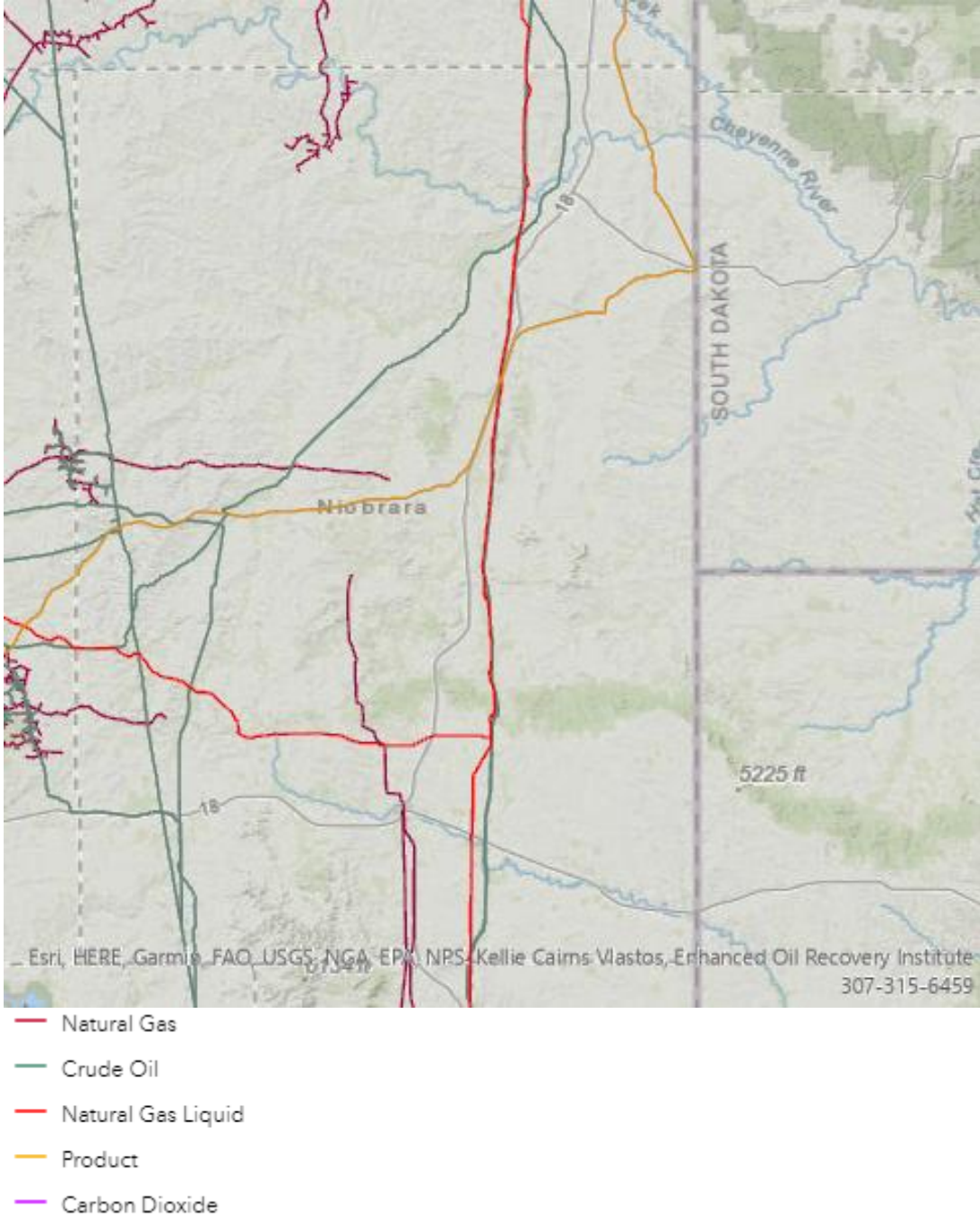


Figure 8. Oil and Gas Pipelines in Niobrara County (Source: Wyoming State Geological Survey, February 20, 2024, <https://main.wsgs.wyo.gov/>)

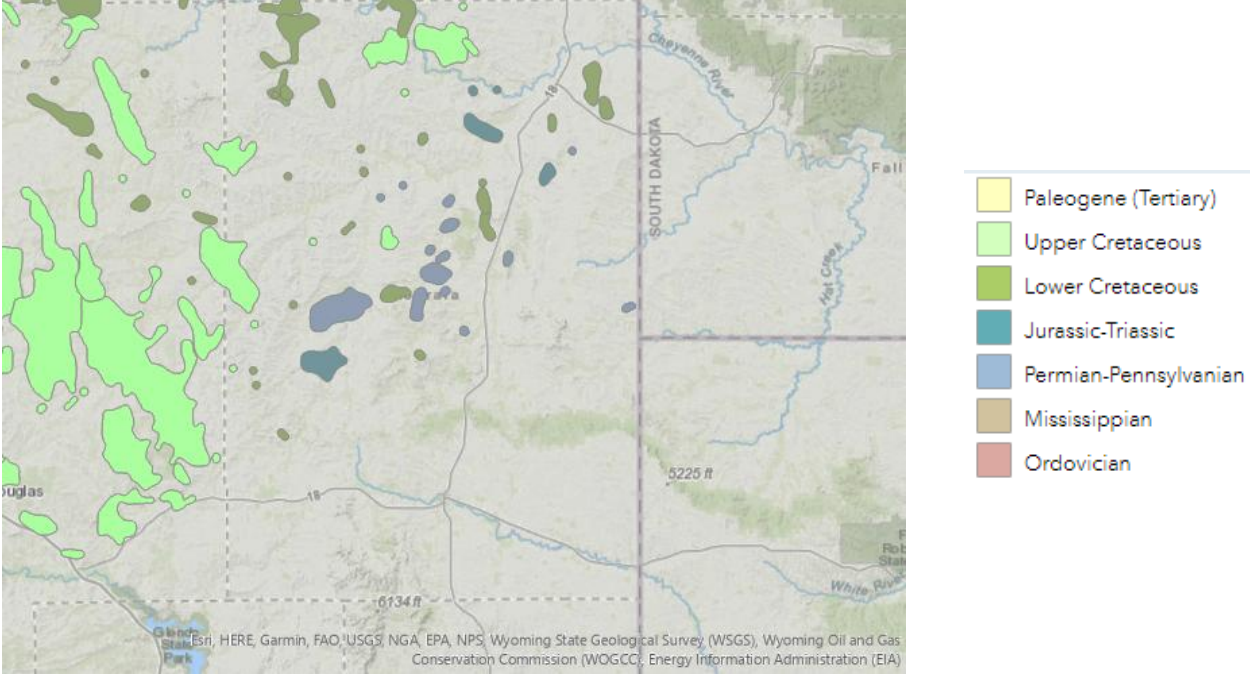


Figure 9. Oil and Gas Fields and Wells (Source: Wyoming State Geological Survey, February 20, 2024, <https://main.wsgs.wyo.gov/>)

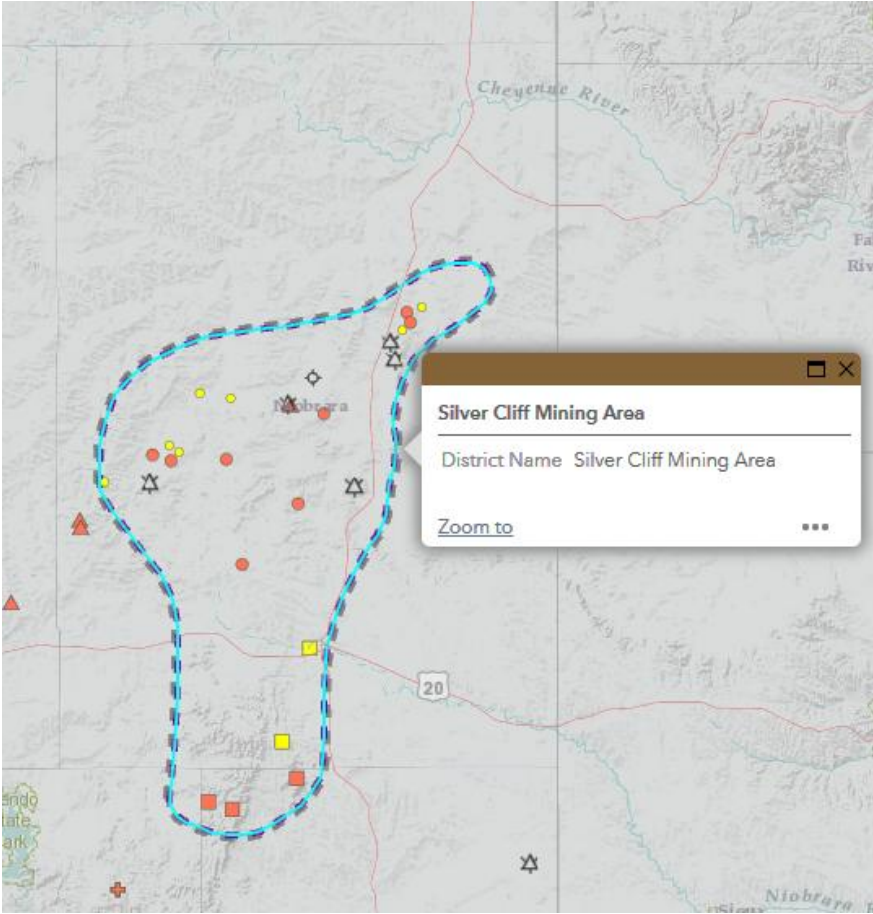


Figure 10. Silver Cliff Mining Area (Source: Wyoming State Geological Survey, February 20, 2024)



## Chapter 3 - Plan Implementation

“No zoning resolution or plan shall prevent any use or occupancy reasonably necessary to the extraction or production of the mineral resources in or under any lands subject thereto.” (W.S. 18-5-201)

### **8.3.010 Vision**

~~To support efforts that limit development in or near designated scenic, historic, recreation, or environmentally sensitive areas and does not adversely impact the quality of that environment. To support the responsible development of the natural resources of the county.~~

### **8.3.020 Objective**

Involve Niobrara County Residents and the Niobrara Conservation District in the management of the natural resources in Niobrara County.

### **8.3.030 Goal**

Involve the local and state government in the planning and management of the natural resources within Niobrara County. Freedom for continued historical use and production development of the renewable and non-renewable resources in Niobrara County.

### **8.3.040 Policy**

The Commissioners shall encourage local, state, federal, international and/or global governmental agencies to manage the natural resources in Niobrara County for optimal sustained use.

The Niobrara Conservation District and other applicable city, County, state, federal, international and/or global government/agencies/commissions/committees in all land use planning actions that effect the natural resources in Niobrara County will consult, coordinate, and cooperate with the Commissioners. The Commissioners shall support management of renewable and non-renewable natural resources to provide for the economic well-being, the local custom, culture, and changing physical characteristics of Niobrara County and the State of Wyoming, as well as to reduce the United States’ dependence on foreign renewable and non-renewable natural resources.

**END TITLE 8**

## TITLE 9 - NATURAL HAZARDS

### Chapter 1 - National Flood Insurance Program

Niobrara County does not participate in the National Flood Insurance Program (NFIP), although the Town of Lusk does. The most current mapping became effective March 18, 1986. Participation in NFIP is not required, but it does allow for residents to purchase Federal Flood Insurance and for mapped areas to receive federal flood disaster assistance.

### Chapter 2 - Plan Implementation

#### **9.2.010 Vision**

To identify natural hazards and limit development in hazardous areas as necessary.

#### **9.2.020 Objective**

Development in known hazardous areas will be discouraged or appropriately mitigated. Types of areas to be avoided include, but are not limited to, the following:

1. Subsidence areas;
2. Flood plains;
3. Areas with severe or unstable slopes; and
4. Seismic areas.

#### **9.2.030 Goal**

To minimize the loss of life and property from natural hazards. Although Niobrara County does not have major known natural hazards in the unincorporated areas, the following policies have been included with the thought that a continuing inventory might, in the future, identify some. Natural hazards include areas of subsidence, flood plains, areas of steep slopes, areas which slide and slope and areas with unstable soil types.

#### **9.2.040 Policies**

Niobrara County has the following policies regarding natural hazards:

1. Niobrara County will continue to identify its natural hazards and use the information in its land use planning process and in the evaluation of development proposals.
2. Niobrara County will inform other governmental agencies of any natural hazards identified, and will cooperate with the other agencies in the identification process.
3. Niobrara County will discourage development in areas of natural hazards, or will request that methods which lessen or eliminate the hazard be included with the proposal.

**END TITLE 9**

## TITLE 10 - ENVIRONMENTAL QUALITY

Niobrara County is fortunate to have very good air, water and land quality. Its low population density, and the relative absence of heavy industrial development are significant contributing factors to this.

### Chapter 1 - Plan Implementation

#### **10.1.010 Vision**

To maintain and protect the County's high quality of air, water, plant and wildlife resources through the adequate and appropriate protection of the natural environment. **Rangeland is the dominant landscape and contributes significantly to the quality of life.**

#### **10.1.020 Objective**

Consider the inter-relationships of soils and water for the production of crops and forage, grazing, wildlife, livestock, timber, recreation and human consumption (renewable resources) in regard to the overall sustained development of Niobrara County. Maintain the tax base, custom and culture, and human and physical environment of Niobrara County through the use of the renewable and non-renewable resources. These non-renewable resources include: petroleum, natural gas, coal, construction materials, industrial minerals, elements, fossils, semi-precious metal and stone. Support **aesthetically pleasing scenery by encouraging** the preservation of agriculture and related industries.

#### **10.1.030 Goal**

Allow the orderly and planned development, use, reuse, and conservation of Niobrara County's renewable and non-renewable resources, and consider the quality of human life in light of sustained use and/or depletion of said resources.

#### **10.1.040 Policy**

All land use decision making or planning processes by local, state, federal, and/or international or global governmental agencies will consult, coordinate, and cooperate with the Commissioners in the preparation, use, and continual updating of accurate and sound resource inventories.

All development will follow Wyoming Statutes and applicable DEQ rules and regulations.

**END TITLE 10**

## TITLE 11 - SOLID AND HAZARDOUS WASTE

### Chapter 1 - Plan Implementation

#### **11.1.010 Vision**

To safely and economically dispose of solid and hazardous waste.

#### **11.1.020 Objective**

The Commissioners will take the recommendations from a Solid Waste Task Force or DEQ under advisement.

#### **11.1.030 Goal**

The Commissioners will research viable alternatives for solid and hazardous waste disposal.

#### **11.1.040 Policy**

The Commissioners will retain permitting authority over any rural waste disposal. The permits will comply with the custom, culture, and economic stability of Niobrara County. All governmental agencies will consult, coordinate, and cooperate with the Commissioners.

**END TITLE 11**



## TITLE 12 - ECONOMIC ANALYSIS

### Chapter 1 - Employment Trends

The number of jobs has increased very slightly over the past 20 years. Although jobs decreased over the past 10 years as shown in Figure 11 on Page 49, employment in Niobrara County rose an average of 3 percent from 2001 to 2022<sup>5</sup>.

For the past 20 years, farming and government have been the primary employment sectors in Niobrara County. In 1965, employment in agriculture accounted for 34.1 percent – 590 – of the total jobs in Niobrara County. By 1975, employment in agriculture had declined to 430 jobs and represented 31.9 percent of all employment in the County. Similarly, as of 1975, employment in government accounted for 210 jobs, or 15.6 percent of the employment base of the county. Employment in agriculture in 2022 was 280 (16.7 percent), down from 327 (20.2 percent) in 2001. Employment in government in 2022 was 431 (25.7 percent), up from 334 (20.6 percent) in 2001.

The other leading employment sector in Niobrara County historically has been trade. As of 1975 employment in trade amounted to 230 jobs, or 17 percent of the total County employment. 2022 employment in trade accounted for 202 jobs. Another notable contribution to employment is accommodations and food services which were approximately 112 in 2022, down from 137 in 2001.

As with many parts of the country, Niobrara County is struggling to find the workforce necessary to operate the businesses they have and to bring in new business opportunities.

Labor force participation (the percent of total population employed) in Niobrara County in 1970 was 51.7%, compared to the national average of 43%. The 2022 employment rate in Niobrara County was 52.9%<sup>6</sup>, compared to the national average or 63.8%. The Wyoming average in 2022 was 62.5%.

---

<sup>5</sup> U.S. Department of Commerce: [http://eadiv.state.wy.us/wef/P\\_Niobrara\\_WY.pdf](http://eadiv.state.wy.us/wef/P_Niobrara_WY.pdf)

<sup>6</sup> US Census Bureau: 2022 American Community Survey 5-Year Estimates

# Socioeconomic Trends

## Niobrara County, WY

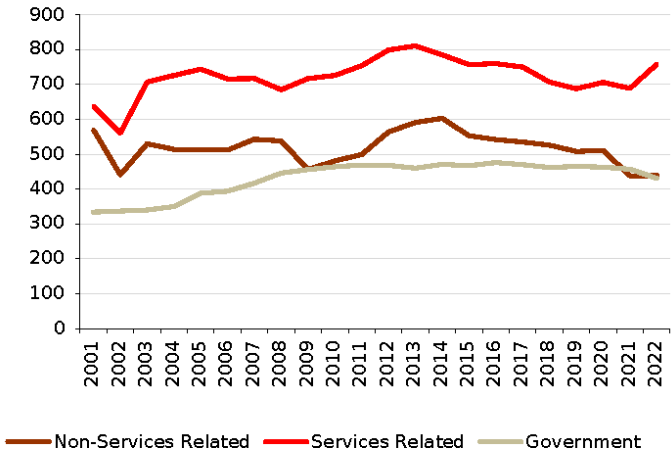
### Employment by Industry (since 2000)

	2001	2010	2022	Change 2010-2022
<b>Total Employment (number of jobs)</b>	<b>1,622</b>	<b>1,709</b>	<b>1,676</b>	<b>-33</b>
<b>Non-services related</b>	<b>570</b>	<b>481</b>	<b>439</b>	<b>- 42</b>
Farm	327	262	280	18
Forestry, fishing, & ag. services	na	na	na	na
Mining (including fossil fuels)	106	99	84	- 15
Construction	95	86	75	- 11
Manufacturing	42	34	na	na
<b>Services related</b>	<b>638</b>	<b>726</b>	<b>758</b>	<b>32</b>
Utilities	na	na	na	na
Wholesale trade	32	30	25	- 5
Retail trade	170	147	131	- 16
Transportation and warehousing	na	91	85	- 6
Information	13	8	6	- 2
Finance and insurance	37	49	97	48
Real estate and rental and leasing	48	54	82	28
Professional and technical services	50	53	58	5
Management of companies	0	0	0	0
Administrative and waste services	25	22	26	4
Educational services	7	11	12	1
Health care and social assistance	49	72	61	- 11
Arts, entertainment, and recreation	8	6	10	4
Accommodation and food services	137	118	112	- 6
Other services, except public admin.	62	65	53	- 12
<b>Government</b>	<b>334</b>	<b>464</b>	<b>431</b>	<b>-33</b>

All employment data are reported by *place of work*. Estimates for data that were not disclosed are indicated with tildes (~).

Employment by Major Industry Category, Niobrara County, WY

- From 2001 to 2022, jobs in non-services related industries shrank from 570 to 439, a 23% decrease.
- From 2001 to 2022, jobs in services related industries grew from 638 to 758, a 19% increase.
- From 2001 to 2022, jobs in government grew from 334 to 431, a 29% increase.



Data Sources: U.S. Department of Commerce, 2023. Bureau of Economic Analysis, Regional Economic Accounts, Washington, D.C., reported by Headwaters Economics' Economic Profile System, [headwaterseconomics.org/eps](http://headwaterseconomics.org/eps).

Find more reports like this at [headwaterseconomics.org/eps](http://headwaterseconomics.org/eps)

Data and Graphics | Part 16

Figure 11. Niobrara County Employment by Industry (2001-2022)

Figure 12 below shows the median earnings by industry, categorized by males and females in 2022<sup>7</sup>.

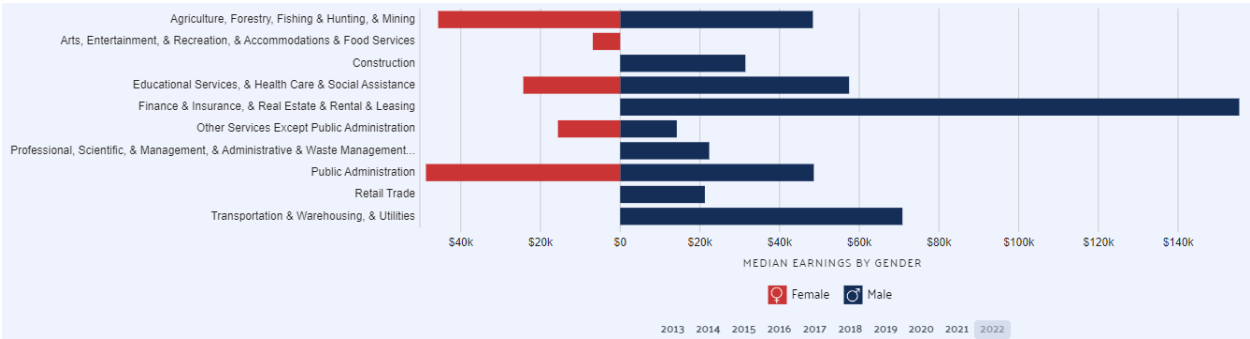


Figure 12. 2022 Median Earnings by Industry

### Chapter 2 - Population Trends

Niobrara County had their highest recorded population in 1920 of 6,321, and it declined significantly with every census until 1970, when the decrease slowed. Between 1990 and 2020, the county’s population held steady between 2,400 and 2,500 people, as shown in Table 3 on Page 51. The residents of Niobrara County enjoy their low population and the benefits, such as low crime, that come with it. Many residents live in Niobrara County because they were born here or they find it desirable for rural/small-town living. Residents who had concerns about moving to Niobrara County said it was due to lack of amenities and lack of housing. There is a concern for the lack of young people moving into the area because they are the population who fill job vacancies and the schools.

<sup>7</sup> DataUSA: Niobrara County, WY (<https://datausa.io/profile/geo/niobrara-county-wy?propertyTaxesValue=propertyValue>)

Table 3. Historical Census Population for Wyoming Counties (1870-2020)

HISTORICAL DECADELY CENSUS POPULATION FOR WYOMING COUNTIES, CITIES, AND TOWNS

Source: U.S. Bureau of the Census

Decennial Population of Wyoming and Counties

Area	2020	2010	2000	1990	1980	1970	1960	1950	1940	1930	1920	1910	1900	1890	1880	1870
Wyoming(1)	576,851	563,626	493,782	453,588	469,557	332,416	330,066	290,529	250,742	225,565	194,402	145,965	92,531	62,555	20,789	9,118
Albany	37,066	36,299	32,014	30,797	29,062	26,431	21,290	19,055	13,946	12,041	9,283	11,574	13,084	8,865	4,626	2,021
Big Horn	11,521	11,668	11,461	10,525	11,896	10,202	11,898	13,176	12,911	11,222	12,105	8,886	4,328			
Campbell	47,026	46,133	33,698	29,370	24,367	12,957	5,861	4,839	6,048	6,720	5,233					
Carbon	14,537	15,885	15,639	16,659	21,896	13,354	14,937	15,742	12,644	11,391	9,525	11,282	9,589	6,857	3,438	1,368
Converse	13,751	13,833	12,052	11,128	14,069	5,938	6,366	5,933	6,631	7,145	7,871	6,294	3,337	2,738		
Crook	7,181	7,083	5,887	5,294	5,308	4,535	4,691	4,738	5,463	5,333	5,524	6,492	3,137	2,338	239	
Fremont	39,234	40,123	35,804	33,662	38,992	28,352	26,168	19,580	16,095	10,490	11,820	11,822	5,357	2,463		
Goshen	12,498	13,249	12,538	12,373	12,040	10,885	11,941	12,634	12,207	11,754	8,064					
Hot Springs	4,621	4,812	4,882	4,809	5,710	4,952	6,365	5,250	4,607	5,476	5,164					
Johnson	8,447	8,569	7,075	6,145	6,700	5,587	5,475	4,707	4,980	4,816	4,617	3,453	2,361	2,357	637	
Laramie	100,512	91,738	81,607	73,142	68,649	56,360	60,149	47,662	33,651	26,845	20,699	26,127	20,181	16,777	6,409	2,957
Lincoln	19,581	18,106	14,573	12,625	12,177	8,640	9,018	9,023	10,286	10,894	12,487					
Natrona	79,955	75,450	66,533	61,226	71,856	51,264	49,623	31,437	23,858	24,272	14,635	4,766	1,785	1,094		
Niobrara	2,467	2,484	2,407	2,499	2,924	2,924	3,750	4,701	5,988	4,723	6,321					
Park	29,624	28,205	25,786	23,178	21,639	17,752	16,874	15,182	10,976	8,207	7,298	4,909				
Platte	8,605	8,667	8,807	8,145	11,975	6,486	7,195	7,925	8,013	9,695	7,421					
Sheridan	30,921	29,116	26,560	23,562	25,048	17,852	18,989	20,185	19,255	16,875	18,182	16,324	5,122	1,972		
Sublette	8,728	10,247	5,920	4,843	4,548	3,755	3,778	2,481	2,778	1,944						
Sweetwater	42,272	43,806	37,613	38,823	41,723	18,391	17,920	22,017	19,407	18,165	13,640	11,575	8,455	4,941	2,561	1,916
Teton	23,331	21,294	18,251	11,172	9,355	4,823	3,062	2,593	2,543	2,003						
Linna	20,450	21,118	19,742	18,705	13,021	7,100	7,484	7,331	7,223	6,572	6,611	16,982	12,223	7,414	2,879	856
Washakie	7,685	8,533	8,289	8,388	9,496	7,569	8,883	7,252	5,858	4,109	3,106					
Weston	6,838	7,208	6,644	6,518	7,106	6,307	7,929	6,733	4,958	4,673	4,631	4,960	3,203	2,422		
Yellowstone	-2	-2	-2	-2	-2	-2	420	353	416	200	165	519	369	467		

(1) 1880 total includes 1,850 Indians specially enumerated

### Chapter 3 - Household Trends

The fluctuation in total number of households in Niobrara County from 2000 to 2020 mirror the fluctuation in population. In 2000, there were 1,011 households, in 2010 there were 1,069, and in 2020 there were 1,024.<sup>8</sup>

There has been a decline in the average household size in Niobrara County from 2.8 persons per household in 1960, to 2.72 in 1970, which was significantly below the Wyoming average in 1970 of 3.07 persons per household. In 2022, the average family size in Niobrara County was 2.73, compared to 2.91 for Wyoming.<sup>9</sup>

In 2022, the median household income in Niobrara County was \$54,375, compared to \$70,042 for Wyoming.<sup>10</sup> This was up from \$48,688 the previous year. See Figure 13 below for household income data.

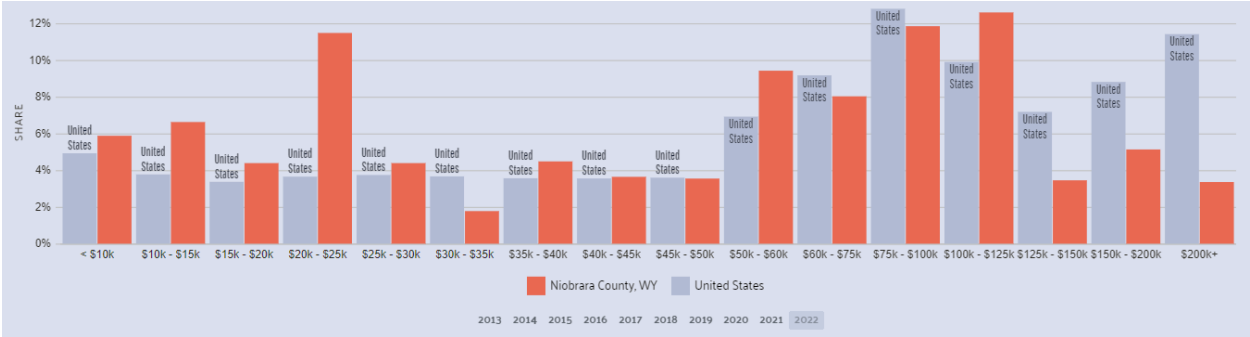


Figure 13. 2022 Household Income

### Chapter 4 - Properties and Housing

One of the attractions to Niobrara County, and Wyoming in general, is the cost of taxes. The median property value in 2022 was \$195,600, with median property taxes of \$755<sup>11</sup>. Figure 14 on Page 53 shows the distribution of property values in Niobrara County compared with the United States. Approximately 70% of the housing units in Niobrara County were occupied by their owner in 2022, down from 74% in 2021. The residents of Niobrara County believe strongly that there is a shortage of rentals and single-family homes in the County.

<sup>8</sup> US Census Bureau Demographic Profiles by County and Place  
<sup>9</sup> US Census Bureau: 2022 American Community Survey 5-Year Estimates  
<sup>10</sup> US Census Bureau: 2022 American Community Survey 5-Year Estimates  
<sup>11</sup> DataUSA: Niobrara County, WY  
 (<https://datausa.io/profile/geo/niobrara-county-wy?propertyTaxesValue=propertyValue>)

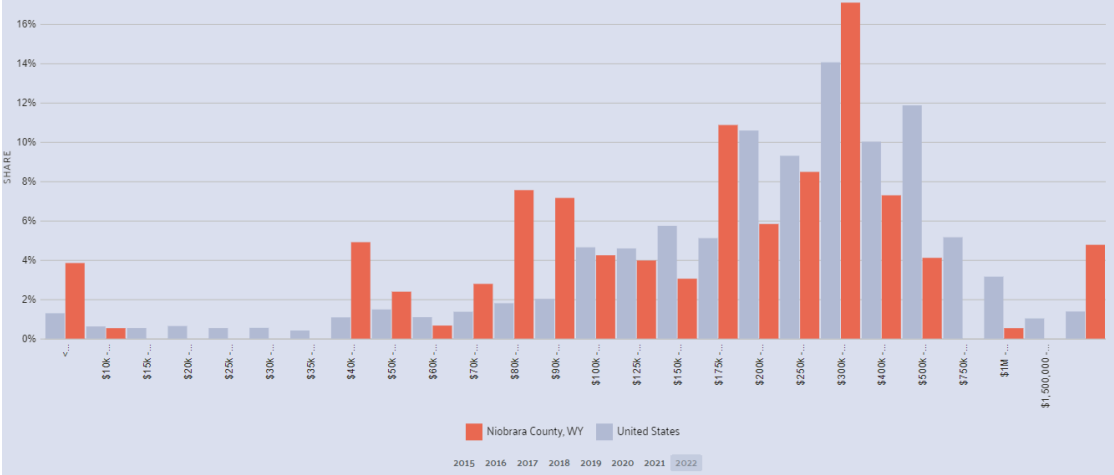


Figure 14. 2022 Property Values

### Chapter 5 - Plan Implementation

#### 12.5.010 Vision

To manage resources for sustainable growth and economic stability in an effort to keep the current services and increase the availability of others.

To encourage land use decisions and growth patterns that will promote the County’s economic stability while protecting and retaining Niobrara County’s culture and custom.

#### 12.5.020 Objective

The Commissioners may develop and amend economic data and information relevant to planning in Niobrara County.

#### 12.5.030 Goal

Promote and encourage the exploration and development of existing natural and human resources not available in Niobrara County. All governmental agencies will consult, coordinate, and cooperate with the Commissioners regarding the economic needs of the present and future residents of Niobrara County.

Promote the development of jobs and increased workforce, as well as meeting the housing needs of the County.

#### 12.5.040 Policy

Recognize the rights of private property owners within Niobrara County through limitation and control of local, state, federal, international, and/or global government regulations. The Commissioners will support the private landowner in Niobrara County against the taking of private land by regulatory action or inaction and protect the residents from government regulation which infringes on private property rights, impedes the economic development or prevents the multiple use of public lands in Niobrara County. The Commissioners are to encourage the development of self-sustaining businesses.

## TITLE 13 - RECREATION

### Chapter 1 - Facilities

Recreational facilities should be located and designed in a manner that provides for the active and passive recreation needs of citizens. County-identified public recreation areas and lands with unique natural features may be preserved through easements or other common open space preservation strategies.

### Chapter 2 - Plan Implementation

#### **13.2.010 Vision**

The County will utilize land use planning processes to identify the potential location of desired recreational facilities.

#### **13.2.020 Objective**

The Commissioners will support private recreational enterprise and developments, as well as youth activities.

#### **13.2.030 Goal**

Acknowledge that recreation is an integral part of multiple use on the lands managed by federal, state, and local government agencies within Niobrara County. Such agencies will consult, coordinate, and cooperate with the Commissioners prior to development.

When possible, development proposals will be sensitive to County outdoor recreation and open space preservation objectives.

#### **13.2.040 Policy**

The Commissioners will support recreation as a multiple-use integral to lands managed by federal, state and local governmental agencies. The cultural, economical and historical uses of these lands and all adjoining lands will be preserved and recreation on public lands will not adversely impact adjacent private lands.

**END TITLE 13**

## TITLE 14 - HISTORIC PRESERVATION

### Chapter 1 - Plan Implementation

#### **14.1.010 Vision**

To preserve the history of Niobrara County.

#### **14.1.020 Objective**

The Commissioners will uphold private property rights and protect the custom and culture.

#### **14.1.030 Goal**

Retain those historic resources which preserve Niobrara County custom and culture without inhibiting continued economic growth.

#### **14.1.040 Policy**

The Commissioners will adopt regulatory standards which supports the custom and culture and which is balanced with sustained economic growth. Niobrara County will be allowed to retain its cultural and historical identity.

The County will follow regulations of the Wyoming State Historic Preservation Office regarding sites that are on the National Register of Historic Places.

**END TITLE 14**



## TITLE 15 - ARTS AND HUMANITIES

### Chapter 1 - Plan Implementation

#### **15.1.010 Vision**

To promote the arts and humanities in Niobrara County.

#### **15.1.020 Objective**

Encourage public and private funding for the arts and humanities in Niobrara County.

#### **15.1.030 Goal**

The Commissioners recognize the arts and humanities are part of life in Niobrara County, and will support arts and humanities in Niobrara County.

#### **15.1.040 Policy**

Public and private funding for the arts and humanities in Niobrara County will be encouraged and supported.

**END TITLE 15**

## TITLE 16 - EDUCATION

Niobrara County's education system consists of Lusk Elementary/Middle School, Niobrara County High School, and Wyoming Virtual Academy within the town of Lusk. Niobrara County also has one small rural school, Lance Creek Elementary located in Lance Creek.

### Chapter 1 - Plan Implementation

#### **16.1.010 Vision**

To promote young families moving into Niobrara County School District No. 1 so the schools have the population necessary to attract quality teachers and administrators, and maintain the extra-curricular activities of the schools.

#### **16.1.020 Objective**

Retain, sustain, and maintain the existing local and rural school(s) within Niobrara County.

#### **16.1.030 Goal**

The Commissioners will support School District #1 in providing a quality education for K-12 and preserve the rural school(s).

#### **16.1.040 Policy**

Retain, sustain, and maintain the existing local and rural school(s) within Niobrara County. The Commissioners and Niobrara County School District No. 1 will support, retain and protect the custom, culture, and historical necessity of rural schools.

**END TITLE 16**

## TITLE 17 - GRAZING

The policy hereby set forth for the achievement of the Goal and Objectives of this component item shall be consistent with the protection of Niobrara County historic custom, culture, economic viability and social stability.

### Chapter 1 - Plan Implementation

#### **17.1.010 Vision**

To protect the grazing lands available in Niobrara County.

#### **17.1.020 Objectives**

1. Provide for statutory requirements for cooperation, consultation, and coordination between Federal Land Use Plans and actions, and the Niobrara County Land Use Plan for federal and state lands.
2. Assure that both state and federal statutes are followed in the administration of federal and state managed lands in and adjacent to Niobrara County.
3. Compel the federal agencies to complete their required tasking that provides the scientific decisions for enhancing the productive capabilities of federally managed lands.
4. Contribute to the safety and reliability of the domestic food and fiber supply through the support of agriculture regarding federal and state land grazing.
5. Provide for the protection of all property rights, and interests related to water, livestock grazing, rights-of-way, and use of state land leases.
6. To require credible science to be employed in any decisions made regarding lands and resources in Niobrara County.

#### **17.1.030 Goal**

Promote healthy, sustainable rangeland supporting a viable livestock industry upon which Niobrara County, its small communities, and its citizens depend for their custom, culture, economic viability, and social stability.

#### **17.1.040 Policy**

The residents of Niobrara County have historically and traditionally earned their livelihood from activities reliant upon natural resources. Privately owned lands are intermingled with federal and state managed lands, and therefore management decisions for federal and state managed lands directly impact the use and economic value of private lands and rights to use federal and state lands. In the absence or reduction of that use, county livestock operations become less viable. The tax base in Niobrara County suffers severely as well. The economic viability of Niobrara County rests directly upon the continued and enhanced multiple use of federal and state lands.

**END TITLE 17**

## TITLE 18 - WEED AND PEST

### Chapter 1 - Plan Implementation

#### **18.1.010 Vision**

To support the efforts of the Weed and Pest Control District within Niobrara County.

#### **18.1.020 Objective**

The Commissioners will support the provisions of the act and program in their application to the control of designated weeds and pests within Niobrara County.

#### **18.1.030 Goal**

Support the implementation of the Wyoming Weed and Pest Control Act of 1973 and Wyoming Weed and Pest Special Management Program, Title 11, Chapter 5. (See Attachment I in Appendix C)

#### **18.1.040 Policy**

The Commissioners require all federal, state and local governments/agencies/boards/committees to consult, coordinate and cooperate any actions, plans or regulations affecting weed, pest or predator controls within Niobrara County. Niobrara County will be allowed to retain its cultural and historical use of land, implement weed, pest and/or predator control technology ensuring the County's economic stability and ensuring the safety of the public.

**END TITLE 18**

## TITLE 19 - ENDANGERED SPECIES

Application of the Endangered Species Act often has little regard to county custom, culture, economic viability and social stability or property rights.

To the extent that U.S. Fish and Wildlife Services (USFWS) claims it is illegal under the Endangered Species Act for an individual to protect his private property such as livestock under attack from protected animal(s), or the loss of valid existing rights such as a grazing lease or permit due to the existence of Sensitive, Threatened or Endangered species, Niobrara County will consider the action as a “taking of private property”.

Presidential Executive Order No. 12630 issued March 15, 1988 by President Reagan titled Governmental Actions and Interference with Constitutionally Protected Property Rights, states, in part, “Actions undertaken by government officials that result in a physical invasion or occupancy of private property, and regulations imposed on private property that substantially affect its’ value or use, may constitute a taking of property. Further, governmental action may amount to a taking even though the action results in less than a complete deprivation of all use or value, or of all separate and distinct interests in the same private property and even if the action constituting a taking is temporary in nature.”

The E.O. (12630) further states, “Undue delays in decision making during which private property use is interfered with carry a risk of being held to be takings.”

The E.O. (12630) cannot legally prevent takings, but it directs the government to prevent unnecessary takings. An E.O. is not a statute but it is binding within the limits of existing law. Its authority is permanent unless it is amended or repealed by the issuing President.

The E.O. (12630) establishes a process that requires Evaluation of Risk and Avoidance of Unanticipated Takings be prepared by the Attorney General to be used by the agencies as a yardstick for making a TIA (Takings Implications Assessment).

The compliance by the federal agencies has been generally inadequate with the E.O. and TIA process. Niobrara County will look to the E.O. (12630) as an important tool.

### Chapter 1 - Plan Implementation

#### **19.1.010 Vision**

In summary, Niobrara County expects all federal and state agencies to fully coordinate all proposed actions with the county early on, during and throughout the process. Niobrara County expects due notification and full participation in the planning and implementation process as required by state and federal laws.

#### **19.1.020 Objective**

The Endangered Species Act should not be an impediment to the safety, future growth, well-being and prosperity of Niobrara County residents.

**19.1.030 Goal**

Endangered species management concerns shall be meshed with local custom, culture, economic viability and social stability concerns. State and federal resource management agencies shall be required to follow all state and federal statutes with regards to the application of endangered species management.

**19.1.040 Policy**

All management decisions must adequately reflect genuine concern by demonstrating action for achieving the protection of both concerns and one must not subordinate the other. Niobrara County will be actively involved in accomplishing both concerns.

The protection of all property rights and interests shall be provided when endangered species protections are applied.

**END TITLE 19**

## TITLE 20 - PREDATORY ANIMALS

Niobrara County recognizes the natural relationships between predators and their prey, and it has been the custom to carry out actions which keep those relationships in balance. The residents recognize when the impact of predators begins to have detrimental effects on their farming and ranching livelihoods, and it is custom for residents to use methods such as ATVs or other off-road vehicles, ultralights, helicopters, firearms, leg-hold traps, snares, and other outdoor gear and equipment to control predator populations to the extent possible.

### Chapter 1 - Plan Implementation

#### **20.1.010 Vision**

The County will maintain trapping and calling of predators as historic and environmentally sound methods of predator control, and to recognize other means, including aerial and chemical control, as effective tools for keeping predator populations under control.

#### **20.1.020 Objective**

Common sense shall be applied to the management of predator species in and adjacent to Niobrara County in a way that protects the rights of County citizens to pursue their historic and customary livelihoods without fear of economically devastating property losses including, but not limited to, wildlife and domestic livestock, due to unbalanced predator/prey relationships.

#### **20.1.030 Goal**

The County will cooperate with the state and federal agencies in carrying out an active predator management control program for the protection of livestock and crops in Niobrara County.

#### **20.1.040 Policy**

The Predator Management **District Board** will continue to be an integral part of Niobrara County, which will be managed per applicable Wyoming State Statute.

The predator-related activities of state and federal governments as those activities affect Niobrara County will be monitored and the County will participate in decisions made by those governments so that Niobrara County economic interests are represented and protected.

**END TITLE 20**

## TITLE 21 - FIRE MANAGEMENT AND PROTECTION

### Chapter 1 - Plan Implementation

#### **21.1.010 Vision**

Maintain the fire protection readiness of Niobrara County. To aggressively suppress all fires within the boundaries of Niobrara County regardless of ownership. Require all federal, state, and local governments to consult, coordinate, and cooperate with the Commissioners prior to the implementation of controlled burns.

#### **21.1.020 Objective**

1. Keep roads and trails open to provide access in order to suppress fires.
2. Consider “let burn” policy for areas where invading trees or shrubs reduce the value of livestock ranges, or there are other considerations that support and extend multiple use.
3. Encourage prescribed burning in areas that will support an expanded multiple use, or reduce the threat of wildfire, and where feasible, market the renewable resources before burning. Require credible science to be employed in any decisions made regarding lands and resources in and adjacent to Niobrara County.

#### **21.1.030 Goal**

To protect life, property and resource values in a manner that maximizes the benefits of multiple use to the people of Niobrara County.

#### **21.1.040 Policy**

The Commissioners will continue to support the local fire district.

**END TITLE 21**



## TITLE 22 - HEALTH AND HUMAN SERVICES

Health and human services are a vital part of the services available. The need for mental health services are on the rise everywhere, and the residents of Niobrara County also see the need for them. The medical services available are valued, and the residents desire for them to be maintained and expanded, or services provided to assist the elderly in receiving healthcare elsewhere.

### Chapter 1 - Plan Implementation

#### **22.1.010 Vision**

To maintain and expand the physical and mental healthcare services in Niobrara County, as well as provide services to obtain healthcare not currently available in Niobrara County.

#### **22.1.020 Objective**

To support the existing emergency medical and other health care services.

#### **22.1.030 Goal**

The Commissioners will continue to support the local health and human services in Niobrara County.

#### **22.1.040 Policy**

The Commissioners will support the existing and future programs.

**END TITLE 22**

## TITLE 23 - ROAD USE AND ACCESS

### Chapter 1 - Plan Implementation

#### **23.1.010 Vision**

Retain historical road access while accommodating the customary and cultural usage of roads within Niobrara County.

#### **23.1.020 Objective**

1. Keep all rights-of-way going to and inside of federally or state managed lands open for the enjoyment of the public. Access to and/or across federal and state managed lands within the County shall not place encumbrances or restrictions on private property.
2. Identify mechanisms to help maintain the uses of Rights-of-Ways.
3. Enhance the opportunity for further economic development.
4. Protect private property rights.

#### **23.1.030 Goal**

Maintain the historic right to travel over and across state and federally managed lands wherever necessary in pursuit of mining, ranching, farming, logging, recreational activities, motorized vehicle use, and all other historic uses. To employ sound science in decisions made regarding lands and resources in Niobrara County and allow continuous public access and usage of roads within Niobrara County.

#### **23.1.040 Policy**

No state or federal mandated road closure or detour will be permitted without first consulting, coordinating, and cooperating with the Commissioners. All actions on roads will be evaluated for the effects on the County's economic stability, historical usage, social travel usage and adverse impacts on the customary and cultural road usage within the boundaries of Niobrara County.

The use of horses, ATVs, snowmobiles, ORV's, standard pickups, cars and all other modes of transportation have long been recognized as a customary way to get from place to place in Niobrara County. It is a long way between towns, ranches, recreational areas, mining areas, etc., and County residents are accustomed to traveling considerable distances in operating their businesses. The means of making a living for many Niobrara County residents rests on the ability to move freely across state and federally managed lands. The loss of the use of rights-of-way for moving and trailing livestock, oil and gas exploration and development, recreation, timbering, and other historic uses creates the loss of the ability to stay economically viable and contributes to social disgust, unrest and instability.

All County Roads shall be under the supervision, management and control of the Commissioners. No County Road shall hereafter be established, altered or vacated, except by authority of the Commissioners and as provided by law.

**END TITLE 23**

## TITLE 24 - COMMUNICATIONS AND OTHER UTILITIES

### Chapter 1 - Plan Implementation

#### **24.1.010 Vision**

Electricity, communication, natural gas and other utility facilities and corridors will be coordinated and cooperatively planned, designed and sited in a manner that will help protect the natural environment.

#### **24.1.020 Objective**

Promote the use of modern technology, such as but not limited to, fiber optics, cellular, satellite, and compressed video on a continuous basis, while still maintaining basic telephone service compatible with modern technology.

#### **24.1.030 Goal**

To make advanced communication technology available to all the citizens of Niobrara County.

#### **24.1.040 Policy**

The Commissioners are open and receptive to modern communications technology.

**END TITLE 24**

# TITLE 25 - WIND, SOLAR, NUCLEAR, AND OTHER ALTERNATIVE ENERGY GENERATION

## Chapter 1 - Plan Implementation

### **25.1.010 Vision**

To protect the ~~natural beauty landscape~~, resources, and habitats of Niobrara County while allowing for alternative energy development.

### **25.1.020 Objective**

To promote alternative energy generation which will cause the least amount of disturbance to the landscape of the County.

The Commissioners will enact regulations and policies that are designed to protect ~~private property values and private property rights~~ private property rights and private property values of all ~~landowners~~ balanced with the general health, safety and welfare of the present and future residents of the County.

### **25.1.030 Goals**

The Commissioners will work to allow wind, solar, and other alternative energy generation in a way that will minimize the disturbance to the ~~natural beauty landscape~~ and resources of the County. Niobrara County will consider adopting zoning regulations which will cause the responsible development of wind, solar and other alternative energy generation.

### **25.1.040 Policies**

The Planning Commission and Commissioners will adopt land use regulations governing these activities and provide a permitting process that furthers this goal.

**END TITLE 25**

## TITLE 26 - PUBLIC LANDS AND RESOURCES

### Chapter 1 - County / Public Land and Resource Agency Coordination

Niobrara County will coordinate by actively pursuing and maintaining cooperative working agreements and relationships with federal, state and county resource management agencies including, but not limited to, the following: The United States Department of the Interior, the Bureau of Land Management, the United States Department of Agriculture, United States Forest Service, Wyoming Game and Fish Department, Wyoming State Forestry Department, United States Fish and Wildlife Service, the Natural Resource Conservation Service, United States Bureau of Reclamation, etc. Niobrara County will coordinate by actively participating in all relevant public land and resource planning processes to adequately protect and promote County interests.

### Chapter 2 - Multiple Use

Niobrara County supports continued management of all public (Federal, State and County) lands and resources through multiple-use sustained-yield concepts and practices.

### Chapter 3 - Public Lands Resource Use and Development

1. Niobrara County supports the continued use and development of public lands and resources.
2. The County promotes the continued use of public lands and resources for traditional ranching and livestock grazing practices and activities as a critical component of the county's economic base and a major part of the County's history, custom and culture.
3. The County will coordinate by actively participating in range management planning processes and activities to promote the continued viability of the agricultural industries by ensuring that federal agencies optimize Animal Unit Months (AUM's) of forage provided on federal lands in accordance with the provisions of the Federal Land Policy and Management Act of 1976, the Taylor Grazing Act of 1934, the Public Rangeland Improvement Act of 1978, and the Multiple Use Sustained Yield Act of 1960.
4. The County supports continued natural resource exploration and development on public lands as a critical component of the County's economic base.
5. The County promotes responsible mining and mineral exploration and development as an important, historic multiple use of public lands and resources.
6. The County opposes the introduction of any animal species including, but not limited to, wild and/or feral horses which compete with livestock and indigenous wildlife for habitat, forage and water.
7. The County will coordinate by supporting the renewal of grazing leases and permits on all public lands.
8. The County supports land use planning that provides livestock and wildlife forage expressed in Animal Unit Months (AUM) be no less than the maximum number of Animal Unit Months (AUM) sustainable by range conditions in allotments and districts and based on actual and scientific analysis.
9. The County opposes the relinquishment or retirement of grazing permits or Animal Unit Months (AUM's) in favor of conservation, wildlife or other uses or efforts.
10. The County supports returning any suspended non-use AUM's to active use as soon as range conditions improve and forage is available.

11. The County opposes the special designation of public lands as “Wilderness”, “Wilderness Study Area”, “Wild Lands”, “Area of Critical Environmental Concern”, “Wild and Scenic River”, etc. which would restrict multiple use planning concepts and/or practices.
12. The County agrees that all waters of the State of Wyoming belong to the State of Wyoming and are held in trust for the citizens of the State. Said waters are subject to State appropriations for beneficial use and are essential to the future prosperity of the State. The State of Wyoming holds the right to develop and use its entitlement to interstate rivers and any water desired by the Federal Government must be obtained through the State of Wyoming Water Appropriation System.
13. The County opposes the use of the Endangered Species Act (ESA) to restrict or curtail the use or development of public lands and resources.
14. The County will coordinate with State and Federal Agencies prior to the listing or designation of any species or habitat as endangered or critical.

#### Chapter 4 - Public Lands Access

Niobrara County will promote historic rights to travel over federal and state managed lands in the pursuit of mining, logging, livestock raising, recreation, renewable resource development, oil and gas exploration and production, other historic uses, and opposes the closing of any existing road or access. The County does not support the taking or condemning of private property in an effort to gain public access.

#### Chapter 5 - Wildlife Resources

Wildlife resources are an important asset to Niobrara County. The County will actively participate in wildlife management planning and decision-making processes. The County will encourage the Wyoming Game and Fish Department and federal wildlife management agencies to maintain balanced wildlife populations for consumptive and non-consumptive uses. All wildlife management agencies shall coordinate management activities with Niobrara County. The rural lifestyle is exemplified by the County’s outdoor opportunities, many of which involve wildlife.

The County supports predatory animal management practices.

#### Chapter 6 - Public Land Recreation

Recreation and tourism are traditional public land and resource uses. County participation in recreation planning and decision-making processes is critical to promoting/preserving traditional public land recreational uses.

#### Chapter 7 - Special Designations

Historic/traditional public land and resource uses must be recognized and addressed in planning and decision-making processes regarding wilderness and other set aside designations within or adjacent to the County’s borders. Critical issues and County interests include, but are not limited to, the following: continuing mineral resource exploration and development, preserving adequate public access, maintaining traditional recreation opportunities, protecting grazing rights, and continuing timber and range management activities.

## Chapter 8 - ~~Public Land Disposal~~

~~The County will work with federal land managers to identify public lands which may be designated for specific recreational, historical or water development purposes or which may be utilized by communities for future development and infrastructure needs.~~

## Chapter 9 - ~~Plan Implementation~~

### ~~26.9.010 Vision~~

~~To keep open lines of communication between federal and state agencies regarding public lands and resources.~~

### ~~26.9.020 Objective~~

~~To preserve the County's public lands and resources and assist public land and resource management agencies in determining the best uses of public lands and resources.~~

### ~~26.9.030 Goals~~

~~Encourage the use of public lands and resources to accommodate new growth and foster economic development opportunities.~~

### ~~26.9.040 Policies~~

~~Through coordination with public land and resource management agencies, the Commissioners will actively participate in public land and resource planning and decision-making processes to adequately protect and promote County interests.~~

END TITLE 26

## TITLE 27 - ECONOMIC DEVELOPMENT

Economic development is a vital component in every county in Wyoming to draw new businesses and industries to its rural areas. Wyoming has the unique ability to boast low taxes and wide-open spaces to diversify the economies within the state. It is important not only to recruit new businesses, but to provide support to those already in place. Niobrara County will welcome and encourage commercial, industrial, residential, agricultural, and recreational land uses and development patterns consistent with this Land Use Plan.

Large-scale industrial, commercial, and residential land uses and development will be encouraged to locate in areas where impacts to air, soil, and water quality can be minimized. Potential visual and noise pollution will also be considered.

### Chapter 1 - Economic Development and Diversification

#### **27.1.010 Vision**

The County's land use plans, regulations and development decision-making processes will support orderly, well-served, adequately infrastructured commercial and industrial development.

#### **27.1.020 Objective**

Niobrara County will encourage new businesses in the area and the expansion of existing businesses through business-supporting land use and infrastructure planning.

The Commissioners will enact regulations and policies that are designed to protect ~~private property values and private property rights~~ private property rights and private property values of all ~~landowners~~ landowners balanced with the general health, safety and welfare of the present and future residents of the County.

#### **27.1.030 Goal**

To develop the County's existing economic assets including agricultural lands, industrial parks, commercial centers, scenic and recreation areas, renewable and non-renewable resources, and wildlife, keeping each as an important and viable element of the County's economy.

#### **27.1.040 Policy**

The County will work with local communities in support of their economic development goals and objectives. This cooperative approach is critical particularly as it relates to the County-community interface and highway corridors.

### Chapter 2 - Business Retention and Expansion

#### **27.2.010 Vision**

Niobrara County will utilize this Land Use Plan and any future zoning regulations to support existing business expansion activities.



**27.2.020 Objective**

These documents will encourage compatible “value-added” activities adjacent to existing businesses. Potential markets include traditional agriculture, natural resource-based, and recreation-oriented industrial and commercial businesses and operations.

**27.2.030 Goal**

Promote balanced commercial activity that is economically viable and responsive to the needs of County residents and surrounding market areas.

**27.2.040 Policy**

County land use regulations will support existing business expansion activities.

Chapter 3 - Business Recruitment

**27.3.010 Vision**

Niobrara County will pursue economic development opportunities that complement other County goals and objectives.

**27.3.020 Objective**

The County will maintain land use plans and regulations that are conducive to business recruitment and relocation efforts.

**27.3.030 Goal**

Establish a diversified economic base that will provide permanent employment opportunities for County residents and an improved tax base without contributing to significant degradation of the natural environment.

**27.3.040 Policy**

Potential businesses will be encouraged based on their consistency with this Land Use Plan.

Chapter 4 - Recreation and Tourism

**27.4.010 Vision**

To maintain the recreation available and promote tourism within the County.

**27.4.020 Objective**

Niobrara County will encourage recreation-oriented economic development activities that are consistent with the County’s culture, character, and lifestyle.

**27.4.030 Goal**

To provide recreation and tourism activities consistent with the County’s custom and culture that will attract visitors to the area and provide opportunities for the residents to enjoy.

**27.4.040 Policy**

The County will support recreation opportunities and the protection and enhancement of traditional recreation areas/sites.

Chapter 5 - Agricultural Land and Related Uses

**27.5.010 Vision**

As feasible, the County will explore agricultural land protection and preservation strategies.

**27.5.020 Objective**

Niobrara County’s development review process will include considering the effects of proposed uses on agricultural land and related uses.

**27.5.030 Goal**

~~Agricultural lands and associated land uses will be appropriately buffered from encroachment by incompatible land uses.~~

The first objective of government is the protection of private property rights as provided in the United States Constitution and the Wyoming State Constitution.

**27.5.040 Policy**

Niobrara County supports incentive programs and other efforts which encourage/promote the continued use of productive agricultural lands for agricultural purposes.

**END TITLE 27**

## TITLE 28 - INFRASTRUCTURE AND COUNTY SERVICES

### Chapter 1 - County-provided Services to Rural Areas

The County may not provide levels or types of services to rural developed areas above those provided to agricultural land uses.

### Chapter 2 - Developer-provided Services

As necessary, developers are responsible for the provision, enhancement and maintenance of services or service levels above those provided in the subject area by the County or other local entity. Developers are also required to mitigate adverse effects of providing such services on adjacent land uses, including utility corridors and recognized rights-of-way.

### Chapter 3 - Utility Planning and Coordination

The location and design of utility transmission lines and corridors shall, as much as possible, avoid prime agricultural land, urban development areas, sensitive environmental areas, and scenic and historic areas. Whenever feasible, major utilities (oil and gas pipelines, high tension power lines, fiber optics, etc.) will be encouraged to “share” utility corridors.

Services and service levels associated with proposed developments located adjacent to existing communities, or in areas likely to be annexed at a future date, shall be compatible with the services provided by the community.

As appropriate, Niobrara County will cooperate/coordinate with other government entities and interests to provide services of mutual benefit or those too costly for a single government to pursue.

As deemed necessary and relevant, all interested political subdivisions, public utilities and private interests will be given an opportunity to review and comment on proposed subdivisions.

### Chapter 4 - Plan Implementation

#### **28.4.010 Vision**

To provide the necessary infrastructure and county services necessary for the residents and visitors of Niobrara County.

#### **28.4.020 Objective**

To plan for the provision of community (public) services and facilities in coordination with Niobrara County's 2025 Land Use Plan.

#### **28.4.030 Goal**

1. To meet the service needs of Niobrara County residents and businesses in a manner that prevents excessive public expenditures and needless duplication of services or facilities.
2. To utilize the County's financial, land and human resources in an effective and efficient manner when providing or expanding public facilities and services.

3. To ensure that public utility facilities and services, including power, communication and natural gas are planned, designed and located in a coordinated manner that will increase efficiency, complement other County objectives and preserve the natural environment.
4. To make advanced communication technology available to all the citizens of Niobrara County.
5. To support the School District in providing a quality education for K-12 and preserve rural schools.
6. To support the local fire protection district.
7. To support the local health and human services in Niobrara County.

**28.4.040 Policy**

1. Niobrara County will facilitate coordination between different County agencies which provide public services and facilities.
2. Niobrara County will construct new county roads to minimize disruption of agricultural land uses.
3. Niobrara County will require developers to provide for any public services and facilities necessary to their development.
4. All utility companies operating in Niobrara County will be requested to include the County Commissioners in developing easements and/or utility corridors for pipelines and power lines, as well as locating substations, pumping stations and other related facilities.
5. Niobrara County will cooperate with educational programs sponsored by the utility companies and will encourage the schools to incorporate the relevant programs in their curriculum.

**END TITLE 28**

## TITLE 29 - LARGE SCALE DEVELOPMENTS

### Chapter 1 - Plan Implementation

#### 29.1.010 Vision

~~To allow for new developments within the County which provide minimal negative impacts to the County.~~ To allow for new developments within the County and mitigate all negative impacts.

#### 29.1.020 Objective

To work closely with the developer of any proposed large-scale development to minimize negative impacts from the development.

The Commissioners will enact regulations and policies that are designed to protect ~~private property values and private property rights~~ private property rights and private property values balanced with the general health, safety and welfare of the present and future residents of the County.

#### 29.1.030 Goal

To mitigate the social, economic and environmental impact on Niobrara County from rapid or large-scale growth and development.

#### 29.1.040 Policy

1. Niobrara County will try to ~~anticipate~~ estimate the costs of services necessitated and the revenues generated from any large-scale development proposal. County agencies will prepare to deal with the increased workload and, if necessary, will coordinate to form a Human Services Task Force which would assist the County in accommodating and incorporating the influx of residents.
2. The County will remain informed of long-term financial commitments that can accrue as a result of rapid growth and development, and will make these commitments only when it appears the growth is permanent or semi-permanent.
3. If other governmental agencies are involved in plans for large-scale development, the County will be kept informed of the agencies' decisions and will be included in the planning and decision-making process.
4. ~~The County will consider developing and adopting a set of industrial standards which would regulate the emissions and location of an industrial project.~~ Emissions and location of industrial projects are regulated by the State and Federal government, Wyoming DEQ Air Quality Division, and EPA.

END TITLE 29

## TITLE 30 - COUNTY/COMMUNITY/FRINGE AREA DEVELOPMENT

Niobrara County will cooperate with incorporated municipalities and the state to coordinate the planning and development of community fringe areas.

### Chapter 1 - Plan Implementation

#### **30.1.010 Vision**

To allow for new developments within the County which provide minimal negative impacts to the County.

#### **30.1.020 Objective**

To work closely with the developer of any property in the County or fringe area to minimize negative impacts from the development.

#### **30.1.030 Goal**

Niobrara County will consider adopting zoning regulations which will cause the responsible development in the County and fringe areas.

#### **30.1.040 Policy**

Niobrara County will encourage development within urban areas or adjacent to existing communities where a full range of community services can be efficiently provided or are easily accessible. These amenities include, but are not limited to, cultural and recreational opportunities, commercial retail and services, public and private utilities, emergency services, and public schools.

**END TITLE 30**

## TITLE 31 - REGULATIONS, STANDARDS AND THE APPROVAL PROCESS

All proposals for development shall be submitted in accordance with the rules and regulations put forth in the current zoning regulations. Niobrara County will consider adopting additional planning and zoning regulations to provide detailed requirements for submittal of development proposals within Niobrara County.

### Chapter 1 - Plan Implementation

#### **31.1.010 Vision**

To use this 2025 Land Use Plan and future zoning regulations to promote developments which conform to the regulations and improve the quality of life in Niobrara County.

#### **31.1.020 Objective**

The County land use regulations and application/proposal review process will be designed and executed in an efficient and timely manner.

#### **31.1.030 Goal**

Reduce, eliminate, or mitigate potential conflicts between incompatible land uses through proper land use/development siting, zoning, design, access, screening, or buffering.

#### **31.1.040 Policy**

The County will develop subdivision and zoning regulations that promote orderly, high-quality development.

**END TITLE 31**

## TITLE 32 - DEVELOPMENT STANDARDS

Niobrara County will consider adopting zoning regulations which will cause the responsible development within the County and protect the health, safety, and welfare of its residents.

### Chapter 1 - Plan Implementation

#### **32.1.010 Vision**

Niobrara County will encourage orderly growth and land use development patterns which protect sensitive areas and the natural environment, and provide for the proper use and conservation of renewable and non-renewable resources.

#### **32.1.020 Objectives**

All developments shall conform to the County's goals and policies set forth in this document

#### **32.1.030 Goal**

Niobrara County will consider developing planning and zoning regulations that will direct developers to consider the following things when planning their developments: land use, water, sewer, solid waste disposal, roads, open space, vegetation, and impacts to historical or recreational areas within the County.

#### **32.1.040 Policy**

All development proposals will be evaluated for conformity and consistency with the County's adopted goals and policies, and anticipated long-term impacts to the County as a whole. If not in accordance with them, the development will be permitted only if it can be adequately demonstrated that the proposal is an improvement to the stated goals and policies, and is consistent with the purpose and intent thereof.

County land use regulations and application/proposal review processes will be designed and executed in an efficient and timely manner. All decisions rendered by the County with respect to public and private development will be made on the basis of compliance with the County's adopted goals and policies. In areas where the County is silent, proper planning methods, procedures, and development standards shall be employed to assure the best possible results within the realm of economic and practical feasibility.

**END TITLE 32**



# TITLE 33 - PLAN ADOPTION

The Niobrara County Planning and Zoning Commission hereby recommends to the Board of Niobrara County Commissioners that the foregoing 2024 Niobrara County Land Use Plan be approved and thereby declared as official Niobrara County Policy in compliance with the provisions of the Wyoming Administrative Procedures Act (W.S. §16-3-101 thru 16-3-115) and W.S. §9-8-301 thru 9-8-302. This recommendation having been made by unanimous vote in the affirmative this 10<sup>th</sup> day of December, 2024.

\_\_\_\_\_  
Sena Pearson, Chairman

\_\_\_\_\_  
James Kruse, Vice-Chairman

\_\_\_\_\_  
Brian Zerbe, Commissioner

\_\_\_\_\_  
Marilyn Nelson, Commissioner

\_\_\_\_\_  
Heather Goddard, Commissioner

ATTEST: \_\_\_\_\_  
Becky Freeman, Secretary

The foregoing 2025 Niobrara County Land Use Plan is hereby adopted by the Board of Niobrara County Commissioners this TBD day of TBD, 2025, as official Niobrara County Policy. Adoption of this plan is hereby declared to be in compliance with the provisions of the Wyoming Administrative Procedures Act (W.S. §16-3-101 thru 16-3-115) and W.S. §9-8-301 thru 9-8-302.

\_\_\_\_\_  
Patrick Wade, Chairman

\_\_\_\_\_  
Elaine Griffith, Commissioner

\_\_\_\_\_  
Jeb Hanson, Commissioner

ATTEST: \_\_\_\_\_  
Becky Freeman, Niobrara County Clerk

## TITLE 34 - APPENDIX A

- 1) Notice of Planning Commission Public Hearing
- 2) Minutes of Planning Commission Public Hearing held September 10, 2024
- 3) Notice of Updated Land Use Plan Document
- 4) Notice of County Commissioners' Public Hearing
- 5) Minutes of County Commissioners' Public Hearing held February 4, 2025
- 6) Resolution 25-xx

## TITLE 35 - APPENDIX B

- 1) Resolution to Pursue a Comprehensive Land Use Plan (December 6, 1994)
- 2) Resolution 95-07: Action Supporting County Custom, Culture and Heritage in Decision Making Regarding Federal Lands in Niobrara County, State of Wyoming (March 21, 1995)
- 3) Resolution 24-01: Action Supporting County Custom, Culture and Heritage in Decision Making Regarding Federal Lands in Niobrara County, State of Wyoming (January 2, 2024)
- 4) Resolution 96-21: Adoption of the Revised Niobrara County Land Use Plan (October 1, 1996)
- 5) Resolution 96-24: Action Supporting County Custom, Culture and Heritage in Decision Making Regarding State or Private Lands in Niobrara County, State of Wyoming (November 12, 1996)
- 6) Resolution 24-02: Action Supporting County Custom, Culture and Heritage in Decision Making Regarding State or Private Lands in Niobrara County, State of Wyoming (January 2, 2024)
- 7) Resolution 96-26: Authorization to Create the Niobrara County Planning and Zoning Commission (November 19, 1996)
- 8) Resolution 97-02: Bureau of Land Management Proposed Rule on Criminal Law Enforcement (March 4, 1997)
- 9) Niobrara County Wyoming Land Use Regulations Zoning Resolution (July 1, 1997)
- 10) Resolution 97-09: Action Approving Niobrara County Planning and Zoning Commission Zoning Resolution (July 22, 1997)
- 11) Niobrara County Planning and Zoning Commission Interpretive Note to Zoning Resolution (June 9, 1998)
- 12) Resolution 98-09: Adoption of Standards – Specifications for Construction of Rural Subdivision Roads & Streets (July 7, 1998)
- 13) Resolution 21-12: Resolution Approving the Niobrara County Natural Resource Management Plan (August 3, 2021)

## TITLE 36 - APPENDIX C

- 1) W.S. §36-12-101
- 2) Groundwater Depth Observation Wells Map (1976)
- 3) Attachment I: Weed and Pest Control Act of 1973