

**WYOMING WILDLIFE AND NATURAL RESOURCE TRUST ACCOUNT BOARD
RULES AND REGULATIONS**

**CHAPTER 1
GENERAL PROVISIONS**

Section 1. Wyoming Wildlife and Natural Resource Trust Account Board.

The Wyoming Wildlife and Natural Resource Trust Account Board was established by W.S. 9-15-104 effective July 1, 2005, as may be amended, and has the powers and duties established in other related legislation as applicable.

Section 2. Authority.

These Rules are promulgated as authorized by the Wyoming Administrative Procedure Act, W.S. 16-3-101 to 16-3-115 and the provisions of law creating the Wyoming Wildlife and Natural Resource Trust Account Board, specifically W.S. 9-15-104(f) which mandates the adoption of Rules and Regulations to implement the provisions of W.S. 9-5-101 through 9-15-107, W.S. 28-11-401, or other provisions of law subsequently enacted.

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Section 3. Purpose and Objectives.

These Rules and Regulations are established to effectuate, and shall be applied so as to accomplish, the general purposes of the Wyoming Wildlife and Natural Resource Funding Act (the "Act"), as may be amended which are to promote, preserve and enhance the wildlife, multiple use, natural resource and environmental heritage of Wyoming and its people.

Section 4. Definitions.

The following definitions shall control in any application of these Rules and Regulations;

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- a) "Board" means the Wyoming Wildlife and Natural Resource Trust Account Board created by W.S. 9-15-104;
- b) "Governmental organization" means any state, tribal, federal, district, or local governmental agency, including municipal subdivisions;
- c) "Income account" means the Wyoming Wildlife and Natural Resource Trust Income Account created by W.S. 9-15-103(b);
- d) "Large project" means a project for which the grant sought under the Act equals or exceeds two hundred thousand dollars (\$200,000);

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- e) "Matching contribution" includes money and in-kind contributions, including the economic value of any non-monetary donated contribution to a project by the applicant including but not limited to labor, equipment usage, lands, land rights, facilities or other terms essential to a project;
- f) "Natural resource heritage" means renewable natural resources managed under a balanced stewardship that provides for the optimization of social, economic and cultural benefits for the citizens of Wyoming pursuant to W.S. 19-15-102(a)(iv);
- g) "Nonprofit organization" means an entity or organization that is defined as such by the Internal Revenue Service pursuant to 26 U.S.C. 501(c);
- h) "Rules" means the Rules and Regulations established by the Wyoming Wildlife and Natural Resource Trust Account Board;
- j) "Secretary" means the Secretary of the Wyoming Wildlife and Natural Resource Trust Account Board;
- k) "Select committee" means the Select Natural Resource Funding Committee created by W.S. 28-11-401;
- l) "Small project" means a project for which the grant sought under the Act is less than two hundred thousand dollars (\$200,000);
- m) "Trust account" means the Wyoming Wildlife and Natural Resource Trust Account created by W.S. 9-15-103(a); and
- n) "Wildlife" means terrestrial and aquatic species native to Wyoming, as defined by the Wyoming Game and Fish Department.

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CHAPTER 2 MEETINGS

Section 1. Regular and Special Meetings.

The Board shall, as provided by W.S. 9-15-104(d), meet regularly. The Board shall hold at least one (1) meeting each quarter, which meetings shall be called by the Secretary after consultation and coordination with the Chairperson and other members of the Board. Special meetings may be called by the Chairperson. Nothing contained in these Rules shall be construed as prohibiting the Board or the Chairperson from holding informational proceedings, meetings or conferences deemed by the Board to be necessary in the performance of its duties.

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Section 2. Public Meetings.

All regular and special meetings are open to the public and shall be held in accordance with W.S. 16-4-403.

Section 3. Notice.

Notice of any regular or special meeting of the Board shall be published not less than once a week for two (2) weeks prior to the meeting in a newspaper of general circulation. The notice shall specify the date, time and place of the meeting and the business to be transacted.

Section 4. Quorum and Manner of Acting.

A majority of the Board shall constitute a quorum for transaction of business at any meeting of the Board.

Section 5. Majority for Approval of Actions.

A majority vote of the members of the Board shall be required for approval of any actions of the Board.

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Section 6. Legal Counsel.

In all matters before the Board, the Board may request the Attorney General of the State of Wyoming or a representative of his staff to be present throughout the meeting to serve as legal counsel.

Section 7. Agenda.

The agenda shall be prepared under the direction of the Chairperson for each meeting of the Board. Copies of the agenda and other available data shall be provided to Board members a minimum of ten (10) calendar days prior to each meeting. At regular meetings, time shall be provided for items not on the agenda. The agenda shall include an opportunity for the public to comment on an issue or project under consideration by the Board at that meeting.

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Section 8. Minutes.

Minutes of the Board shall be kept in a form that will provide a permanent record of the proceedings of the Board. Copies of the draft minutes will be provided to Board members in advance of the next regularly scheduled meeting together with the meeting agenda as prescribed in Chapter 2, Section 7 of these Rules. Minutes of the meeting shall be prepared under the supervision and direction of the Secretary, submitted at the next meeting of the Board for approval, and, upon Board approval shall be signed by the Chairperson. A file of the permanent minutes of all Board

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meetings will be maintained in the office of the Board to be made available upon request by any interested parties.

Section 9. Record.

The record of all public meetings shall include formal and informal notices; any written comments, statements or exhibits received; and other pertinent data. The record shall also include recorded testimony, or a memorandum to the file summarizing the views and comments presented at the meeting.

Section 10. Rules of Order.

Any matter of procedure or conduct not specifically provided for by state law or by Rules and Regulations of the Board shall be governed by Robert’s Rules of Order Revised, Latest Edition.

**CHAPTER 3
CHAIRPERSON**

Section 1. Chair.

At the first regularly scheduled meeting of the Board each year, the members of the Board shall, as the first item of business, elect a Chairperson and Vice Chairperson. The Chairperson and Vice Chairperson shall be elected by a majority vote of the Board. The elected Chairperson shall, thereafter, conduct the meetings for the duration of his or her term. ~~In the absence of the Chairperson, the Vice Chairperson shall assume the duties of the Chairperson, including those described in Chapter 5.~~

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Section 2. Vacancies.

Any vacancy in the position of Chairperson shall be addressed by the remaining members of the Board, who shall elect a Chairperson at the next regularly scheduled meeting following the vacancy.

**CHAPTER 4
SECRETARY AND STAFF**

Section 1. Secretary.

The Board shall hire a Secretary who shall function as the Executive Director to the Board. The secretary shall administer funds of the Board, and act as liaison for the Board to other state, federal and local governmental agencies, as well as nonprofit organizations and members of the public. The Secretary shall serve at the pleasure of, and be solely responsible to, the Board.

Deleted: Section 3. . Vouchers and Payment Requests.¶

¶ The Chairperson shall be authorized to execute vouchers and payment requests for purchases which are authorized by the Board. All such vouchers and requests for payment shall be presented to the Wyoming State Auditor in the manner prescribed by the State Auditor’s Office.¶

¶ Section 4. . Contracts.¶

¶ The Chairperson shall be authorized to execute any contracts in the name of the Board, with prior Board approval.¶

Section 2. Staff.

The Secretary shall hire, supervise, and review the performance of other staff members as may be authorized by the Board.

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Section 3. Annual Review.

The Board will review the performance of the Secretary on an annual basis.

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**CHAPTER 5
ADMINISTRATION**

Section 1. Authorization of Expenditures.

a) The Secretary shall prepare an annual administrative budget which shall be submitted to the Board for approval no less than 30 days prior to the deadline set for budget submission to the Governor.

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b) The Secretary may purchase or provide necessary capital equipment, supplies and services for the Board to a maximum of one thousand dollars, (\$1,000.00) per purchase. Purchases in excess of the maximum amount are subject to prior approval by the Board.

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c) The Secretary shall provide monthly financial statements to each member of the Board.

d) All fiscal records of the Board shall be maintained in accordance with State of Wyoming Accounting Procedures.

e) Inventory records shall be maintained on physical property under control of the inventory coordinator of the Governor’s Office. Acquisitions and property that is disposed of as “surplus property” shall be recorded on the Governor’s perpetual inventory records.

f) Board members, the Secretary and staff shall present vouchers and requests for payment in accordance with the policies and procedures of the Wyoming State Auditor’s Office.

g) The Board Chairperson, Vice Chairperson, and Secretary shall be authorized to approve vouchers and requests for payment consistent with the policies and procedures of the Wyoming State Auditor’s Office.

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Section 2. Contracts.

a) All contracts in the name of the Board shall be drafted in accordance with the Contract Manual for State Agencies compiled by the Wyoming Attorney General’s office.

- b) Contracts shall be executed, with Board approval, in the name of the Board by the Chairperson, Vice Chairperson, or Secretary,
- c) The administrative office of the Board shall retain a fully executed copy of all contracts, together with any related attachments or exhibits.

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Section 3. Annual Report.

Pursuant to W.S. 9-15-104(h), the Board shall provide a written annual report to the Governor, the Joint Appropriations Interim Committee, the Select Committee, and the Joint Travel, Recreation, Wildlife and Cultural Resources Committee no later than September 1 with respect to revenue received in the Income and Trust Accounts and grants awarded by the Board. The Secretary shall prepare a draft annual report for review and approval by the Board with the draft to be submitted to the Board no more than ten (10) days after receiving budget figures from the State Auditor.

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Section 4. Access to Records.

- a) Pursuant to the Wyoming Public Records Act, W.S. 16-4-201 through 205, all public records, except for those for which inspection may or must be denied, may be viewed, copied and physically handled in the office of the Board during normal business hours, upon written request to the Board.
- b) Subject to the availability and capability of equipment within the Board office, the Board shall furnish copies of any records permitted to be reproduced to any individual who has the right to receive information. For this service, the Board shall charge a rate of twenty cents (\$0.20) per copy for black and white, and one dollar (\$1.00) per copy for color copies, plus service time where appropriate. Service time will be calculated at the actual hourly rate for the employee engaged in the request, and will be charged at the sole discretion of the Board.
- c) No records shall be copied or transmitted by anyone other than authorized members of the Board or their employees.
- d) Personnel files shall remain confidential except to the employee who is the subject of record and the duly elected or appointed officials who supervise the work of the person in interest.
- e) All requests for information regarding either pending or possible litigation are confidential and should be immediately referred to the Office of Attorney General.

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**CHAPTER 6
GRANT ELIGIBILITY**

Section 1. Competitive Grants.

Funds allocated from the Income Account shall be disbursed pursuant to a competitive grant process except as provided under the provisions of Chapter 9, Section 2. No funds shall be disbursed for fee simple title acquisition of real property to be held by the state of Wyoming, nor shall funds be disbursed to purchase water rights to be held by the state of Wyoming.

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Section 2. Competitive Grant Applications.

All grant applications shall be submitted in a form and manner to be prescribed by the Board.

Section 3. Criteria for Matching Funds or Other In-Kind Contributions.

Matching contributions include money and in-kind contributions to a given project and will be required for project approval. The amount of the matching contribution will be considered in the grant evaluation and prioritization process. Matching funds need not be available for expenditure prior to grant funding approval, but proof of matching funds must be fully documented.

Section 4. Prohibitions.

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a) No funds shall be made available for the reintroduction of any native or non-native game or non-game species pursuant to the Endangered Species Act of 1973, 16 U.S.C. 1531 et seq., as amended.

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b) The Board shall not have the power of eminent domain.

c) No funds shall be disbursed for fee simple title acquisition of real property, nor shall funds be disbursed to purchase water rights to be held by the State of Wyoming.

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d) The Board shall not require public access to private land as a condition to receive any grant funds.

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**CHAPTER 7
GRANT EVALUATION AND PRIORITIZATION PROCESS**

Section 1. Evaluation, Ranking and Prioritization of Grant Proposals.

The Board shall review, evaluate, rank and prioritize applications for grants. The evaluation process shall include a pre-application screening of all applications. That screening shall consist of a preliminary review of all grant applications for compliance with the Wyoming Wildlife and Natural Resource Funding Act and for adherence to the criteria for grants established by the Board. The Board shall, at its

sole discretion, determine which grants should move beyond the pre-application screening.

For those applicants selected to move beyond the pre-application process, such applicants must allow for a site visit by Board members, staff, or other qualified evaluators as may be designated by the Board.

The Board shall rank and approve or reject final grant applications based on the overall purposes of the Act. Large project grant applications approved by the Board will be forwarded to the Select Committee for its review and recommendation.

In reviewing, evaluating and ranking final applications, the Board shall:

- a) place an emphasis on those projects that are partnerships involving private and public entities;
- b) consider the effects of the project on citizen access to public lands for hunting, fishing and recreational activities; and
- c) consider the socioeconomic impacts of the grant proposal on the affected community.

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Section 2. Criteria for Grants.

Criteria shall be adopted for distributions from the Income Account. These criteria will be developed by the Board for awarding grants based upon a priority ranking system designed to achieve the purposes of the Act and shall be periodically re-evaluated by the Board.

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In establishing grant criteria the Board shall, at a minimum, include the ability of any project to accomplish one (1) or more of the following:

- a) improve and maintain existing terrestrial habitat necessary to maintain optimum wildlife populations;
- b) preserve open spaces, by purchase or acquisition of development rights;
- c) improve and maintain existing aquatic habitat necessary to maintain optimum fish populations;
- d) acquire terrestrial or aquatic habitat when existing habitat is determined critical or is present in minimal amounts, and acquisition presents the necessary factor in attaining or preserving desired wildlife or fish population levels;
- e) conserve, maintain, protect and develop wildlife resources, the environment and Wyoming's natural resource heritage;

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- f) participate in water enhancement projects to benefit aquatic habitat for fish populations and allow for other watershed enhancements that benefit wildlife and other natural resources;
- g) address and mitigate impacts detrimental to wildlife habitat, the environment, and the multiple use of renewable natural resources attributable to residential, mineral and industrial development; or
- h) mitigate conflicts and reduce the potential for disease transmission between wildlife and domestic livestock.

Section 3. Ranking System.

The Board shall prepare and approve a ranking system to be used to evaluate all eligible applications. The ranking system shall be approved by an affirmative vote of the Board. Any subsequent amendments to the ranking system shall also be approved by an affirmative vote of the Board.

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Section 4. Multi-Year Projects.

Multi-year projects may be funded by the Board for the duration of the project provided that annual evaluations of progress toward project goals are submitted and accepted by the Board. No commitment may exceed three (3) years without formal action by the Board.

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Section 5. For-Profit Corporations.

The Board may participate with for-profit corporations to develop wildlife habitat but may not divert financial resources to any for-profit corporation.

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Section 6. Emergency Grants.

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The Board may at any time award emergency grants for the purpose of enhancing or maintaining the natural resources or wildlife of Wyoming, provided such awards are approved by a majority of the members of the Board at a duly called meeting. No individual emergency grant shall exceed \$10,000, and emergency grants shall not constitute more than ten percent (10%) of the total allocated for projects in any given year.

**CHAPTER 8
REVIEW AND MONITORING OF GRANTS**

Section 1. Review and Monitoring of Grants.

The Board shall monitor the progress of funded projects. The grantee will provide reports to the Board summarizing the progress of the project and providing an accounting of funds expended to date. These reports shall be submitted at a time and in a form as specified in the contractual agreement.

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CHAPTER 9 GIFTS, TRANSFERS, BEQUESTS AND DONATIONS

Section 1. Criteria for Acceptance or Rejection of Gifts, Transfers, Bequests and Donations Including Interests in Real Property.

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The Board may accept or reject any gift, grant, transfer, bequest, royalty or donation at its sole discretion except that the Board shall not accept any fee simple interest in real property but shall make recommendations to the Board of Land Commissioners regarding acceptance of any such interest.

Section 2. Criteria for Acceptance or Rejection of Gifts, Transfers, Bequests, and Donations Including Water Rights.

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No water right shall be accepted by the Board unless the right is attached to real property accepted by the Board as prescribed in Chapter 9, Section 1 of these Rules.

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Section 3. Transfer of Funds from Private Interests.

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Any gift, grant, transfer, bequest, royalty or donation shall be subject to the instrument transferring such interest. Any funds transferred to the Board for particular purposes shall be placed in segregated sub-accounts and shall be distributed in accordance with the terms of the transferring instrument.

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