

June 11, 2010

Teton Board of County Commissioners, Mayor Barron and Jackson Town Council
Cc: Jeff Daugherty, Tyler Sinclair
Re: Proposed Natural Resources Technical Advisory Group

Dear Teton County Commissioners, Mayor Barron and Jackson Town Council,

At your request and in relation to your June 14th meeting to discuss the Natural Resources Technical Advisory Group (NRTAG), we are including below several suggested changes to Chairman Phibbs' proposal from May 3, 2010, based on the 2009 draft joint resolution (included in the December 2009 staff report) for an Environment Commission. Thank you for the opportunity to submit these comments.

Integrating draft joint resolution language into the NRTAG proposal:

As you modify the latest NRTAG proposal it will be helpful to consult the original 2009 draft joint resolution for an Environment Commission, attached to this memo. We would ask that you refer to that resolution throughout your review of the new proposal. We have called out several critical portions of the resolution that should be considered during your efforts to improve the NRTAG mandate, described in more detail below.

NRTAG Mission Statement/Pursuit of Mission:

1. *One of our primary concerns centers on the proposed shift in mission for the NRTAG from the proposed Environment Commission. The NRTAG, as a collective body of experts, should be given the opportunity to come up with its own research priorities, and not be required to respond solely to directives from the joint elected officials. Please reincorporate the original mission from the draft Joint Resolution (SEE HIGHLIGHTED SECTION A of the draft joint resolution).*

2. Direction that the NRTAG should "oversee the development of a comprehensive and on-going inventory of the Teton Region's ecosystems, and the health of each of their components" needs to be included. This is a huge gap in the current NRTAG proposal (SEE HIGHLIGHTED SECTION B).

3. *Suggestion for NRTAG Pursuit of Mission #2: The NRTAG should prioritize (not only identify) the potential studies/inventories that are meant to fill current data gaps (SEE HIGHLIGHTED SECTION C).*

4. *Suggestion for NRTAG Pursuit of Mission #3: The NRTAG should recommend how existing policies/regulations can be improved (SEE HIGHLIGHTED SECTION D).*

Composition of NRTAG:

5. We hope that you revisit the detailed "qualifications/expertise" and "responsibilities" sections of the attached draft joint resolution (SEE HIGHLIGHTED SECTION E) as well as the November 2009 staff report, attached.

Work of the NRTAG:

6. Similar to our comments on the mission statement, *the most concerning portion of this proposal is that the directives to the group will be set "exclusively" by the elected officials and the NRTAG chair. This language needs to shift to reflect the suggested change to the mission, which allows*

the group to collectively formulate their own research priorities and present them to the elected officials (SEE HIGHLIGHTED SECTION A).

7. Partnerships with other pertinent organizations (Game and Fish, NPS, USFS etc) should be encouraged more strongly in this section, as in the draft joint resolution (SEE HIGHLIGHTED SECTION F).

8. Clarification is needed regarding proposed terms for members of the NRTAG as well as for the group as a whole. For example, the draft joint resolution called for staggered term expirations (SEE HIGHLIGHTED SECTION G).

9. Language that designates that the NRTAG will be enabled within 30 days of approval is necessary (SEE HIGHLIGHTED SECTION H).

10. Will records and accounts, such as meeting minutes, be documented even though the NRTAG proposal states that meetings will not be public hearings (SEE HIGHLIGHTED SECTION I)?

Outstanding Key Questions:

1. Please clarify the statutory and practical differences between a “commission” and a “technical advisory group.” What was the intent of the shift from a “commission” to a “technical advisory group?” Does this shift represent a lack of commitment on the part of our elected officials toward upholding our community’s top priority? Do the town and county still intend to have a joint resolution on this matter, as originally proposed? (To date, no joint resolution on the NRTAG has been presented.)

2. More details about the role of the Conservation District and the Planning Departments would be valuable in this section, in addition to details about the operations of the group. For example, will this group meet on a regular basis or only when given project-specific directives?

3. Given the following language on the top of page 2 of the current NRTAG proposal: “The term of the Natural Resources Technical Advisory Group shall be three years which may be extended...”, we are concerned that the proposal is for a temporary group. Why is this language included?

Thank you for your consideration of these comments. We hope that you also consider the months of verbal and written public comment that you have received from a variety of community members.

Sincerely,



Kristy Bruner
Community Planning Director



Becky Tillson
Community Planning Associate

December, 2009 Jim Staff Report

Attachment I

Joint Resolution Creating the Jackson/Teton County Environment Commission

**JOINT RESOLUTION CREATING THE
JACKSON/TETON COUNTY ENVIRONMENT COMMISSION**

This Joint Resolution Creating the Jackson/Teton County Environment Commission is adopted this ____ day of _____, 20____, by Board of County Commissioners of Teton County, Wyoming (hereinafter “County”) and the Town Council of the Town of Jackson, Wyoming (hereinafter “Town”). The County and Town are sometimes referred to herein individually as the “Party” and collectively as the “Parties.”

DEFINITIONS

The following definitions apply to the terms of this Joint Resolution:

- The “Teton Region” shall mean the ecosystems encompassing all of Teton County, Wyoming, southern Yellowstone National Park, eastern Teton County, Idaho and northern Lincoln County, Wyoming.

RECITALS

- In November 2008, the Sustaining Jackson Hole (SJH) Environment Group suggested that the Town and County establish a commission, whose purpose would be to inform Town and County officials about scientific principles relating to planning and policy matters, so that the Parties could incorporate said principles into the Parties’ Comprehensive Plan update.
- Theme 1 of the draft Comprehensive Plan, released April 3, 2009, proposed the establishment of such a commission, referring to the commission as an “Environment Commission.”
- The Joint Town and County Planning Commissions have recommended that the Town and County create an Environment Commission prior to the Parties’ adoption of an updated Comprehensive Plan.
- At the Parties’ Joint Information Meeting on November 2, 2009, the Town and County Planning Directors presented to the Parties the concept of a joint Town/County Environment Commission.
- The Parties are of the opinion that a Jackson/Teton County Environment Commission will promote the public health and welfare by informing Town and County officials about scientific principles relating to planning and policy matters, so that the Parties can incorporate said principles into the Parties’ Comprehensive Plan update and into the Parties’ planning processes in general.

NOW THEREFORE, in consideration of the Recitals, the Town and County hereby create the **Jackson/Teton County Environment Commission** (sometimes hereinafter the “Environmental Commission”), under the following terms and conditions:

1. Mission Statement. The mission of the Jackson/Teton County Environment Commission is (1) to develop, and provide to the Town and County, a comprehensive, science-based understanding of the health of the Teton Region's ecosystems; (2) to inform Town and County policy decisions about these ecosystems. A

Recognizing that local government already devotes significant resources to planning for the development of individual parcels and smaller areas of the community, the Environment Commission will focus its efforts on developing the knowledge needed to understand environmental health and functions at the ecosystem level. Based on this information, the Environment Commission will make recommendations to government officials about policies addressing the region's ecosystems.

The Environment Commission will be responsible for proposing their annual work plan which will require approval from the Town Council and Board of County Commissioners. In addition, the Town Council and the Board of County Commissioners may on occasion request specific data or research.

2. Pursuit of Mission Statement. In pursuit of its mission, the Environmental Commission shall:

- a. Oversee the development of a comprehensive and on-going inventory of the Teton Region's ecosystems, and the health of each of their components; B
- b. Identify what is known and not known about the Teton Region's ecosystems, prioritize what needs to be learned, and help effect the research needed to obtain that information; C
- c. Evaluate Town and County policies relating to the Teton Region's ecosystems, identify areas where those policies need improvement, and make recommendations about how they can be improved; D
- d. Work with scientists and planners to identify ways in which Town and County officials can best incorporate sound ecological science into land use and other policy- and planning-related decisions; and,
- e. Work with Town and County officials to assess the effectiveness of policies affecting the Teton Region's ecosystems.

3. Members of the Commission. The Environment Commission shall include seven (7) members, all of whom shall serve on a voluntary basis. All seven members shall demonstrate: E

- Effective communication skills;
- Knowledge of the realities of political, policy and governmental processes;
- Familiarity with environmental and land use issues in Teton County; and
- A history of successful teamwork in the area of expertise for which the member is appointed.

Five (5) members of the Environment Commission shall be scientists with significant knowledge of the Teton Region's ecosystems; one (1) shall be qualified in one or more aspects of public policies particularly germane to the Teton Region's ecosystems; and (1) one shall serve at-large, all as set forth below.

Two (2) Wildlife Ecology Commissioners. Given wildlife's importance to both local land use planning and the community's overall character and economy, two (2) scientists shall be wildlife ecologists. The wildlife ecologists' combined expertise shall include as many of the following ecological disciplines as reasonably practicable:

- Habitat use/ecology;
- Ungulates (especially elk, deer, moose);
- Predators/higher trophic level species (especially bears, wolves, mountain lions);
- Waterfowl (especially swans);
- Raptors (especially eagles);
- Threatened and endangered species; and,
- Human wildlife interaction.

Two (2) Aquatic & Hydrology Commissioners. Given the key role the Teton Region's water systems play in maintaining overall environmental quality, and given the increasing importance water quality issues are playing in land-use issues, two (2) scientists shall be experts in water-related environmental science. Their combined expertise shall include as many of the following water-related environmental science disciplines as reasonably practicable:

- Native fish, habitat, and habitat restoration;
- Riverine systems;
- Fisheries management;
- Wetland identification;
- Wetland mitigation;
- Wetland restoration/human constructed wetlands;
- Surface and subsurface hydrology including irrigation;
- Riparian ecology (especially as related to human impacts); and,
- Water quality.

One (1) Landscape & Vegetation Ecology Commissioner. One (1) scientist shall be an expert in landscape and vegetation ecology, which includes the following disciplines:

- Environmental effects of development at landscape level;
- Ecosystem processes/services,
- Land use planning;
- Disturbance regimes (e.g. fire ecology);
- Restoration of vegetation communities; and
- Geographic Information System (GIS) familiarity.

One (1) Policy Commissioner. One commissioner shall demonstrate:

- Expertise or experience in collaborative private and/or public policy development;
- Interest in, and knowledge about, environmental/science issues and related topics;
- Experience in a similar position on a public or private board charged with setting or recommending policy decisions; and
- Experience with land use planning.

One (1) At-Large Commissioner. One commissioner shall demonstrate expertise in contemporary issues of concern, such as GIS/database specialist, geologist, seismic expert, water quality expert, air quality expert, etc.

4. Assistance from Outside Sources. To the extent it deems appropriate, the Environment Commission shall seek input and assistance from individuals and institutions conducting scientific research in the Teton Region, including the Teton Conservation District, Wyoming Game and Fish Department, United States Fish and Wildlife Service, National Park Service, United States Forest Service and other public, private, and non-profit sector organizations. F
5. Appointment. A majority vote by both the Jackson Town Council and the Teton Board of County Commissioners shall be required in order to appoint a member to the Environment Commission.
6. Terms. The terms of the members appointed to the first Environment Commission shall be of such length and so arranged that the terms of two (2) members shall expire at the end of the first year, the terms of two (2) other members shall expire at the end of the second year, and the terms of the remaining three (3) members shall expire at the end of the third year; thereafter each member shall be appointed for a term of three (3) years. If a vacancy occurs in the Commission, the vacancy shall be filled by appointment for the unexpired term. G
7. Specific Questions posed to the Commission. A majority vote of either the Town, the County, or both Parties can pose specific questions to the Commission about the relationship between the Teton Region's ecosystems and policy strategies.
8. Organization of the Commission. The Environmental Commission shall organize within thirty (30) days after its establishment, shall adopt rules for the transaction of its business and shall keep a record of its actions and deliberations. H
9. Open Meetings. All meetings, records and accounts of the Environmental Commission shall be public. I
10. Removal of Commissioners. Any member of the Commission may be removed for cause after public hearing upon the majority vote of both Parties.

COMMENTS & QUESTIONS: Do you want to define "for cause," for example, by including a certain number of unexcused absences from Commission meetings?

11. Funding.

COMMENTS: Here are several options for consideration.

Option No. 1. The Commission shall be funded by the Town and County equally, but the Commission shall actively seek funding from grants, non-profit associations and other like sources. The County shall commit up to twenty percent (20%) of the time of one Planning Department staff member in order to assist the Commission.

Option No. 2. The Commission shall be funded by the Town and County in the following percentages: Town ____% and County ____%, but the Commission shall actively seek funding from grants, non-profit associations and other like sources. The County shall commit up to twenty percent (20%) of the time of one Planning Department staff member in order to assist the Commission.

Option No. 3. In recognition of the fact that the vast majority of property in Teton County, Wyoming is in the unincorporated part of the County, the Commission shall be funded by the Town and County in the following percentages: Town ____% and County ____%. The Commission also shall actively seek funding from grants, non-profit associations and other like sources. The County shall commit up to twenty percent (20%) of the time of one Planning Department staff member in order to assist the Commission.

Option No. 4. The Commission shall not incur any expenses unless expressly authorized to do so by one of the Parties. The Party approving the expense shall fund the expense. Further, the Commission shall actively seek funding from grants, non-profit associations and other like sources. The County shall commit up to twenty percent (20%) of the time of one Planning Department staff member in order to assist the Commission.

Option No. 5. The Party posing a question to the Commission about the relationship between the Teton Region's ecosystems and present or proposed planning and policy strategies, as stated in paragraph 1 above, shall fund the expenses incurred by the Commission in answering the question. Further, the County shall commit up to twenty percent (20%) of the time of one Planning Department staff member in order to assist the Commission.

12. **Conflicts of Interest.** A member of the Environment Commission shall not vote on making a recommendation to the Town or County in which recommendation the member has a personal or private interest. For the purposes of this section, a personal or private interest:

- Is, with respect to the member, an interest which is direct and immediate as opposed to speculative and remote; and
- Is an interest that provides the member a greater benefit or a lesser detriment than it does for a large or substantial group or class of persons who are similarly situated.

COMMENT: This language mirrors the state statute.

Adopted by the Board of County Commissioners of Teton County at a Joint Information Meeting held with the Town of Jackson on the _____ day of _____, 20__.

**THE BOARD OF COUNTY COMMISSIONERS
TETON COUNTY, WYOMING**

Hank Phibbs, Chairman

(Seal)

Attest:

County Clerk

TOWN OF JACKSON, WYOMING

Mark Barron, Mayor

Attest:

Roxanne DeVries Robinson, Town Clerk

Jackson/Teton County Environment Commission
Qualifications/Expertise
October 22, 2009 –

The Mission of the Jackson/Teton County Environment Commission is to develop and provide the public and local decision-makers with a comprehensive, science-based understanding of the health of the Teton region's ecosystems. The primary purpose of this work is to inform Town and County policy decisions about these ecosystems.

To best effect this Mission, the Town of Jackson and Teton County governments believe that members of the Environment Commission must possess the basic personal and professional qualifications described below. In addition to these threshold qualifications, the Town and County will consider the totality of the candidate's credentials, experience and expertise, the composition of the Commission at the time, and other factors that will affect the contributions a candidate can be expected to make to the Commission.

Qualifications – General

As befits its role as a recommending board, Environment Commission members will possess and offer to the elected officials a combination of scientific and policy expertise.

1. Absence of Conflicts of Interest – Candidates should not have any interests that would materially impair their ability to exercise independent judgment.
2. Achievement – Candidates must have demonstrated professionalism and expertise in their field, and achievement in one or more scientific, governmental, community, or educational endeavors.
3. Process – Candidates are expected to have sound judgment, derived from scientific or policy-making experience, which demonstrates an ability to function effectively in an advisory role.
4. Local Knowledge – Candidates shall be familiar with environmental, scientific and land use issues in Teton County. Residency within Teton County is helpful, but not required.
5. Work Style – Candidates must possess mature and objective judgment and expertise, and have demonstrated a history of successful teamwork.

Qualifications – Experience and Scientific/Policy Expertise

Individual members of the Environment Commission will have extensive knowledge of, and experience in, at least one of the following fields:

- Ecology of human-dominated landscapes;
- Effects of infrastructure and development on specific aspects of ecosystems;
- Ecosystem processes, functions and/or services;
- Interpretation of scientific principles and literature to non-technical audiences;
- Effective communication skills;
- Knowledge of the realities of political, policy and governmental processes; and,
- Familiarity with environmental and land use issues in Teton County.

Specific Areas of Scientific/Policy Expertise

The Commission will be comprised of seven members. Of these, five members will be well-qualified in one or more aspects of ecosystem science, one will be well-qualified in one or more aspects of public policy, and one will be at large.

In order for the Commission to achieve maximum effectiveness, candidates will be evaluated based on the qualifications listed above, as well as their technical expertise in one or more of the specific disciplines listed below. These requirements are based on community interest and areas focused on in the current comprehensive plan, and are subject to change as circumstances change in the future.

Wildlife Ecology – 2 seats

Given wildlife's importance to both local land use planning and the community's overall character and economy, two seats will be filled by people with an expertise in wildlife ecology. Members holding these seats will, in aggregate, be knowledgeable about as many of the following ecological disciplines as possible:

- Habitat use/ecology;
- Ungulates (especially elk, deer, moose);
- Predators/higher trophic level species (especially bears, wolves, mountain lions);
- Waterfowl (especially swans);
- Raptors (especially eagles);
- Threatened and endangered species; and,
- Human wildlife interaction.

Aquatic Ecology & Hydrology – 2 seats

Given the key role the region's water systems play in maintaining overall environmental quality, and given the increasing importance water quality issues are playing in land-use issues, two seats will be filled by people with an expertise in water-related environmental science. These disciplines include:

- Native fish, habitat, and habitat restoration;
- Riverine systems;
- Fisheries management;
- Wetland identification;
- Wetland mitigation;
- Wetland restoration/human constructed wetlands;
- Surface and subsurface hydrology including irrigation;
- Riparian ecology (especially as related to human impacts); and,
- Water quality.

Landscape & Vegetation Ecology – 1 seat

- Environmental effects of development at landscape level
- Ecosystem processes/services
- Land use planning
- Disturbance regimes (e.g. fire ecology)
- Restoration of vegetation communities
- Geographic Information System (GIS) familiarity

Policy – 1 seat

- Expertise and experience in collaborative private and/or public policy development
- Interest in and knowledge of environmental/science issues and related topics
- Experience in a similar position on a public or private board charged with setting or recommending policy decisions
- Land use planning

At Large – 1 seat

- Expertise in contemporary issues of concern
- Examples may include: GIS/database specialist, geologist, seismic expert, water quality expert, air quality expert, etc.

In the event that a particular expertise is needed that the Commission does not possess, the Commission will be encouraged to seek outside consultation.