I. Background

The Forest Supervisor of the Medicine Bow-Routt National Forests and Thunder Basin National Grassland is the convener of a Cooperative Working Group (CWG) for the Thunder Basin National Grassland (TBNG). The CWG is a discretionary group, comprised of state, local, Federal, and Tribal governments, which provides a collaborative venue for sharing information about issues affecting land and resource management in and around the TBNG.

II. Purpose

The primary purposes of the CWG are to:

1) Facilitate meaningful communications and interactions between governments to address specific topics of interest;

2) Strengthen relations between governments that have authority and interest in matters involving lands and resources in and adjacent to the TBNG;

3) Foster an atmosphere of cooperation, trust, creativity, and group unity; and

4) Facilitate relations between participants and government entities.

The intended functions of this group include:

- Enhancing interagency communications to share information to improve awareness of cultural, economic, environmental, and legal issues.

- Working to provide a common understanding of public demands locally, regionally and nationally that influence ongoing and future use and enjoyment of the public lands.

- Providing a forum that enhances public knowledge and encourages meaningful involvement in government activities that affect the National Grassland or areas adjacent to it.

The CWG is an information gathering process, a forum for the free flow of information, and an opportunity to learn about plans, procedures, goals and objectives of the Forest Service and other governments and agencies represented. In a case by case basis, the group may inform management activities and inform the general type, location, and sequence of management activities within administrative and cooperative action areas, engage and inform or promote collaborative efforts, or be used solely as an information gathering process.

III. Products and Outcomes

Records of proceedings are maintained by the Forest Service, in Forest Service Series 1500—External Relations or subseries.
Forest Service response to proceedings will be focused on topics and information discussed during group activities, and will occur with a timeframe relative to the complexity of the topic.

The group may generate information and clarification about government and agency strategies, plans, and actions that affect the National Grassland and its land uses as well as surrounding lands and resources. The group will address issues they have identified for discussion and the notes of those discussions will be available to the public on the Ruckelshaus Institute website.

The group may also provide information for future use by agencies or the public, such as: environmental justice considerations in the local areas; economic data; interagency coordination, procedures, and services updates; awareness of cultural and legal issues; government management opportunities; public involvement opportunities; environmental conditions updates; status or change in jurisdictional authorities; and sources of informational resources.

Mutual education about the TBNG and its surrounding lands and resources, history, uses, and environmental conditions will be instrumental to strengthen relationships among local, county, State, tribal, and federal agencies. These deliberations between governmental agencies will help foster understanding and more meaningful evaluation of government services, capabilities, and limitations associated with public needs.

IV. Geographic Area

In general, this Working Group will focus on the Thunder Basin National Grassland. However, if participants feel a particular subject can benefit from a larger scale that includes other land ownerships, and if those landowners or managers are agreeable, the focus may expand.

V. Working Characteristics of the CWG

The following attributes help to describe the general working characteristics and scope of the CWG.

The CWG is:

• A discretionary external relations activity organized by Forest Service officials
• A cooperative, collaborative group of federal, tribal, State, and local government employees operating in their official capacity
• A process with participation of elected or government agency officials only
• A collaborative problem solving entity that is compliant with all implicated laws and regulations
• Well-publicized through the USFS and other CWG partners to their constituents
• A communication forum
• A means to seek information and ask questions
• Open to the public for listening only
• A group that will generate ideas that may be used by the USFS and other agencies

The CWG is not:
• A federal advisory committee
• An advisory board, committee, or group to obtain consensual advice or recommendations that the Forest Service officer must act upon
• A Resource Advisory Committee
• A Watershed Advisory Group
• A special interest activity
• A mid-level planning mechanism between the Thunder Basin National Grassland Land and Resource Management Plan and project-level plans
• Participatory to Forest Service decision-making
• Government-to-government consultation, or a substitute for consultation via existing laws or other interdepartmental agreements
• A replacement or supersedence of any other agreement
• A voting body to reach consensus or decisions on Forest Service policy, plans, or implementation of actions
• A forum for public comment

VI. Scope of Proceedings

The potential involvement of participants is dependent on a) the topic at hand, b) the determination by each entity that the topic is in their interest and c) on the Working Group’s determination that the entity can/should contribute to the deliberation. The proceedings and activities are organized to address specified subject topics. Subject topics may be chosen in part because of an existing, common jurisdictional responsibility. Refer to Attachment 2—Schedule of Cooperative Working Group Meetings.

The following conceptual example outlines the possible course of proceedings for any specific topic. Subject topic identification, usually by the Forest Service officer

1. Selection of participants for the specific topic
2. Agenda development and establishment of desired product or outcome objectives
3. Calendar of proceedings within a scheduled timeframe
VII. Authority and Legal Framework

The Forest Service officer conducts external relations in accordance with Forest Service Directives. In instances where agency direction or policy does not specifically address a relations matter, the line officer applies discretion in management of the relationship. This group will function as a discretionary entity convened and guided by the Forest Service to include as many relevant participants as necessary.

As a solely governmental entity, the Federal Advisory Committee Act (FACA) (Pub. L. 92-463, as amended; 5 U.S.C. Appendix) is not implicated over this group, due to the following two requirements in compliance with the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), that permit committees exemption of FACA: (1) Meetings are held exclusively between federal officials and “elected officers of state, local, and tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities”; and (2) such meetings are solely for the purpose of exchanging views, information, or advice “relating to the management or implementation of federal programs established pursuant to statute, that explicitly or inherently share responsibilities or administration.”

The Forest Service officer chooses subject topics for the proceedings that have jurisdictional responsibilities and invites the responsible officials of the other governments accordingly by topic. Participation is by Forest Service invitation and acceptance by the other government official. The selection of invitees is based upon presence of a jurisdictional authority, interest, or responsibility that pertains to the activities or lands of the National Grassland or by those actions, conditions, or policy under the purview of the respective government that affect the area. Levels of involvement by each of the participants may vary over time due to level of interest, unique or special knowledge, commitment, or respective jurisdictional authority.

VIII. WORKING GROUP PARTICIPANTSHIP AND REPRESENTATION

The Cooperative Working Group consists of representatives from governmental entities that have an interest in the condition of Thunder Basin National Grassland and surrounding areas. Although it is recognized that Cooperative Working Group participants have multiple interests and may participate in discussions from various perspectives, Working Group participants will consist of representatives from the following entities with a number of seats:

- Campbell County Commissioners (2)
- Niobrara County Commissioners (2)
- Crook County Commissioners (2)
- Weston County Commissioners (2)
- Converse County Commissioners (2)
- Campbell County Conservation District (1)
Working Group participants will be expected to represent the interests of (1) themselves, (2) organizations that have authorized the Working Group member to represent them, or (3) groups of constituents from a similar stakeholder group. Ideas presented within Working Group discussions will not be assumed to be the official position of the organizations or groups represented unless specifically stated to be so. Working Group participants have the responsibility to keep the organizations and interest groups they represent informed about the actions and outcomes of the Working Group's process.

Each entity is represented by one or two Working Group participants. In the event that a Working Group member cannot attend a meeting, he/she may be represented by an alternate member of his/her choosing without concurrence of the Working Group. Alternate group participants are encouraged to attend Working Group meetings along with the primary group participants, but should be fully briefed by the primary group member before attending any meetings as the sole representative. Participants are appointed by the entities who participate in this Working Group.

**IX. Roles and Expectations**

**Participants:**

Ideally, delegates for participation should be persons with a desire to educate themselves on matters concerning the Forest Service Mission and the people and places of the Thunder Basin National Grassland and surrounding lands and communities. Participants are
expected to acquire a general knowledge of the Land and Resource Management Plan for
the Thunder Basin National Grassland and to understand specific details of management
subjects addressed in this plan pertinent to their respective jurisdiction. Likewise, Forest
Service officials should learn and understand the applicable guidance, plans, and policy of
other participant jurisdictions.

Each participant is expected to operate within the scope of existing authority and
jurisdiction of the government represented. Participants should have a thorough working
knowledge of their respective government jurisdictional authorities and responsibilities
and possess the ability to communicate these to other participants of the group.

Participation of individuals must be qualified by a delegation of authority to that person
acting on behalf of the authorized official of each government. The delegation of authority
should contain a response to the Forest Service invitation with documentation that
demonstrates the required ability to legally act on behalf of responsible officials. The
participating government must notify the Forest Service of personnel status and changes.
Provisions for substitutes and government personnel changes are the responsibility of each
respective government or agency.

Each participant’s government or agency will be solely responsible for expenses incurred.
The Forest Service will not provide compensation for salary, travel, or other expenses.

Participation does not confer any shared authority or official representation of Forest
Service policies or programs by other government officials.

Participation is a voluntary and nonbinding effort of each government.

It is the responsibility of each active participant to be present and engage in topics under
consideration. Participants must abide by the rules of behavior as set forth by the
convener or facilitator.

**Convener:**
The Forest Service official is the convener of all proceedings and maintains a leadership
role to administer invitations, participation and organizational responsibilities. The group
does not hold activities in the absence of the Forest Service officer. Simultaneous
subgroups for specific or time-sensitive topics may be convened by the Forest Service
officer as desired. The calendar is ultimately decided by the Forest Service officer.

**Facilitator:**
The Forest Service official has appointed the Ruckelshaus Institute to facilitate the
Cooperative Working Group for 2017. During 2018 the Ruckelshaus will provide support
to the Forest Service staff will eventually take over the facilitation of this group.

**Moderator:**
The facilitator or Forest Service officer may obtain the assistance of a subject matter
moderator as desired.
Topics:
Specific topics are developed in a structured way with input from the participants and
selected for group discussions by the Forest Service officer. The development of agenda
topics is partly based upon capability of the group assembled, and applicability and
relevance to the geographic locale of the National Grassland.

Scope and Content of Topics:
Topics selected by the group may be various and diverse so long as these are relevant and
pertinent to the jurisdictional or functional authority of the Forest Service and other
government bodies actively represented in the group. An explanation of governmental
authority and significance of the topic should accompany topics as they are introduced for
consideration. There will not be any private or special interests represented on the
Cooperative Working group, nor any private or special interests specifically served by this
group. Any participant may propose topics for consideration as part of the meeting agenda
development. Final acceptance of topics and agenda reside with the Forest Service officer.

Time Limitations:
The Cooperative Working Group is established to work through problems for several
consecutive years. There is no specific end point in time for this CWG, until otherwise
indicated by the Forest Service official.

Estimated time periods are applied to the proceedings for each topic under consideration.
If deemed necessary and beneficial, time limits will be applied by the USFS in order to
support effective communication and to commit to the accomplishment of identified
objectives. Activities for any topic or series of engagements should be confined with time
periods and a group calendar will be publicized along with agenda items prior to meetings.

X. Consensus-Building.
Consensus-building requires sharing information, which leads to mutual education, which
provides the basis for crafting workable and acceptable options for solutions. Consensus-
building promotes joint thinking of a diverse group and leads to creative solutions. Also,
because parties participate in the deliberation, they understand the reasoning behind the
collaborative solutions which may increase support for them.

In exploring levels of agreement with ideas, options or suggestions, each CWG member will
indicate his/her concurrence on a specific option using a five-point scale. The scale allows
CWG participants to clearly communicate their intentions, assess the degree of agreement
that exists, and register their dissatisfaction without holding up the process. The five-point
scale is as follows:
1. Endorsement – Member likes it.
2. Endorsement with Minor Point of Contention – Basically, member likes it.
3. Agreement with Minor Reservations – Member can live with it.
4. Stand aside with major reservations – Formal disagreement, but will not block the proposal/provision
5. Disagreement – Member will not support the proposal.

If the reason for not being able to endorse a proposal is lack of information, the member must specify this and the information that is needed. Once the information has been obtained, the member must re-vote.

Facilitators will measure and record the Working Group’s level of agreement on a given proposal by open polling of the participants present. The levels of consensus are:

1. **Consensus** - All Working Group participants present rate the proposal as a 1, 2 or 3.
2. **Consensus with Reservations** – All Working Group participants present rate the proposal as a 1, 2 or 3, except at least one Working Group member rates it as a 4.
3. **No Consensus** - Any CWG member present rates the proposal as a 5.

Any CWG member that rates a significant proposal (i.e., a proposal that involves significant discussion and has the support or qualified support of a majority of CWG participants) as a 4 or a 5 will specify their dissention in a written statement for inclusion in the final written report. Dissenters who share the same basic concerns can use a single dissention statement. Dissenters will also identify themselves by name and organization on their dissention statements.

**XI. Ground rules for interaction**

In order to have the most efficient and effective process possible, CWG participants will follow these basic ground rules:

**Discussion Ground Rules During the Meetings**
- Raise hand to be recognized by the Facilitator.
- Speak one at a time in meetings as recognized by the Facilitator. Everyone will participate, but none will dominate.
- Be concise and stick to the topics on the meeting agenda. Honor a two-minute time limit for statements and responses unless the Facilitator allows more time.
- Speak only on one topic per entry (no laundry lists).
• Speak to the whole group when talking.
• Avoid side conversations.
• Avoid off-topic questions.
• Treat each other, the organizations represented on the CWG, and the CWG itself with respect at all times.
• Refrain from interrupting.
• Monitor your own participation – everyone should participate, but none should dominate.
• Adhere to the agenda and time schedule with diligence.
• Put cell phones on “vibrate” and leave the room when a call is received.
• Be prepared to start on time.
• Recognize that everyone’s interests are important.
• Avoid repetitiveness (i.e., one-track-mind behavior).
• Agree that it is okay to disagree, and disagree without being disagreeable.
• Avoid “cheap shots” and/or sarcasm.
• Refrain from hostility and antagonism.
• Put personal differences aside in the interest of a successful CWG.
• Focus on the problem, not the person.

Process Ground Rules Throughout the Stakeholder Process

• Adhere to the charter.
• Review information and stay informed.
• Work as team players and share all relevant information. Ask if you do not understand.
• Encourage free thinking. Offer mutually beneficial solutions.
• Encourage candid, frank discussions. Be honest and tactful. Avoid surprises.
• Openly express any disagreement or concern with all other CWG participants. Focus on the problem, not the person.
• Actively strive to see the other points of view.
• When communicating with the media, CWG participants will treat each other, the organizations represented in the CWG, and the CWG itself with respect.
• Follow through on commitments.
• Share information discussed in the meeting with the organizations/constituents represented and bring back to the CWG the opinions and actions of your constituencies as appropriate.
• Communicate the requirements of this charter with the organizations you represent to minimize the possibility of actions contrary to the charter.
• Commit to issues in which you have an interest.
• Support and actively engage in the CWGs’ decision process.
XII. Public Information

Notice of meetings, lists of participants, and meeting summaries will be distributed at least as widely as the associated county seats and Forest Service approved worldwide web sites e.g. the Ruckelshaus Institute website. Final summaries of meetings will be available to the public upon request and will also be available via Forest Service records.

Media Interactions:
Participants are free to speak with the media. When speaking to the media, participants must make it clear they represent themselves and not the group at-large. If the participants feel uncomfortable speaking with the media, they may refer to the Forest Service official or designated media spokesperson.

Observation by the public of meetings or sessions:
All meetings are open to observation by the public. Participants of the public attending the meetings may not speak to, interact, interrupt, or participate with the group while a meeting is convened; to allow any publics to engage would be a violation of the Federal Advisory Committee Act.

XIII. Performance Management and Evaluation

Detailed summaries of proceedings will be organized in a specific fashion by topic and geographically by available metrics and relevancy to the area of focus.

Perceived accomplishments or outputs of the group’s efforts will be categorized and summarized by time period.

Group outputs will be categorized as benefits, such as to relations, public relations, public involvement, or as information for future use, and government services affected.

Evaluation of group progress should be assessed continually at each formal meeting. Benefits to the public and government functionality should be related to what degree the group interaction serves as a means to strengthen all people’s connections to the lands of the TBNG.

XIV. Amendment, Modification, and Termination

Amendment to this guidance can be made at any time by the Forest Service official. This guidance document remains in effect until superseded.

The invitees or participants will have opportunity for input regarding proceedings of the group and amendment, modification, and termination of this Charter.
The group as a whole or subgroups may be discontinued by the Forest Service with written notice to all participating entities.

XV. Contacts

The District Ranger or Forest Supervisor is the primary Forest Service designated officer or official. Either of these line officers may appoint another Forest Service official to act on their behalf.
Appendices and Attachments

Appendices:

A. Authorities, Laws, and Regulations
B. Schedule of Meetings
C. Lists of Primary and Alternate Participants
Appendix A—Authorities, Laws, and Regulations

[This appendix is incomplete. It will contain lists of governments/agencies and their respective authorities and responsibilities, to help display the crosswalk between participants and topics.]

Contents
Federal law
Federal regulation
Federal policy
USDA
Forest Service
State
County
Other Local

The interactions of the government officials can be used as a means to generate collaborative solutions for topics that lie within an existing scope of responsibility among respective jurisdictions.

As a solely entity, the Federal Advisory Committee Act (FACA) (Pub. L. 92-463, as amended; 5 U.S.C. Appendix) is not implicated over this group, due to the following two requirements in compliance with the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), that permit the committees exemption of FACA: (1) Meetings are held exclusively between federal officials and “elected officers of state, local, and tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities”; and (2) such meetings are solely for the purpose of exchanging views, information, or advice “relating to the management or implementation of federal programs established pursuant to statute, that explicitly or inherently share responsibilities or administration.

Table

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<th>Law</th>
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Federal law:
Administrative Procedures Act
Americans with Disabilities Act?
Federal Advisory Committee Act (Pub. L. 92-463, as amended; 5 U.S.C. Appendix)
http://uscode.house.gov/browse/prelim@title5/title5a/node2&edition=prelim

Freedom of Information Act
National Environmental Policy Act of 1969
National Forest Management Act
National Historic Preservation Act

RPA
Unfunded Mandates Reform Act of 1995
Other statutes
Federal regulation:
Other regulations
Federal policy:
USDA Plain Language policy

USDA OGC advice for FS
Appendix B

Meeting Schedule

**Working Group Meetings:**

2017

1. February 27, Douglas
2. April 13, Newcastle
3. June 7, Gillette
4. August 24, Douglas
5. October 11, Newcastle
6. December, 7, Gillette

2018

TBA
Appendix C

Lists of Primary and Alternate Participants

### Primary Participants

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<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Email</th>
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<tbody>
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