

Office of the Governor

April 19, 2013

Chief Thomas L. Tidwell
United State Forest Service
1400 Independence Ave., SW
Washington, DC 20250-003

Sent via U.S. Mail and via email: asc_asr@fs.fed.us

Dear Chief Tidwell,

I received your March 19, 2013, letter regarding amounts paid to Wyoming from Titles I and III of Secure Rural School funds and from the 25 Percent Fund. Wyoming received \$197,995.06 from Titles I and III and \$21,807.93 from the 25 Percent Fund Payment, before the March 1, 2013 sequester effective date.

Your letter offers two "options" for sequester which are candidly somewhat belated. Under one option the State would reimburse the Title I and III amounts, pursuant to a bill of collection to be sent by you. According to your letter, the bill of collection will not affect the 25 Percent Fund payment. The other option is for the Forest Service to reduce Wyoming's forthcoming Title II funds by "the total sequestered amount of \$237,899.49," which equals 5.1% from, Title I, II, and III funds and from the 25 Percent Fund. As noted above, Wyoming had already received payment from all these funds (except from Title II) before March 1st.

Wyoming will not reimburse any portion of Title I or III funds. These payments were rightfully paid to 19 Wyoming counties on January 16, 2013 – weeks before the Budget Control Act of 2011 went into effect. Counties use these funds for public schools, roads, conservation, emergency services and wildfire protection projects. I have yet to see a legal justification for the United States Forest Service to require the State or counties to pay back funds to which they were rightfully entitled and which have been lawfully distributed.

Likewise, the State will not reimburse the 25 Percent Fund amount – and while, your letter does not ask for such reimbursement – I want to be clear on my position.

The other option you suggest, withholding an amount from Title II, Special Projects - is preferable provided that Title II is not reduced by more than 5.1% of the overall amount of Title II. That is, Title II can only be reduced by \$18,096.50. This differs from your letter which proposes to reduce Title II by an amount equal to 5.1% of each of the other four funds added together. The three payments to Wyoming under Title I, Title III, and the 25 Percent Fund made before March 1st should not be subject to sequestration because the payments were lawfully made before the sequester took effect.

Chief Thomas L. Tidwell
April 19, 2013
RE: Secure Rural School Funds
Page 2

Before I concur with any reduction to Title II, I request your assurance that no more than 5.1% (\$18,096.50) will be sequestered or, in the alternative, I ask you to provide specific legal authority, including explanatory detail, supporting a reduction of the greater amount from Title II.

Sincerely,



Matthew H. Mead
Governor

MHM:mh

Encl.

cc: The Honorable Michael Enzi, U.S. Senate
The Honorable John Barrasso, U.S. Senate
The Honorable Cynthia Lummis, U.S. House of Representatives
Mark Gordon, Wyoming State Treasurer
Bob Rolston, Chairman, Wyoming County Commission Association