

Public Lands Planning: Where Do Counties Fit In



**Planning is
inherently a public
process.**

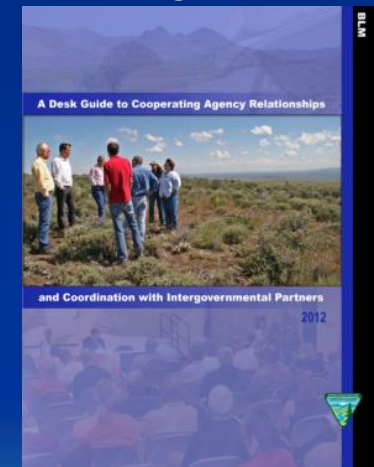
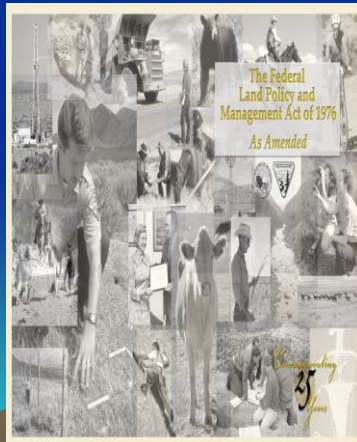
The BLM's
regulations lay out a
number of methods
to work with
members of the
public, interest
groups, and
governmental
entities.

- Cooperation
- Coordination
- Consultation
- Collaboration
- Public Involvement



GUIDANCE

- (1) BLM's planning regulations for the development, maintenance, amendment, and revision of resource management plans (RMPs);
- (2) DOI NEPA implementing regulations
- (3) BLM guidance, including 2012 Desk Guide to Cooperating Agency Relationships and Coordination with Intergovernmental Partners
- (4) Federal Land Policy Management Act (FLPMA)



DOI NEPA Regulations

- DOI NEPA regulations require that a Responsible Official with the BLM (or another DOI bureau) “*whenever possible consult, coordinate, and cooperate* with relevant State, local, and tribal governments and other bureaus and Federal agencies concerning the environmental effects of any Federal action within the jurisdictions or related to the interests of those entities.” -43 CFR 46.155

*Commitment to work across all
levels of government*



Cooperating Agency Status

What is it?

A formal relationship (SPECIAL STATUS RENDERED) under CEQ regulations (40 CFR 1501.6)



Cooperating Agency (CA) Eligibility

- Invite “eligible government entities” to serve as cooperating agencies when the bureau is preparing an EIS. 43 CFR 46.225(b).
 - Jurisdiction by law
 - Special expertise relevant to the preparation of an EIS (43 CFR 46.225(a)(1)-(3). [See *Desk Guide*, pp. 21-23, on special expertise.]
- If not invited, you may also request CA Status
- Under DOI regulations, CAs may also participate in preparing environmental assessments (EAs). 43 CFR 46.225(e)/43 CFR 46.305(d).

FLPMA

- ▶ Passed in 1976 & is **one of the most significant pieces of land management legislation** enacted within the 20th Century.
- ▶ Gave a **clear mandate** to the nation's largest land manager, the BLM, for the management of over 260 million acres of public lands under its jurisdiction
- ▶ Formally recognized & codified what BLM had been doing on an interim basis for many years—managing the public lands under ***principles of multiple use and sustained yield.***

Cooperating Agency OR Coordination?

Along with all of the other “C’s,” both are
Tools in your toolbox

Cooperating Agency Status is a key vehicle through which
Coordination can occur BUT,
Cooperating Agency is NOT a REQUIREMENT for
COORDINATION with State, Local & Tribal Govt

While BLM has a duty to coordinate, there is no
“Coordinating Agency Status” (See pg 31 Desk Guide)



Goal of Coordination

Coordination seeks to balance the mandated land management responsibility & decision making authority of federal agencies with the needs, responsibilities and authorities of state and local governments.




FLPMA's Reference to Coordination

43 USC 1712

(c) In the development and revision of land use plans, the Secretary shall—

(9) to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located, including, but not limited to, the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), as amended [16 U.S.C. 460l–4 et seq. note], and of or for Indian tribes by, among other things, considering the policies of approved State and tribal land resource management programs. In implementing this directive, the Secretary shall, to the extent he finds practical, (1) keep apprised of State, local, and tribal land use plans; (2) assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public lands; (3) assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans, and shall (4) provide for meaningful public involvement of State and local government officials, both elected and appointed, in the development of land use programs, land use regulations, and land use decisions for public lands, including early public notice of proposed decisions which may have a significant impact on non-Federal lands. Such officials in each State are authorized to furnish advice to the Secretary with respect to the development and revision of land use plans, land use guidelines, land use rules, and land use regulations for the public lands within such State and with respect to such other land use matters as may be referred to them by him. (5) Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.

Common Sense Considerations

- What is “practical?” Within the realm of reason & possible...
 - Regularly scheduled meetings
 - Inviting BLM staff to attend board meeting
 - Scheduled mtgs at established periods monthly/bi-monthly/etc.....
 - Ensure there is a local plan that addresses natural resources in your county
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Practical Considerations

Investment of time, effort

Timelines & Priorities sometimes driven/pushed by the Administration, Secretary, Congress...

- i.e. Sage Grouse ----
- Sunshine/Open Meetings Laws

It begins with RELATIONSHIP



OVERALL-----

Personalities must be set aside and personal/professional agendas removed.

Building & maintaining

TRUST

is key!!!



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