



COUNTY GOVERNMENTS AND THE USDA FOREST SERVICE

A Guidebook for Working Together



Forward

This guide is the result of collaboration between the National Association of Counties (NACo) and the U.S. Department of Agriculture (USDA), Forest Service. Working together, NACo staff and Forest Service employees produced this guide for local elected officials and Forest Service employees. A team comprised of NACo staff, local elected officials, Wyoming County Commissioners Association staff, USDA legal counsel, and Forest Service employees worked together to produce this guide. Members of NACo's Public Lands Steering Committee and the Western Interstate Region also reviewed the guide and provided comments.

This guide is the result of true collaboration. If NACo or the Forest Service had been writing the guide separately, each organization would likely have written it differently. In the development, participants on each side found areas of agreement on topics of interest. As a result of the collaboration efforts, this publication includes those things each organization believes are important for local elected officials and Forest Service employees to know about each other's organization and behaviors that foster strong working relationships.

This guide is the first effort of its kind between NACo and the Forest Service. Recognizing that this is a new, collaboratively written document, future updates may be necessary. NACo and Forest Service leaders encourage county officials and Forest Service personnel to share their feedback on the guide's implementation and to offer suggestions for inclusion in updated versions.

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Commissioner Joel Bousman,
Sublette County, Wyoming

*Past President,
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Message from National Association of Counties Leadership

This joint effort between the National Association of Counties (NACo) and the U.S. Department of Agriculture, Forest Service is designed to help agency employees and county officials to better understand our respective roles under the Forest Service planning process. This guide should serve as a meaningful tool for counties to learn their responsibilities in working as a partner with the Forest Service.

A major responsibility of local government officials is to understand and support the economy and the desired customs and culture of the people they represent. In counties with significant National Forest System lands, county governments must work closely with local Forest Service personnel to ensure that the voice of the local population is heard. County officials can bring experience and an informed perspective to Forest Service land managers and help to bridge gaps between them and county residents. We also understand the best decisions are usually made at the local level when the decision makers are all looking at the same piece of land together and solving problems in a cooperative way.

Counties have a responsibility to offer constructive ideas and solutions that respect the mandates faced by Federal officials in the decision-making process. In recognizing and respecting our separate but important roles in this partnership, county governments will have greater opportunities to ensure that residents have a seat at the table in future efforts.

NACo stands ready to work with Federal land management agencies to help advance our shared goals and solve problems to benefit the landscape and the public. County officials are committed to hold productive dialogues with agency staff to ensure access, improve public lands, and foster a strong relationship between Federal and local officials from now into the future.



Vicki Christiansen

Forest Service Chief

Message from Forest Service Leadership

Working closely with our public and State and local governments is key to helping us at the U.S. Department of Agriculture, Forest Service fulfill our agency's mission to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. By working together, we can improve customer service, strengthen our relationships with each other and our stakeholders, provide opportunity for shared stewardship, and be good neighbors as we work to fulfill our mission.

Interdependence and service are two of our core values in the Forest Service. These values are expressed in how we work closely with the communities we serve. A unique relationship has existed between counties and communities and adjacent national forests and grasslands since their creation. Counties and communities have, in many cases, an inextricable cultural, social, and economic relationship with the land. National forests and grasslands have always held special importance for these communities in terms of their health and livelihoods. That interconnectedness with counties, the mutual reliance, is part of who we are at the Forest Service. The interdependence we have with communities and local elected officials and their agencies is vital to our ability to manage national forests and grasslands and provide service to the community.

To support our relationship, we have developed this guide with the National Association of Counties to increase understanding of how the Forest Service and counties can work together more effectively. This intent is embodied in a Memorandum of Understanding, which has been in effect since 2007, between the two organizations.

As public servants and local elected officials, we should work together to reach solutions that are politically and socially durable and ensure the long-term sustainability of communities and natural resources. It is through working together, at multiple stages of planning and project implementation, that we will achieve true success.



Section II.

Purpose and Introduction

This guide was born out of discussions with county officials and the U.S. Department of Agriculture, Forest Service leadership to find a common understanding of the roles each have in the management of National Forest System (NFS) lands. The Forest Service has the legal authority for managing national forests and grasslands, and counties have a vested interest in how these lands are managed in support of their resource-dependent communities.

This guide is the result of a partnership between the National Association of Counties (NACo) and the Forest Service. Much of the content in this guide, such as Best Practices in Section VIII, builds on the experience of officials from counties and local governments and Forest Service employees working together to manage national forests. Throughout this guide, the term “county” refers to counties and their equivalents as described in Section IV on the roles and structures of county governments.

This guide is not intended to replace or change current laws or policies. It is intended to increase understanding of laws and regulations that shape the county’s role in Federal land management, to increase understanding of the need to work together to achieve mutually beneficial goals, and to increase civil dialogue. The final product was agreed to through technical reviews and comments from elected officials, including county commissioners, who participate in NACo’s Public Lands Steering Committee and Western Interstate Region and Forest Service staff and land managers.



An Opportunity to Strengthen Relationships

County officials frequently state that their opportunities to participate in decisions about natural resource management differ between national forests and even between managers within the same national forest. Moreover, forest leadership turnover often brings about changes in relationships that require time to rebuild. Counties and other local governments seeking to participate in determining management priorities for national forests and grasslands often find conflicting information about Federal laws and regulations. Therefore,

this guide's purposes are to improve consistency in the ways Forest Service employees build and maintain relationships with local governments and to provide a reliable and accurate summary of the Forest Service's statutory and regulatory requirements for engaging with local governments.

Forest Service managers have varying experiences, knowledge, and understanding of county governments. At times, Forest Service managers are unsure about how to most effectively engage with local governments, when to attend and participate in county

meetings, and when it is appropriate to reach out and invite county official participation. Further, Forest Service managers experience variations in county leaders' attitudes and expectations, often seeing county officials as the bearers of community frustrations. This guide is meant to help county officials to understand the constraints of Forest Service managers, to take leadership in encouraging open dialogue among their communities and the Forest Service, and to explore solutions and innovations to complex management challenges facing Federal land managers.

Section III.

About the Forest Service



Established in 1862, the U.S. Department of Agriculture (USDA) consists of 29 agencies and offices with nearly 100,000 employees. USDA's vision is to provide economic opportunity through innovation, helping rural America to thrive; to promote agricultural production that nourishes Americans while helping feed others throughout the world; and to preserve our Nation's natural resources through conserving and restoring forests, improving watersheds, and encouraging healthy private working lands. The Forest Service is an agency within the USDA.

The national forests were originally reserved "to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water flows, and to furnish a

continuous supply of timber for the use and necessities of citizens of the United States."¹ Later, the Multiple-Use Sustained-Yield Act gave the Forest Service the statutory responsibility to administer National Forest System (NFS) lands "for outdoor recreation, range, timber, watershed, and wildlife and fish purposes," and "to develop and administer the renewable surface resources of the national forests for multiple use and sustained yield of the several products and services obtained therefrom."² The act further provides that "... the Secretary of Agriculture is authorized to cooperate with interested State and local government agencies and others in the development

¹ 16 U.S.C. 475

² 16 U.S.C. § 528, 529.



and management of the national forests."³

This statutory responsibility is the basis for the Forest Service mission statement:

To sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations.

The Forest Service manages and protects 154 national forests, 20 national grasslands, and 1 tallgrass prairie, in 43 States and Puerto Rico. In addition, the Forest Service is the world leader in forestry research. Its experts also provide technical and financial help to State and local government agencies, businesses, and private landowners. It works to help protect and manage non-

A unique relationship has existed between counties and communities and adjacent National Forests since their creation.

Federal forest and associated range and watershed lands. The Forest Service also works on a government-to-government basis with Tribes.

In the last few years, the Forest Service has worked to better define and establish its identity by exploring the culture and history of the agency in order to improve how employees care for the land and serve people. In this effort, the Forest Service identified service, interdependence, conservation, diversity, and safety as its core values. These values are not just Forest Service values, they are often shared by people and communities the agency serves. The values connect agency employees to

what people also care about and can be powerful starting points for spurring dialogue, finding common ground, and building enduring relationship, such as those with county officials.

A unique relationship has existed between the Forest Service and counties and communities adjacent NFS lands since creation of the national forests. These counties and communities have, in many cases, an inextricable cultural, social, and economic relationship with the land, and, therefore, the designation of NFS lands has always held special importance to the health and livelihoods in these towns. The special relationship was recognized by Congress during

3 16 U.S.C. § 530.

debates on the creation of the national forests. Subsequent laws, regulations, and practices have aimed to protect communities, or ensure their sustainability, along with the sustainability of the forests.

The management of Federal lands has always relied on a private workforce and physical infrastructure to manage forests and rangelands, to process wood products, and to provide recreational services. These private resources are part of what enables the Forest Service to steward Federal lands in an economically viable way. Because of our interdependence, county government plays a critical role in the relationship between the Forest Service and local community and businesses. When facing complex ecological, economic, and social challenges inherent in public lands management, a good working relationship between the Forest Service and county governments is essential to providing good customer service and fostering

cross-boundary alignment of priorities and management practices.

How the Forest Service Was Created

Federal forest management dates back to when Congress passed the Forest Reserve Act of 1891 authorizing the President to designate Federal lands in the West as “forest reserves.” Responsibility for these reserves fell under the Department of the Interior until 1905, when Congress transferred their care to USDA’s new Forest Service. Gifford Pinchot, who had been the Chief of the Division of Forestry, led this new agency as its first Chief and was charged with managing the newly renamed national forests.

In the decades that followed, the Forest Service developed an exceptionally effective fire suppression program, provided a steady supply of timber and fiber, issued grazing permits, developed a variety of recreational

opportunities, and discovered ways to manage and preserve wildlife habitats.

Forest Service’s Management Structure

The Forest Service has a workforce of approximately 30,000 full-time employees. Reflecting the value of diversity, the employees are culturally diverse and experts in many fields of study. The head of the Forest Service is the Chief, who oversees the five deputy areas described in figure 1. See figure 2 for the organizational structure of the Forest Service. The Chief reports to the USDA Under Secretary for Natural Resources and Environment, and the Under Secretary reports to the Secretary of Agriculture. The Secretary of Agriculture is appointed by the President. The Under Secretary is appointed by the Secretary of Agriculture to oversee the Forest Service. Both the Secretary and Under Secretary are confirmed by Congress.



Figure 1. USDA Forest Service Deputy Areas and International Programs

National Forest System

- Manages lands known collectively as the National Forest System, that are in 44 States, Puerto Rico, and the Virgin Islands. There are 154 National Forests and 20 Grasslands, in nine regions.
- These lands make up 8.5 percent of the total land area in the Nation; over 190 million acres.
- The natural resources on these lands are some of the Nation's greatest assets and have major economic, environmental, and social significance for all Americans.

State and Private Forestry

- Reaches across the boundaries of National Forests to States, Tribes, communities, and non-industrial private landowners.
- Provides technical and financial assistance to landowners and resource managers to help sustain the Nation's forests and protect communities and the environment from wildland fires.
- Brings forest management assistance and expertise to a diversity of landowners; including small woodlot, tribal, State, and Federal landowners through cost-effective, non-regulatory partnerships.

Research and Development

- Works at the forefront of science to improve the health and use of our Nation's forests and grasslands. Research has been part of the Forest Service mission since the Agency's inception in 1905.
- There are seven research stations and 81 experimental forests and ranges. Research and Development interacts with National Forests in nine regions and with the Agency's State and Private Deputy Area throughout the United States.

Business Operations

- Provides leadership, direction, quality assurance, and customer service in carrying out agency business and human resource programs, Job Corps, the Senior Community Service Employment Program, and the volunteer program.
- Hires, trains, evaluates, and promotes its employees; pays employees and contractors; acquires office space, equipment, and supplies; and acquires, supports, and maintains the computer and communications technology needed to ensure efficient and effective operations.

International Programs

- Promotes sustainable forest management and biodiversity conservation internationally.
- By linking the skills of our field-based staff with partners overseas, it addresses the world's most critical forestry issues and concerns.
- Serves the American forestry community by combating illegal logging, conserving migratory species habitats, protecting our forests from invasive species, and bringing important technologies and innovations back to the U.S.

Map 1. Forest Service Regions



National Forest System

NFS lands are divided into nine regions. Regions are “units of federally owned forest, range, and related lands throughout the United States and its territories, united into a nationally significant system dedicated to the long-term benefit for present and future generations, and that it is the purpose of this section to include all such areas into one integral system.”⁴ (See map 1).

Overall management responsibility is exercised by a hierarchy of

officials referred to as “line officers.” Line officers are, in order of responsibility, the Chief, regional foresters, forest supervisors, and district rangers. The Chief oversees all nine regions.

Each of the nine regional foresters broadly oversees decisions across a region and reports to the Chief. Regions include national forests and grasslands, and, in one region, a tallgrass prairie. Forest supervisors oversee and make decisions about an individual national forest or grassland. National forests and grasslands are divided into districts that are managed by district rangers. At

each level, staff provides analysis to inform the line officer's decision making and help implement those decisions. Most of the Forest Service “boots-on-the-ground” activities occur on the ranger districts, including trail construction and maintenance, operation of campgrounds, and management of vegetation and wildlife habitat.

There are 154 national forests, 20 national grasslands, and more than 500 ranger districts within the NFS.⁵ The office

4 16 U.S.C. § 1609(a).

5 U.S. Forest Service, Agency Organization, available at www.fs.fed.us/about-agency/organization.

locations of the forest supervisor, ranger districts, regional offices, and other facilities of the Forest Service are generally situated to provide the optimum level of convenient, useful services to the public.⁶ Interactive maps of each national forest or grassland are available on the Forest Service website, which you can access [here \(fs.fed.us/visit/maps\)](https://fs.fed.us/visit/maps).

State and Private Forestry

The State and Private Forestry (S&PF) division of the Forest Service reaches across the boundaries of NFS lands States, Tribes, communities, and nonindustrial private forest landowners. S&PF is the Federal leader in providing technical and financial assistance to landowners and resource managers to help sustain the Nation's forests and protect communities and the environment from wildland fires.

Forests cover 766 million acres in the United States. Private, community, State, and Tribal forest owners manage 445 million acres, or two-thirds, of these forests. These non-Federal forests and their owners, as well as the 130 million acres of public urban forests, contribute to the quality of life for all Americans. These forests are under increasing pressure to provide water, fish, wildlife habitat, recreational opportunities, storm-water control,

energy conservation, public health benefits, open natural areas, and forest products.

Privately owned and managed forests face many threats, including wildland fire, invasive species, pests and disease, and the permanent loss of working forest land to nonforest uses. Federal, State, and Tribal lands face some of these same threats. The Forest Service helps ensure that forest landowners have the best technical, educational, and financial assistance available to achieve their unique objectives and to keep forests working for all of us.

S&PF programs are administered through regional offices and service centers. S&PF programs include Conservation Education, Cooperative Forestry, Fire and Aviation Management, Forest Health Protection, Urban and Community Forestry, and the Office of Tribal Relations. These programs deliver technical assistance and science information. S&PF makes agreements with and provides grants to State agencies, private landowners, Tribes, and other organizations working on mutually shared objectives.

Typically, each Forest Service regional office has an S&PF director who reports to the regional forester and has a staff of managers administering various programs aimed at helping private landowners and

working with State forestry and natural resource agencies. While fire management is part of S&PF, there is a dedicated fire director in each region that oversees fire management issues, especially wildland fires.

Generally, county officials work with their State forestry (natural resource) agency to access the programs offered through S&PF. It is, however, always worthwhile to understand how the Forest Service manages these programs and aligns with State management activities (State forest action plans, State wildlife action plans, recreation plans).

Research and Development

The Research and Development (R&D) division of the Forest Service works at the forefront of science to improve the health and use of our Nation's forests and grasslands. Research has been part of the Forest Service's mission since the agency's inception in 1905.

- The organization consists of 7 research stations, more than 67 laboratories, and 81 experimental forests and ranges. Each research station has a station director who reports to the Chief of the Forest Service. A station director is a peer to a regional forester. Forest Service R&D staffs interact with staffs within the NFS and S&PF divisions.

⁶ 16 U.S.C. § 1609(b).

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Forest Service R&D also partners with other Federal agencies, nongovernmental organizations, universities, and the private sector.

Today, approximately 500 Forest Service researchers work in a range of biological, physical, and social science fields to promote sustainable management of the

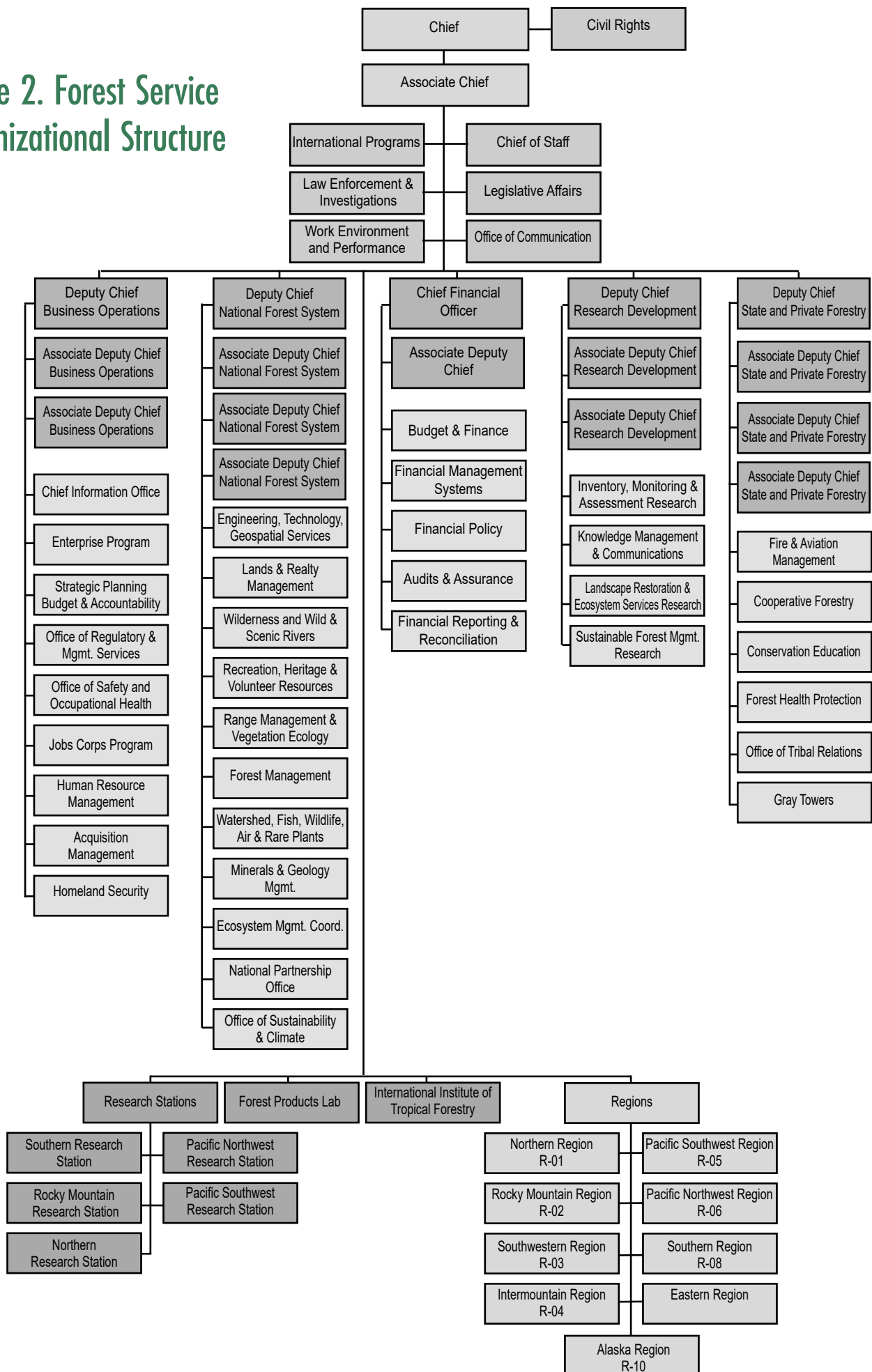
Nation's diverse forests and rangelands. Their research covers a lot of country, with programs in all 50 States and U.S. territories and commonwealths.

The work of R&D has a steady focus on informing policy and land-management decisions, whether it addresses invasive insects, degraded river

ecosystems, or sustainable ways to harvest forest products. R&D scientists work independently and with a range of partners, including other agencies, academia, nonprofit groups, and industry. The information and technology produced through basic and applied science programs is available to the public for its benefit and use.



Figure 2. Forest Service
Organizational Structure



Section IV.

About County Government

County governments or their equivalents play a vital and essential role in almost every community in the United States. While the form and function of these governments vary by State, their role as the front line of elected government cannot be understated.

There are 3,141 counties and county equivalents in the 50 States and the District of Columbia categorized by the U.S. Geological Survey as follows: 3,007 entities named "County", 16 Boroughs in Alaska, 11 Census Areas in Alaska (for areas not organized into Boroughs by the State), 64 Parishes in Louisiana, 42 Independent Cities (1 in Maryland, 1 in Missouri, 1 in Nevada, and the remainder in Virginia), and 1 District—

the Federal District (District of Columbia). This does not include Commonwealths and territories with what are generally county equivalents, which are as follows: Puerto Rico—78 Municipios, U.S. Virgin Islands—2 Districts, Guam—19 Election Districts, Northern Mariana Islands—17 Districts, and American Samoa—5 Districts.⁷

A Brief Overview of the Role of County Government

Counties are one of America's oldest forms of government, dating back to 1634 when the first county governments, known as shires, were established in Virginia.

⁷ Information taken from the U.S. Geological Survey website: www.usgs.gov/faqs/how-many-counties-are-there-united-states



The organization and structure of today's county governments are chartered under State constitutions or laws and are tailored to fit the needs and characteristics of States and local areas. Counties and county governments are often the most fundamental administrative division of the State.

Often, States require that counties provide essential services, but no two counties function in the same way. Counties are diverse in structure and in the way they deliver services to their residents and visitors. County governments are responsible for building and maintaining county roads and recreational facilities, constructing and operating jails, operating the judicial system, maintaining public records, collecting property taxes, issuing vehicle registrations and transfers, registering voters, providing health and mental

Counties are diverse in structure and in the way they deliver services to their residents and visitors.

health services, and, in some cases, managing airports. They are also often responsible for developing county land use plans (including natural resource plans), among other services needed by a community.

County Organizational Structures

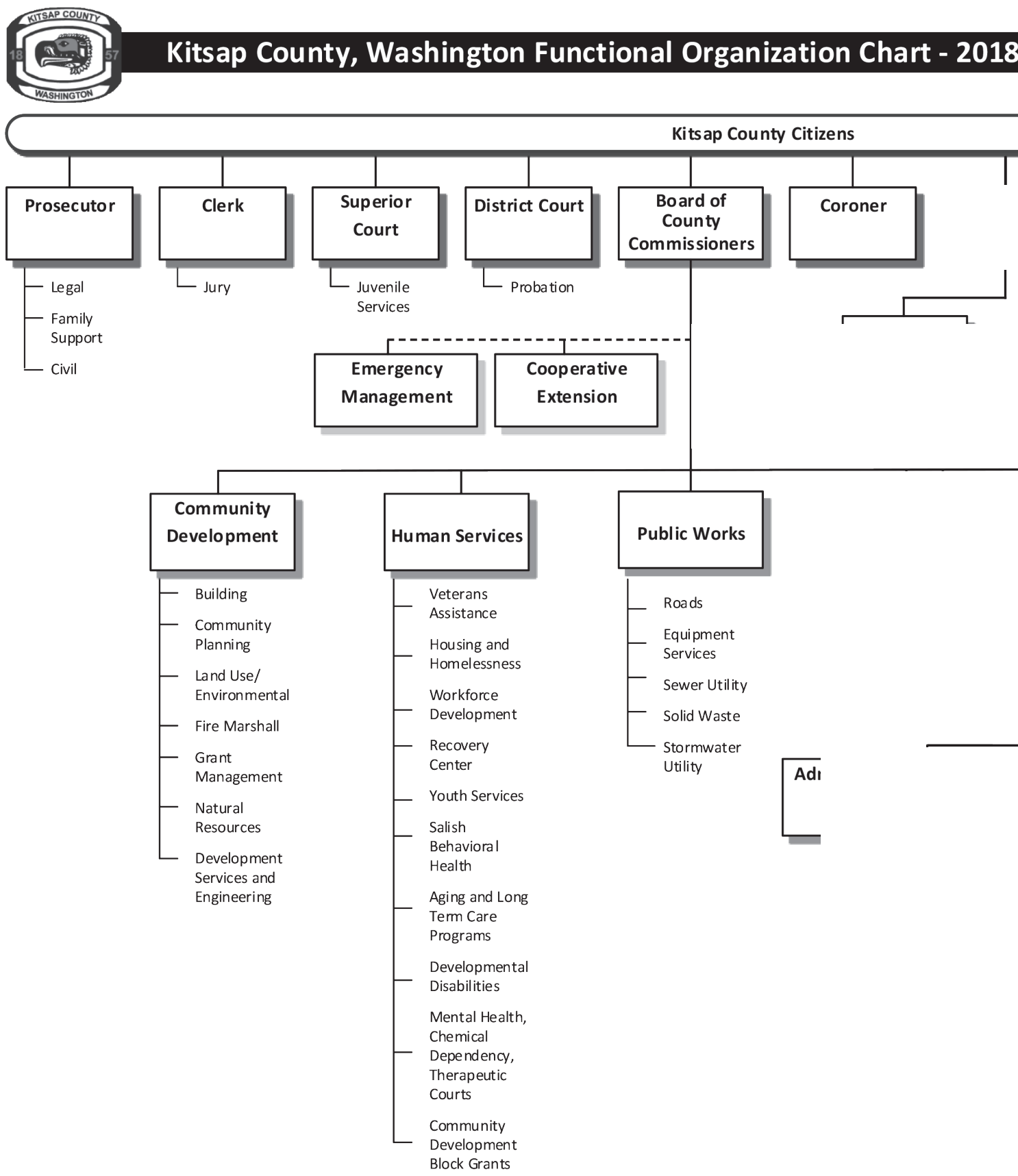
Generally, a county is served by an elected board of commissioners, supervisors, judges, or council members. These boards are usually responsible for the county government's budget, management, and land use planning. These elected officials are most often the link between a Federal agency and county residents. Moreover, counties will, at times, create

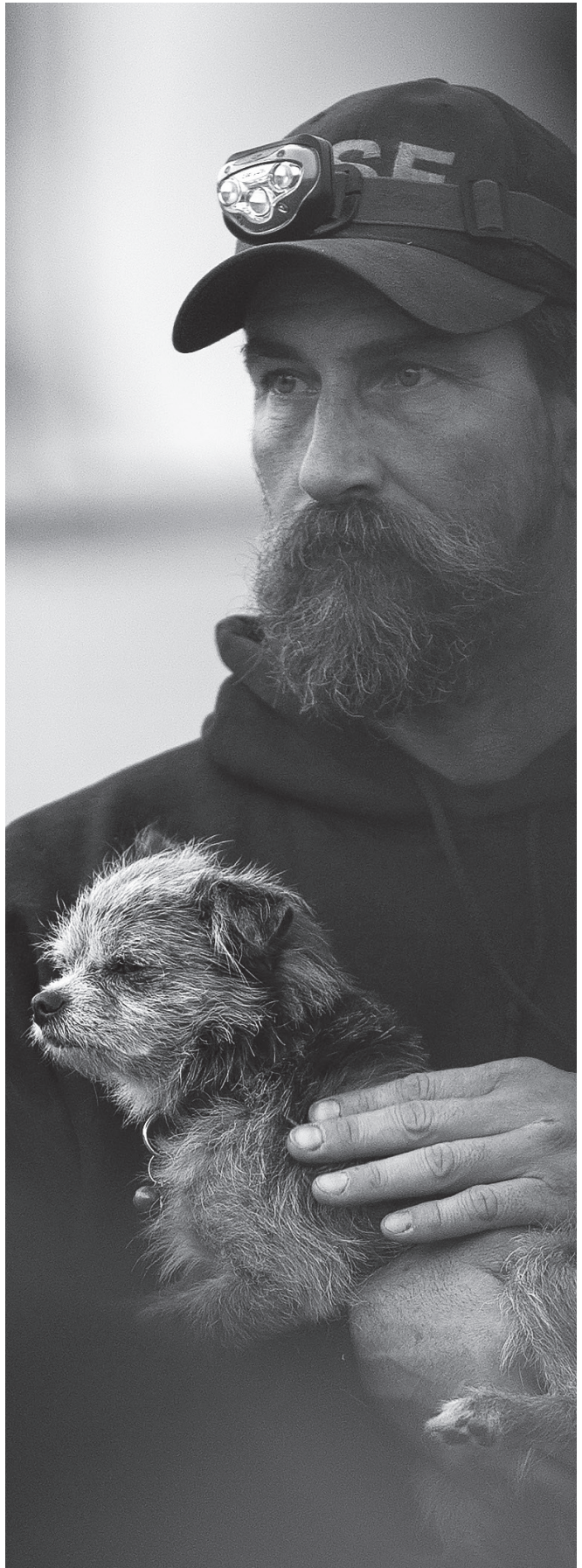
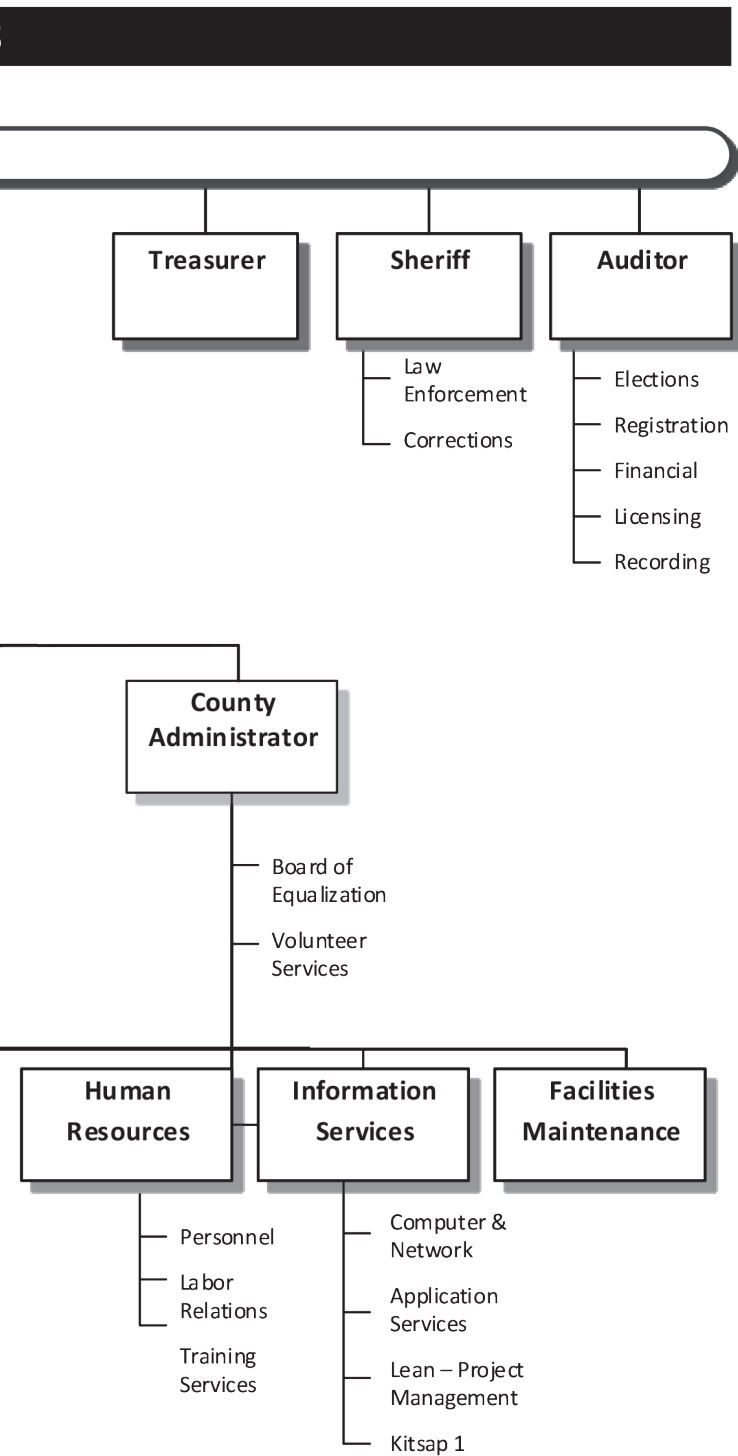
districts within counties to carry out special duties, like water and sewer districts and weed and pest districts. See figure 3 for an example organizational structure of a county.

The Role of Associations

Often, counties will form with or join other counties to form associations, which provide support, share information, and advocate on behalf of the counties' collective interests. Associations host conferences and training sessions, create venues for peer learning, conduct training, and develop policy positions among other activities. Associations operating at State, regional, and national scales often invite Federal agencies,

Figure 3. Example of a County Organization







including the Forest Service, to attend annual meetings and other gatherings.

The National Association of Counties

On a national scale, county governments are represented by the National Association of Counties (NACo), which works with Federal agencies and Congress to shape national administrative and legislative policy that benefit the Nation's counties, parishes, and boroughs.

NACo unites America's county governments in working toward achieving healthy, vibrant, and safe counties across America. Founded in 1935, NACo brings county officials together to collectively advocate on

national policy, to exchange ideas, and to build leadership skills. NACo also helps counties pursue collective solutions to challenges and enriches the public's understanding of county governments and their role in daily life. County officials may work through NACo on congressional testimony, advocating for certain policy proposals with Congress or the Executive Branch, and on consolidating public comments for Federal agencies' proposed rules and regulations.

NACo also holds conferences and training workshops across the country throughout the year. Federal partners, including the Forest Service, attend these conferences, where county officials work to develop policy

positions and best practices for interacting with Federal agency staff to achieve shared goals.

Other Associations

Counties are also served at the State level by organizations like NACo, although those organizations may not be officially affiliated with NACo. These organizations hold conferences and training sessions, and often invite Federal agencies to attend. These State-level associations serve as an opportunity for Forest Service employees to meet and interact with county officials and learn about the needs and concerns of the citizens they represent. See a list of State and regional level county associations in the Appendix.





Section V.

Understanding the National Forest System Land Management Planning Processes and the National Environmental Policy Act

There are many ways counties may coordinate and/or cooperate with the Federal Government in the assessment, planning, environmental analysis, and monitoring of NFS lands. A county can **coordinate** its planning efforts with the Forest Service's land management planning process. It can also serve as a cooperating agency in the National Environmental Policy Act (NEPA) environmental analysis for the Forest Service's planning process.

Further, a county can participate in citizen-led forest collaborative groups or apply to participate in a Resource

Advisory Committee (RAC). While collaborative groups or RACs would not give a county any special status like the cooperating agency designation would, they may be effective in resolving issues identified by different stakeholders. In the best practices section of this guidebook, there is a discussion of collaboration and other approaches to working together.

This section of the guide focuses on the role of counties in the Forest Service land management planning process, which includes development of a land management plan and the environmental analysis that supports a decision (NEPA).



Overview of the National Forest Management Act (NFMA)

The Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the NFMA, requires the Forest Service to develop a land management plan for each administrative unit of the NFS.⁸ Specifically with respect to counties, NFMA requires the Forest Service to "develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management

planning processes of State and local governments and other Federal agencies."⁹ It requires the Secretary of Agriculture to issue regulations under the principles of the Multiple-Use Sustained-Yield Act to set out the process for developing and revising such plans and to ensure the plans meet certain guidelines set out in the Act.¹⁰ These subsequent processes are included within Planning Rules.

Overview of the 2012 Planning Rule

In 2012, USDA revised the Forest Service Planning Rule.¹¹ The planning rule establishes substantive and procedural requirements and constraints for developing, amending, revising,

and monitoring Forest Service land management plans. "This planning rule sets forth process and content requirements to guide the development, amendment, and revision of land management plans to maintain and restore NFS land and water ecosystems while providing for ecosystem services and multiple uses. The planning rule is designed to ensure that plans provide for the sustainability of ecosystems and resources; meet the need for forest restoration and conservation, watershed protection, and species diversity and conservation; and assist the agency in providing a sustainable flow of benefits, services, and uses of NFS lands that provide jobs and contribute to the economic and social sustainability of communities."¹²

⁸ The administration unit usually means a national forest or grassland or can mean two or more forests administered by one forest supervisor (such as the National Forests and Grasslands in Texas, comprised of four congressionally proclaimed national forests and two national grasslands.)

⁹ *Id.* § 1604(a).

¹⁰ 16 U.S.C. § 1604.

¹¹ **MISSING**

¹² 36 CFR 219. National Forest System Land Management Planning: Final rule and record of decision. Summary. Page 1

Each land management plan establishes a framework to guide the management decisions for a plan area. The 2012 Planning Rule maintains the requirement to coordinate with the planning activities of local governments, as well as those of States, other Federal agencies, and Tribal nations.

Overview of NEPA

NEPA was enacted in 1969 to promote harmony between humans and the environment.¹³

NEPA requires all Federal agencies, including the Forest Service, to study and consider the environmental impacts of a proposed Federal action that significantly affects the quality of the human environment. Examples of agency actions subject to NEPA include land management planning, vegetation management projects, authorization of uses of NFS

lands, and other permitting. The Council on Environmental Quality (CEQ) established regulations for implementing NEPA in 1978 and directed Federal agencies to adopt procedures to supplement the CEQ regulations.¹⁴ The Forest Service first established procedures for implementing NEPA in 1978 via the Forest Service directive system in a handbook and manual, which underwent subsequent revisions and were codified in the Code of Federal Regulations in 2008.¹⁵

NEPA's Congressional Declaration of National Policy (see box) applies to all major Federal actions affecting the environment. There are opportunities for counties to participate as cooperating agencies (in addition to the engagement that is offered to the general public) in the development of individual

projects as well as when a forest prepares an Environmental Impact Statement in the process of developing a land management plan.

Forest Service Actions Requiring Documentation

Two types of actions are documented through the NEPA process: programmatic and project-specific actions. Programmatic actions provide overall direction, such as land management plans, and project-specific actions implement these programmatic decisions. Project-specific actions include on-the-ground restoration activities (watershed, habitat, vegetation), public services (special use permits, transportation management, recreation), and vegetation management activities (rangeland management, timber sales, fuels reduction).

13 42 U.S.C. § 4331.

14 40 CFR 1500-1508

15 36 CFR 220

§4331. Congressional declaration of National Environmental Policy. (NEPA)

(a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

Types of NEPA Documentation

NEPA requires the Forest Service to consider the potential environmental and human impacts of its proposed actions and any reasonable alternatives before undertaking a major Federal action, as defined by the CEQ at 40 CFR 1508.18.¹⁶ Forest Service NEPA direction and guidance can

¹⁶ As stated in the Forty Most Frequently Asked Questions Concerning CEQ's National Environmental Policy Act, "Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant." This Memorandum for Federal NEPA Liaisons, Federal, State, and Local Officials and other persons involved in the NEPA Process was signed March 16, 1981 by Nicholas C. Yost, General Counsel.

be found in regulations,¹⁷ and the Forest Service NEPA manual¹⁸ and handbook.¹⁹ NEPA does not dictate a particular outcome, but it does require Federal agencies to perform an environmental analysis and documentation that can take on one of three forms:

- An **Environmental Impact Statement (EIS)** should describe the purpose and need for a proposed action and contain a discussion of all environmental impacts of the proposed Federal action,

¹⁷ 36 CFR 220.

¹⁸ Forest Service Manual § 1950.

¹⁹ Forest Service Handbook § 1909.15.

alternatives to the proposed action, and mitigation measures.²⁰ An EIS is prepared when the proposed action has potentially significant environmental effects, and it takes the most time to prepare.

- An **Environmental Assessment (EA)** is a concise public document that helps the agency determine whether an EIS is required. The agency prepares a "Finding of No Significant Impact" if the analysis in the EA indicates an EIS is not required. An EA is used if a project does not fit a

²⁰ See 40 CFR 1502.3.



categorical exclusion, if there is uncertainty regarding the significance of the potential environmental effects, and if the determination to prepare an EIS has not yet been made;

- A **Categorical Exclusion (CE)** is a category of actions that individually, or cumulatively,

do not have a significant effect on the environment and, therefore, do not need an EA or EIS. A CE applies when the proposed action falls within a category that the Forest Service has previously demonstrated does not have significant impact to the environment. Examples include

constructing a trail to a scenic overlook or planting native trees following a fire. There are also statutory CEs established by Congress. Examples of statutorily established CEs include one for certain projects promoting resilience to insect and disease infestations and others for specific types of oil



and gas development. CEs take the least amount of time to prepare.

NEPA does not require a Federal agency to take any particular course of action, instead it serves as an “essentially procedural” requirement.²¹ Generally, when a proposed Federal action is expected to have significant impacts on the environment, the agency proposing the action must prepare an EIS.²²

About the Council on Environmental Quality

NEPA established the CEQ within the Executive Office of the President to ensure that Federal agencies meet their obligations under NEPA. The CEQ

oversees NEPA implementation, principally through regulations guidance. CEQ also reviews and approves Federal agency NEPA procedures, approves alternative arrangements for compliance with NEPA for emergencies, helps to resolve disputes between Federal agencies and with other governmental entities and members of the public, and oversees Federal agency implementation of the environmental impact assessment.

In addition to overseeing NEPA implementation, CEQ also develops and recommends national policies to the President that promote the improvement of environmental quality and meet the Nation’s goals. CEQ is also assigned responsibilities under other statutes and Executive orders, including overseeing the Office of Federal Sustainability.

The Council on Environmental Quality Act rules implement this direction.²³ Implementation of NEPA requires considerable effort because of the complex jurisdictional and management issues related to Federal lands and the fact that State and local governments, as well as Indian Tribes, own and manage lands that are often near, adjacent to, or intermingled with Federal lands. Because of these land ownership patterns, Federal, State, local, and tribal government entities have increasingly sought to coordinate their decisions as a means of improving land management. By embracing closer cooperation during the environmental analysis process, all levels of government can better assess the context of Federal actions and can better integrate decision making within their jurisdictions.

21 *Vt. Yankee Nuclear Power Corp. v. Natural Res. Def. Council, Inc.*, 435 U.S.C. 519, 558 (1978).

22 42 U.S.C. § 4332(2)(C).

23 40 CFR 1501.2(d)(2).





Section VI.

Understanding Coordination and Cooperation

This section provides an overview of two important but distinct ways that the Forest Service and county governments can work together. This section first describes *coordination*, as provided by the NFMA provisions, which is the process by which the Forest Service reviews objectives of State and local land use plans when developing, amending, or revising land management plans. This is followed by a section describing the provisions provided in NEPA related to *cooperation*—the process by which Federal, State, local, and Tribal governments serve as cooperating agencies.

The NFMA states that the Forest Service must coordinate its planning with the local

government planning processes. The coordination requirements, however, do not include the conveyance of a status of “coordinating agencies.” Rather, the process of coordination is an internal review of and consideration of local land use plans. Under NEPA there is a lead agency that has the primary responsibility for preparing a NEPA document. The lead agency grants “cooperating agency status” to entities, such as counties, that have jurisdiction and/or special expertise to contribute to the environmental analysis process.

It should be noted that NFMA and NEPA statutory and regulatory requirements



relate to process only. Their effectiveness depends on the ability of the Forest Service and local governments to work together within legal guidelines in a good-faith, meaningful effort with a spirit that respects relationships as foundations to success. These different ways of working together can create positive opportunities for the Forest Service and county officials to achieve mutually shared objectives and resolve conflicts.

It is important to understand when, how, and why counties can engage in Forest Service land management planning processes, how the Forest Service must coordinate with local planning efforts, and when revising land management plans can significantly enhance cross-boundary planning, implementation, and monitoring.

Forest Service must coordinate its planning with the local government planning processes.

The laws and regulations summarized in Section V each emphasize early engagement among cooperating agencies as a means of addressing interagency issues.²⁴ They also express a desire that Federal agencies avoid duplication of NEPA with State, local, and Tribal procedures. In addition, the Forest Service must explain inconsistencies between a proposed action and State and local plans and laws as discussed in more detail below.²⁵ Further, a benefit to the Federal agency is that a cooperating agency provides analysis (1501.6(b)), which assists the Federal agency

and imposes a duty on the cooperating agency.

Coordination in NFMA Planning

The NFMA requires the Forest Service to "develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies."²⁶ This provision is generally referred to as the requirement to "coordinate." This requirement is in addition to the NFMA requirement that the Forest Service provide opportunities

²⁴ *Id.* § 1501.6.

²⁵ *Id.* § 1506.2(c).

²⁶ 16 U.S.C. § 1604(a).



2012 Planning Rule Direction On Coordination

For plan development or revision, the responsible official shall review the planning and land use policies of [these entities], where relevant to the plan area. The results of this review shall be displayed in the environmental impact

statement (EIS) for the plan (40 CFR 1502.16(c), 1506.2). The review shall include consideration of: (i) The objectives of [these entities], as expressed in their plans and policies; (ii) The compatibility and interrelated impacts of these plans and

policies; (iii) Opportunities for the plan to address the impacts identified or contribute to joint objectives; and (iv) Opportunities to resolve or reduce conflicts, within the context of developing the plan's desired conditions or objectives.

for public participation in the planning process.²⁷

The Forest Service must review local government planning and land use policies, along with similar policies of Indian Tribes, other Federal agencies, and State government when developing its land management plan. The Forest

Service is not required to comply with these plans but must try to be consistent with them unless prohibited by law. The final EIS, however, must contain results of this review, including consideration of local government objectives, the compatibility and interrelated impacts of Forest Service plan and local government policies, opportunities to contribute to common objectives, and ways

to reduce conflicts between a Forest Service plan and local policies.²⁸

The 2012 Planning Rule directs the responsible official (the forest supervisor) to coordinate land management planning with other planning efforts. Land management plans developed under the 2012 Planning Rule need

²⁷ 16 U.S.C. 1604 (d)

²⁸ 36 CFR 219.4(b)(2).

not be consistent with county-level plans; however, the Forest Service strives to achieve consistency to the extent it is consistent with laws, regulations, and the Forest Service mission and priorities.²⁹ National forests and grasslands often have different missions and land bases than do counties. In addition, land management plans must be flexible to address the diverse management needs on NFS lands and regional and national interests on Federal lands. The Forest Service encourages counties to participate throughout the planning process, and where appropriate, to work as cooperating agencies once the NEPA process begins. Working together prior to NEPA, such as developing the assessment³⁰ for the plan, is extremely beneficial

and should be encouraged by all parties.

The NFMA requirements, including the requirement to coordinate, apply to land management planning and project-specific plan amendments. These requirements include plan revisions, plan amendments, related assessments, and biennial monitoring reports. If a project does not require an amendment to the plan, the planning rule does not impose any additional requirements on the project.

The Federal Advisory Committee on the Implementation of the 2012 Land Management Planning Rule wrote a special guide to help State, local, and tribal governments to understand the Forest Service land management planning processes.³¹

29 As stated in the Planning Rule Frequently Asked Question: “Will responsible officials coordinate land management planning with county planning efforts?” www.fs.usda.gov/detail/planningrule/faqs#40

30 See “A Citizen’s Guide to Forest Planning” for in depth description of the planning process, including the assessment phase of the process.

31 Federal Advisory Committee on the Implementation of the 2012 Land Management Planning Rule, *Understanding Your Opportunities for Participating in the Forest Service Planning Process: A Guide for State, Local, and Tribal Governments* (2016) available at www.fs.usda.gov/main/planningrule/committee.

Examples of Coordination Between Counties and the Forest Service

For coordination to be most effective, it is helpful if local planning and land use policies are in place for the Forest Service to consider and review. As discussed above, many counties have developed natural resource plans or resource management plans for their jurisdictions to guide planning of natural resources development and conservation.

As an alternative to hiring outside consultants or full-time natural resource experts, counties may consider developing an informal committee made up of county residents with career expertise in fields such as land use planning, economics, or another subject relevant to resource management planning. These volunteer experts could form an informal advisory committee to the county government and may assist in reviewing and understanding Federal land management plans, including national forest plan updates. However, in order to formally represent the county government in discussions with Federal land management agencies, Federal law mandates that the members of the volunteer committee be designated as sanctioned agents of the county for the purposes of coordination or cooperation.

Taking Natural Resource Planning to the Next Level

Utah State and County Resource Management Plans

In 2016, the Utah State Legislature passed a law requiring each county and the State to complete Resource Management Plans and to provide funding for this endeavor. The result is 29 county Resource Management Plans and a State Resource Management Plan describing the priorities and objectives for natural resources. The goal of these plans is to “give the State and its counties greater and more meaningful input and direction to Federal land use planning for Utah’s public lands.”

Cooperation in the NEPA process

What Is Cooperation?

NEPA's implementing regulations, promulgated by the CEQ, require that a Federal agency "cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements" by engaging in joint planning processes, environmental research and studies, public hearings, and joint environmental assessments.³² While it is not very common that State and local planning processes have overlapping decisions because of the separate

and distinct jurisdictions, it is worthwhile to engage when these opportunities arise. This is especially true when a county's economy and sustainability comes from natural resources located on federally managed land.

A Federal agency's NEPA document (text box p. 22) must discuss any inconsistencies between the proposed action and State and local plans/laws and include a description of how the agency would harmonize its proposed action with the local law or plan.³³

NEPA also requires Federal agencies to take an interdisciplinary approach to

analyzing impacts of a Federal decision. The Forest Service establishes interdisciplinary teams (ID Teams) to satisfy this requirement and can include county representatives as cooperating agencies with special expertise on ID Teams.

What Is a Cooperating Agency?

The Federal agency undertaking a specific activity in question is considered the lead agency under NEPA. A cooperating agency is any Federal, State, local, or tribal government that has either *jurisdiction by law* applicable to the environmental analysis or *special expertise* on issues (environmental, social, economic) that should be addressed in the environmental analysis for

³² *Id.* § 1506.2.

³³ *Id.* § 1506.2(d).



that activity.³⁴ An agency has jurisdiction by law where it has the authority to approve, veto, or finance all or part of the proposal.³⁵

Special expertise means having statutory responsibility, agency mission, or related program experience.³⁶ So for example, entities with special expertise have one or more of the following:

- Experience regarding statutory responsibility, agency mission, or related program expertise (more than an interest in a proposed action).
- Expertise needed to help the lead agency meet a statutory responsibility.

34 *Id.* § 1508.5.

35 *Id.* § 1508.15.

36 *Id.* § 1508.26.

- Expertise regarding the proposed actions' relationship to the objectives of regional, State, and local land use plans, policies, and controls.

The Importance of Cooperating Agencies

NEPA provides that it is the "continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations...to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."³⁷ To this end, under NEPA, counties may qualify as cooperating agencies having jurisdiction or

37 42 U.S.C. § 4331(a).

special expertise with respect to potential impacts analyzed in an EIS.³⁸

The lead agency must provide a cooperating agency with an opportunity for meaningful participation and must allocate responsibilities to them.³⁹

Accordingly, a cooperating agency may be asked to help prepare portions of an EIS about which the cooperating agency has special expertise.⁴⁰ While normally a cooperating agency is to expend its own funds, NEPA provides that the lead agency may assist with costs associated with serving as a cooperating agency to the extent funding is available.⁴¹

38 40 CFR 1508.5.

39 *Int'l Snowmobile Mfrs. Ass'n v. Norton*, 340 F. Supp. 2d 1249, 1262 (D. Wyo. 2004).

40 See 40 CFR 1501.6(b).

41 40 CFR 1501.6(b)(5).

Cooperating Agency Roles

If a county becomes a cooperating agency (which is not required), this role will allow (but not require) the Forest Service to work with them in a variety of ways. When an entity is designated as a cooperating agency, it is able to:

- Participate in the creation of a *Memorandum of Understanding* or *Statement of Principles* that explains the roles and expectations involved in being a cooperating agency.
- Attend ID Team meetings related to their special expertise.
- Help identify the issues that set the scope of the analysis.

- Help develop the public participation plan and assist the agency in identifying and reaching key constituencies.
- Review and provide feedback on draft documents, such as the draft plan and draft EIS, prior to their public release .
- File an objection if they wish.

Cooperating agencies are not able to:

- Make decisions; the Forest Service retains decision-making authority.
- Have a role in managing the process of or resolving objections.
- Develop the Record of Decision.

Providing Special Expertise

Local governments employ a wide variety of experts in various fields who can provide verifiable data and other information that is relevant to land management agencies in the planning process. For example, local governments may have a better understanding of the socioeconomic characteristics of their communities and can therefore contribute this special expertise to the NEPA process. For example, a county may work with Forest Service to compile baseline socioeconomic data to be included in an EIS or prepare that portion of the EIS. For example, in Sublette County, Wyoming, the Board of County Commissioners, serving as a cooperating agency, prepared a report on the socioeconomic impacts of proposed Forest Service authorization of oil and gas leasing. The final product—Oil and Gas Leasing in Portions of the Wyoming Range in the Bridger-Teton National Forest—served as part of the EIS giving the county a significant role in the NEPA process.

In addition, many other Wyoming counties have prepared socioeconomic profiles that reflect current conditions in their communities and provide the Forest Service, as well as other Federal agencies ready information for inclusion or consideration in an EIS.

Experience shows that a diversity of perspectives often results in better planning, better decisions, and better projects. If the Forest Service decides that that special expertise of a county or other entity is needed, the Forest Service is expected to make invitations and engage as early as is possible in the process. In addition, a county should recognize its right to request cooperating agency status, if an invitation to do so is not provided. In being invited or requesting to be a cooperating agency, a county should carefully consider the opportunity and its own capacity

to meet the expectations that taking on cooperating agency status necessitates.

How Does a County Become a Cooperating Agency?

The CEQ has long encouraged Federal agencies to consider designating Federal and non-Federal cooperating agencies when preparing NEPA documents. The 2002 CEQ Memorandum on Cooperating Agencies in Implementation of the Procedural Requirements of the National Environmental Policy Act provides

guidance on the importance of cooperating agency designation to agency stakeholder involvement and notes that this type of involvement “neither enlarges nor diminishes the decision-making authority of any agency involved in the NEPA process.”⁴²

Cooperating agency status allows for early and frequent participation, including the possibility of developing proposed actions and/or reviewing draft documents. Cooperating agency status is generally conveyed by the Forest Service person making the decision on the plan or project by sending a letter, or an email, inviting counties within the geographical area of their national forest or grassland to participate in the NEPA process for a project or land management planning effort. The letter usually explains the participation options. This invitation should be sent as early in the process as possible but can be issued whenever it becomes apparent that a county's special expertise or jurisdiction is needed.

A county should respond to the invitation in writing and indicate whether it is interested in obtaining cooperating agency status and, if so, how it would like to participate. If a county responds that it is interested in becoming a cooperating agency,

42 Council on Environmental Quality, “Memorandum for the Heads of Federal Agencies from James Connaughton on Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act,” (January 30, 2002), available at <https://ceq.doe.gov/guidance/guidance.html>.

§1501.6 Cooperating agencies.

The purpose of this section is to emphasize agency cooperation early in the NEPA process. Upon request of the lead agency, any other Federal agency which has jurisdiction by law shall be a cooperating agency. In addition, any other Federal agency which has special expertise with respect to any environmental issue, which should be addressed in the statement may be a cooperating agency upon request of the lead agency. An agency may request the lead agency to designate it a cooperating agency.

(a) The lead agency shall:

1. Request the participation of each cooperating agency in the NEPA process at the earliest possible time.
2. Use the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise, to the maximum extent possible consistent with its responsibility as lead agency.
3. Meet with a cooperating agency at the latter's request.

(b) Each cooperating agency shall:

1. Participate in the NEPA process at the earliest possible time.
2. Participate in the scoping process
3. Assume on request of the lead agency responsibility for developing information and preparing environmental analyses including portions of the environmental impact statement concerning which the cooperating agency has

special expertise.

4. Make available staff support at the lead agency's request to enhance the latter's interdisciplinary capability.
5. Normally use its own funds. The lead agency shall, to the extent available funds permit, fund those major activities or analyses it requests from cooperating agencies. Potential lead agencies shall include such funding requirements in their budget requests.

(c) A cooperating agency may in response to a lead agency's request for assistance in preparing the environmental impact statement (described in paragraph (b)(3), (4), or (5) of this section) reply that other program commitments preclude any involvement, or the degree of involvement requested in the action that is the subject of the environmental impact statement. A copy of this reply shall be submitted to the Council.



it should describe its special expertise and/or jurisdiction that could define its role in that capacity. How a county chooses to participate depends on the interest, capacity, and relevancy of the proposed action; what the county believes it can offer; and the assignments that the lead agency requests.

By becoming a cooperating agency, a county has the opportunity to contribute its expertise to the environmental analysis process, often bringing needed and relevant insight and data on local economic, social, and community conditions, as well as integration opportunities with local natural resource plans and related efforts. While it takes resources (for example, staff hours, information, etc.) to be a cooperating agency, it is an important opportunity to help

shape Forest Service planning actions.

Managing the Cooperating Agency Relationships

Once an entity is granted cooperating agency status, the lead agency and the cooperating agencies collectively determine roles and expectations in a manner that can be easily communicated even when people transition in and out of their positions.⁴³ The most common format to codify these responsibilities is through the creation and signing of a Memorandum of Understanding (MOU). An MOU, while not a legally binding document, helps to clarify roles and responsibilities

and the process the Forest Service and a county will follow during the planning process. At a minimum, the MOU should clearly describe how the county will participate, when it will participate, and information the county will provide. An MOU may also detail a county's involvement after the decision is made, particularly in monitoring expected outcomes of the plan or project. CEQ also recommends that agencies "consider developing and using a Statement of Principles in lieu of the more complex and time-intensive process required to adopt a formal Memorandum of Understanding when developing cooperating or participating agency agreements with other Federal, Tribal, State, or local governmental entities."⁴⁴

43 See "Forty most asked questions concerning the National Environmental Policy Act Regulations."

44 Council on Environmental Quality, "NEPA Pilot Report and Recommendations," (2015), available at <https://ceq.doe.gov/ceq-reports/pilot-report-and-recommendations.html>.







Section VII.

Overview of County Planning Processes

One critical role county governments play is to prepare plans to guide county land use development and natural resource management.

The responsibilities of county governments to their constituents are numerous. One critical role county government's play is to prepare plans to guide county land use development and natural resource management. Often, such plans are the result of lengthy deliberative processes involving input from the general public and balancing the goals, values, and priorities of the community. As discussed in Section V, when creating land management plans, the NFMA requires the Forest Service to coordinate with the land and resource management

planning processes of State and local governments and other Federal agencies.⁴⁵ Within the agency's land management planning framework, the Forest Service works with State and local governments to address common objectives. Such coordination can help the Forest Service and counties identify common objectives and consistent approaches for addressing them. Coordination can also help the respective planning efforts be more efficient and effective.

45 16 U.S.C. § 1604(a).



County Land Use and Natural Resource Planning

Many counties and local governments prepare land use plans to guide development in their communities. Most States require county and municipal governments to develop land use plans that remain in force for 10 years before updating them. Some States establish goals for all counties to adhere to when developing resource plans and others allow those goals to be established at the local level. For example, since 1973, the State of Oregon has required city and county governments to prepare a comprehensive plan that guides future growth and development of private property in accordance with a set of State goals. Other States, such as

Wyoming, require counties to develop comprehensive plans but allow each individual county to determine its own goals, blueprints, and visions for how a community or area should grow.

Counties may also prepare specific plans that guide the management of natural resources within their borders, including the establishment of priorities for resource and economic development, recreation opportunities and infrastructure, and conservation. County natural resource planning data and process can complement information used by the Forest Service in its own land management planning including specific information on county-wide trends in natural resource health and conditions and local economic and social science information. A county government may contract

with a natural resource expert to study the county's natural resources and draft a resource management plan for it, while another county government may have its own natural resource department prepare such a plan.

Connecting With Your County's Land Use and Natural Resource Plans

Local planning efforts differ from the Federal land management planning process, so it is important to understand the legal framework and how to productively participate in local planning discussions. Land use plans are available to the public and are often on a county's website. Usually, the county planning department or natural resource department will be able to provide specific information about their individual plans, such as the area

Section VII. Overview of County Planning Processes

they cover, the planning cycle for revision, and any decisions that are made in those plans.

Each State, region, county, and community has its own template for making decisions about land use, but in general, they may include:

- Comprehensive plans and growth policies
- Zoning and subdivision ordinances that establish overall standards and criteria, and
- Review of individual proposals.

Each of these decisions, in turn, follows a typical path towards finalization that may include:

- Proposal,
- Technical review,
- Public hearings or informal reviews, and
- Final decision making.

In Arizona, for example, State Statute 11-805 requires all counties to develop, or update county comprehensive plans. These plans are effective for

10 years and, on or before the 10th anniversary, the county board will "readopt" the plan or adopt a new plan after a public involvement process (AZ Rev. Stat §11-805 (2015)). The Coconino County, Arizona, Comprehensive Plan establishes the county's priorities to coordinate with the Forest Service in its management of the Coconino and Kaibab National Forests. The county's plan establishes priorities that include forest restoration and the reduction of catastrophic fires. Consideration of these plans when revising the Coconino and Kaibab Land Management Plans



helped fulfill the coordination requirements of both the 1982 and the 2012 Planning Rule, resulting in a better plan for the forests.

Other county plans, such as the one developed by Delores County, Colorado, provides very specific priorities for coordinating activities occurring on the San Juan National Forest and provides procedures elected officials will follow to guide their participation in certain planning activities for the national forest or grassland. *Guidelines for Forest Service participation in county planning are presented in the Best Practices Section.*

Community Wildfire Protection Plans

The Healthy Forests Restoration Act (HFRA)⁴⁶ provides communities with a tremendous opportunity to influence where and how Federal agencies implement fuel reduction projects on Federal lands. Communities with Community Wildfire Protection Plans in place will be given priority for funding of hazardous fuels reduction projects carried out under the auspices of the HFRA. Therefore, creation of a Community Wildfire Protection Plan (CWPP) is the most effective way to take advantage of this opportunity. A CWPP may address issues such as wildfire

response, hazard mitigation, community preparedness, or structure protection—or all of the above. A CWPP should aim to reduce a community's risk from wildfire and restore healthier, more resilient conditions in the surrounding forests. Every CWPP is unique as it is based on the needs of the people involved in their development.

HFRA has certain requirements for the development and adoption of a CWPP. Guidance for preparing a CWPP that complies with the HFRA can be found in *Preparing a Community Wildfire Protection Plan, A Handbook for Wildland-Urban Interface Communities*.⁴⁷ This handbook was sponsored by NACo and other organizations.

The HFRA minimum requirements for a CWPP are:

1. **Collaboration:** A CWPP must be collaboratively developed by local and State government representatives, in consultation with representatives from Federal agencies and other interested parties.
2. **Prioritized Fuel Reduction:** A CWPP must identify and prioritize areas for hazardous fuel reduction treatments and recommend the types and methods of treatment that will protect one or more at-risk

communities and essential infrastructure.

3. **Treatment of Structural Ignitability:** A CWPP must recommend measures that homeowners and communities can take to reduce the ignitability of structures throughout the area addressed by the plan.

Further, HFRA requires that the applicable local government (i.e., counties or cities), local fire department(s), and the State entity responsible for forest management all mutually agree to the final contents of a CWPP. These entities are directed to confer with and involve local representatives of the Forest Service (and Bureau of Land Management) and other interested parties or persons in the development of the plan. The process for development of the CWPP is intended to be open and collaborative, as described in the 10-year National Cohesive Wildland Fire Management Strategy, involving local and State officials, Federal land managers, and the broad range of interested stakeholders.

While there are no requirements for how long a planning period is covered by a CWPP or when they need to be revised, there are provisions that encourage multiparty monitoring. These plans can be found on each county's web page.

⁴⁷ The Handbook can be found at <https://forestsandrangelands.gov/documents/resources/communities/cwpphandbook.pdf>

⁴⁶ 16 U.S.C. 6501, et seq



Collaborative Processes and Groups

Over the last several decades, there has been increasing emphasis by Federal agencies and stakeholders on the use of collaborative processes to solve seemingly intractable natural resource management problems on national forests and grasslands. The 2012 Planning Rule defines collaboration or collaborative process as “a structured manner in which a collection of people with diverse interests share knowledge, ideas and resources while working together in an inclusive and cooperative manner toward a common purpose.” This definition is very similar to the way in which people describe collaboration or collaborative processes outside of the formal planning process.

Collaborative processes can be used within an organization, between organizations, in

inter- and intra-governmental projects or programs and between governmental and non-governmental entities.

Generally, good collaborative processes include: (1) Open and transparent decision making; (2) Fair, clear, and inclusive participation and representation; (3) Effective facilitation and management of group processes; (4) Consideration of biological and social sciences, economics, local, and traditional knowledge to inform dialogue, agreements, and decision making; and (5) Commitment to learning through various approaches to monitoring ecological, economic, and community conditions.

The use of collaborative processes does not modify the Forest Service’s responsibility or authority to make the final

decision to approve a land management plan, plan revision, plan amendment, or other programmatic decision, or to authorize a project or activity.

Along with the use of collaborative processes in the Federal Government, there has been a corresponding emergence of citizen-led forest collaborative groups, particularly across the West, where there are large swaths of Federal lands. Forest collaborative groups are generally citizen-led and often provide meaningful opportunities for engagement between diverse interests, enabling increased understanding, trust, innovation, and problem solving that is broadly supported. Forest collaborative groups are typically focused on finding common ground to achieve shared objectives or resolve commonly perceived problems.



Forest collaborative groups are not controlled or led by Forest Service employees, although their active non-voting participation is encouraged by Forest Service leadership and policy, and often expected by community members and partners.

The work of these collaborative groups, their processes, projects, and agreements do not supplant requirements to provide public involvement opportunities, consult on a government-to-government basis with Tribes, or engage with State and local governments.

County government participation in forest collaborative groups, as well as other collaborative processes, is an important ingredient for success. County commissioners and officials can provide

important local perspective, expertise, and connection to their broader community. There are numerous examples of collaborative groups that have benefitted from the participation, and in many instances, leadership of county commissioners and officials. When county commissioners participate in a citizen-led forest collaborative group, they are able to leverage their leadership role, experience, and networks to garner support, ensure balance, and facilitate important communication between all facets of the local community, State officials and agencies, as well as build relationships with interest groups participating in the process.

Using collaborative approaches and working with collaborative groups can be particularly effective when issues are

complex, extremes of opinions are driving public discourse, and there are opportunities to identify common ground and develop shared ownership of outcomes. Some of the benefits include, but are not limited to, (1) Developing deeper understanding of different interests and positions; (2) Leveraging human, social, political, financial, and data resources; (3) Improving project design by better addressing multi-interest concerns and leveraging partner expertise; (4) Improving effectiveness and efficiencies by increasing agreement on highest priority actions; (5) Receiving fewer legal challenges and withstanding legal challenges; and (6) Supporting adaptive management by integrating the results of collaborative monitoring efforts (ecological, economic, and community impacts).



Section VIII.

Best Practices for Counties and the Forest Service to Work Together

It is critical that both Forest Service and county officials engage each other in transparent and consistent ways to maximize opportunities to find common ground.

Effective and efficient relationships between county governments and the Forest Service allows for sharing of resources and expertise that can lead to stronger communities and healthier ecosystems. There are numerous examples of counties and the Forest Service working well together to achieve good management decisions for resources on national forests and grasslands while also supporting the goals of counties and local communities. These situations exist because county and Forest

Service officials have found ways to address issues in a constructive manner—through coordination, cooperation, and collaboration.

It is critical that both Forest Service and county officials engage each other in transparent and consistent ways to maximize opportunities to find common ground, resolve conflicts early, and create space for shared stewardship.

The next section of this guide describes best practices for



Forest Service employees and county government officials when working together. The relationship between a county and their local national forest or grassland is, by nature, a long-term endeavor that must endure transitions in leadership, political, and economic conditions and/or environmental threats caused by natural disturbance and other conditions among other factors.

Best Practices for Forest Service Employees When Working With County Officials

Engage Early and Often

Central to effective and efficient engagement is the ability to build and maintain trust. A key part of building trust is meaningful engagement and frequent

constructive interaction. There are a variety of practices that help to create trust needed to support joint land management planning, project implementation, monitoring, and adaptive management. Equally important in building trust is to engage, as appropriate, in county-related processes and meetings. By using a variety of approaches that support informal and formal engagement, you can build and sustain productive working relationships at the leadership level as well as between specialists and other related staff. **Establishing relationships early** can be done in many ways, including the following:

- Attend county meetings not only when you are presenting information, but on a regular basis; regular attendance will help you understand the context of community concerns.

- Be and have other Forest Service representatives be a visible and consistent presence at community events and contribute, as appropriate, to support community education and outreach.
- Request regular check-in meetings with local elected leaders to have time for informal engagement so you can identify and discuss issues before they become problems.
- Fully use digital and social media to engage with the community so you have a sustained presence and opportunity to share the work that is happening on your forest or grassland, connecting with how county employees are using digital platforms to communicate with residents and as another way to work together.

Understand Local History and Priorities

Recognition of the local history, culture, context, and the community's relationship to your specific national forest or grasslands and personnel is essential in informing current and future land management decisions. In addition, having a clear understanding of how Forest Service, USDA, and congressional priorities line up with the local State and county priorities is critical to finding common ground and socio-political leverage points.

- Ask your Forest Service staff and/or colleagues to provide existing project, grant, and related agreements (formal and informal) and talk through the status of those efforts to ensure they remain fresh and relevant to everyone.
- Ask your county or State officials about the status of current and forthcoming local- and State-level planning efforts.
- Become familiar with State law granting authority to counties and other local governments.
- Ask questions to ensure you understand county officials' local budgets, economic conditions, and needed investments.
- Become familiar with your county's social and economic data through relationships

with local officials. For more information, visit NACo's County Explorer ([see section on tools](#)), as well as the [Headwaters Economics Profile System used by the Forest Service and other Federal agencies](#).

Practice Behaviors that Build Trust

What you do is as important as what you say. Ensuring that your actions and words are consistent will increase trust, clarify expectations, and assure people that investing their time is worthwhile. Follow-through and complete communication cycles help reinforce this trust.

- Work in good faith with county officials to meet mutual goals.
- Use plain and accurate language.
- Respect and acknowledge local expertise and knowledge.
- Ask questions to make sure you understand.
- Learn from the past, operate in the present, and create space for the future.
- Share ownership and accountability.
- Follow up and follow-through on conversations.

Establish Leadership Intent

It is important for leadership in the Forest Service and county

governments to demonstrate their intent to work together more effectively.

- Identify a clear designation of who serves as the primary liaison with each county in their respective national forest or grassland.
- Ensure the memoranda between the Forest Service and statewide county associations is current, works well for both parties, and is revised and amended as needed.
- Be aware of and honor previous agreements with county officials, as much as possible and allowed by current policy and law.
- Ensure the appropriate level of attendance at annual statewide county association meetings and present topics of interest if invited to do so.
- Ensure active participation (e.g., attend meetings and share information or technical advice, as appropriate or requested) by Forest Service employees in local planning efforts to help those efforts and build valuable relationships for future coordination, cooperation, or collaboration.

Conduct field visits with County personnel

- Host county officials in visits to your national forest or grassland or other Federal



landscape to enhance your understanding of the perspective of the county in the planning process. Often, the best decisions can be developed by people looking at the same piece of ground at the same time and coming up with solutions.

Communicate Understanding of Forest Service Contributions and Impacts

In many counties, the Forest Service manages a large percentage of the land base. In rural communities, particularly in the West, a national forest or grassland's program of work has

often been a significant driver for the local economy and provided important physical and social infrastructure needed to link the Forest Service with the social fabric of adjacent communities. Changes and shifts in the program of work and staffing of a national forest or grasslands can have direct



Guidelines for Forest Service Participation in Local Planning Efforts

When involved in local planning, Forest Service employees may do the following:

- Articulate the natural resource consequences of various land use options.
- Provide science-based information for local decision makers.
- Help identify problems and share possible solutions.
- Bring together people and groups in the interest of developing relationships and partnerships.

impacts on these communities. Understanding what the program of work has been, what it is today, and how new actions will affect the community is important to acknowledge and consider when managing the national forest or grassland.

It is important that Forest Service leadership and employees can

demonstrate an understanding of the Forest Service's contributions and impacts to a local community. This understanding includes knowing how to:

- Share and use the best available ecological, economic, and social science to inform your decision making.

- Be aware of and be able to articulate the social and economic contributions of the land management activities in that community, in addition to being able to explain the environmental conditions of the land.
- Listen to and consider local knowledge and expertise.

Work Together to Manage Personnel Transitions

Leadership changes happen frequently at national forests and grasslands and in county elected positions. Managing those transitions can significantly alter their impact. Dedicating time and attention to transition processes can help maintain momentum of working relationships, reduce tensions, and set new employees up for good working relationships. When partners commit to help each other through the transition process, the negative impact of those shifts can be minimized.

Work together to ensure continuity and maintain momentum: When changes occur, particularly with Forest Service line officers and staff with significant public interface, or in key county leadership, introductions should be made quickly. Working together to ensure transitions are smooth and efficient will improve the transition.

On-boarding new leaders: Early orientation sessions given by the Forest Service or county can greatly improve transitions. Either the Forest Service or the county can initiate an orientation session after a change. Coordinate sessions that include:

- Sharing relevant organizational charts so everyone knows the best person to contact for each topic.
- Providing new leaders with a copy of this guide.
- Reviewing current and recently expired agreements (grants, partnership or stewardship agreements, Memorandums of Understanding, and so on).
- Providing an overview of the national forest or grassland, its history in the county, its current structure, its current program of work, and its capacities.
- Providing an overview of the history of the county.
- Reviewing any pertinent county plans, such as a county Natural Resource Plan, and any up-coming planning processes.

- Introducing the NACo's County Explorer database to ensure line officers and program managers have an understanding of county demographic information.
- Introducing county officials to the Headwaters [Economics Profile System \(https://headwaterseconomics.org/tools/economic-profile-system/about/\)](https://headwaterseconomics.org/tools/economic-profile-system/about/) used by the Forest Service.

Managing the departure of leaders: When an agency or a county leader changes jobs or roles in a community, it is worthwhile to manage the exit process to ensure momentum is not lost. Some processes are in place to support these transitions for the Forest Service, and there is opportunity for county leaders to work with the Forest Service to create a process that supports their on-going work together:

- A Forest Service manager should provide the county with a transition memo that documents top issues, relationships, points of contact, and current formal and informal agreements with county and other local governments and other significant partnerships.
- Whenever possible, time should be taken for overlap between incoming and outgoing Forest Service line officers and introductions should be made to secure as smooth a transition as possible.
- County officials should let Forest Service leaders know when new leadership is in place



Best Practices for County Officials When Working With Forest Service Employees

As discussed above, there are many opportunities for county governments to be involved in Forest Service decision making. The Forest Service is required to coordinate with county planning processes during land management planning and to consider inviting counties to serve as cooperating agencies. With these opportunities come responsibilities to serve as a

constructive partner, working in good faith with Federal agency counterparts to meet mutual goals.

To effectively use your seat at the table and represent your constituents, as a county officials, you should strive to maintain constructive dialogue, present ideas and verifiable data that can assist in the planning and analysis processes, and partner with Forest Service personnel to reach workable solutions to problems early.

In this section, you will find best practices for county officials to work with the Forest Service to

achieve the mutually shared goal of a healthy, accessible public lands for all Americans to enjoy.

Work in Good Faith With Forest Service Counterparts

The Forest Service operates under certain legal constraints when developing land management plans and in the day-to-day aspects of managing NFS lands. Each decision is carefully scrutinized by local residents, governing entities, nongovernmental organizations (at multiple scales), industry, and other interested stakeholders just as the decisions of county governments are reviewed by the

same entities. It is imperative for elected county leaders to build a trusting relationship with Federal personnel in their area. Counties have a voice in the Federal land management process, and it is incumbent upon you to engage with agency personnel early and often.

Set Up Regular Meetings With Agency Officials

- Schedule regular meetings with a forest supervisor or district Ranger to build a trusting relationship.
- Be open and candid and commit to ongoing dialogue with Federal officials to create opportunities to solve problems before greater conflict escalates. Use these meetings as an opportunity to provide background and a history of the county to Forest Service managers, especially those that are new to the area.
- Provide an introduction on the use of NACo's County Explorer database, discussed in this section, to ensure managers have an understanding of county demographic information.
- Communicate with the local forest leadership so you are aware of and understand current priorities of that unit and how they connect with the priorities and targets of the regional and national office of the Forest Service.
- Invite forest supervisors, district rangers, and other agency personnel to county board meetings to present information related to surrounding national forests or grasslands and participate in county planning decision making.
- Understand the Forest Service budget, including funding trends for the ranger district, national forest or grassland, and region near your county. Understanding the national budget process and ways to influence its development can also be worthwhile.
- Be familiar with current national priorities by reading the USDA and Forest Service Strategic Plans, which can be found at the [Strategic Plan website \(www.fs.fed.us/strategicplan\)](http://www.fs.fed.us/strategicplan).
- Inform agency personnel of county public meetings that provide opportunities to update the public and county elected officials on important Federal decisions, deadlines, and priorities.

Conduct Field Visits With Forest Service Personnel

- Visit NFS lands with Forest Service officials to increase your understanding of the perspective of the agency in the planning process.
- Similarly, conduct field visits with agency personnel to county, State, Tribal, and/or





other private lands to foster a dialogue and lead to a greater understanding of and balance in the planning processes. Often, the best decisions can be developed by people looking at the same piece of ground at the same time and coming up with solutions.

Strive Toward a Constructive Dialogue

- Understand and appreciate the complexity of the expectations of serving a national public. Recognize that both county and Federal personnel must answer daily to their superiors, local and State governments, nongovernmental organizations, and the general public.
- Be open and clear and consistent with messages and support. Stating concerns candidly is important and how, where, and the tone used can

affect whether those concerns will lead to a constructive dialogue and relationship.

- Promote shared investment in problem solving and develop long-term, mutually beneficial solutions. Some of the attributes of constructive dialogue include:
 - Being clear about your purpose and desired goals.
 - Bringing issues up in a timely and appropriate manner and venue.
 - Describing problems objectively.
 - Being willing to jointly come up with a solution, rather than assigning blame.
 - Expressing respect for and the value of differing opinions or perspectives

contributes to creating a safe and civil space for dialogue.

- Understanding legal or regulatory restraints that affect how decisions are made.
- Communicating your willingness to participate in an appropriate capacity even if it's not through formal coordination and cooperation.

Know and Understand the Roles of Federal Officials and Agency Missions

- County governments and the Forest Service may find their separate missions in conflict or potential decisions difficult to make because of constraints imposed by Federal laws or regulations. That does not necessarily mean, however, that representatives from the Forest Service cannot work with county officials to find an agreeable solution to an issue. Federal laws, including NEPA and the NFMA, discussed in Section V, or other regulations may require an agency to make a decision that is not optimal from the county perspective.
- Request that Forest Service employees be as clear as possible on timeframes for analysis and decision-making processes, especially if you are a cooperating agency. Be realistic as the decision-making process is often lengthy because the agency

is trying to make the best-informed, supported decision that satisfies both statutory and regulatory requirements and the demands of the public.

Understand the Legal Role of Counties in the Process

- Be aware of NEPA and NFMA requirements. Forest Service land planning efforts are governed by NEPA, NFMA, and other laws and regulations. In counties with significant percentages of NFS lands, it is imperative that Federal and county governments understand these laws and their impact on land management. NEPA and NFMA give county governments an opportunity to work with their Federal counterparts to achieve consistent processes and documents through the coordination or cooperation process.
- Work toward consistency and mutually beneficial solutions. A seat at the table does not guarantee a desired outcome, but it can create an environment where local priorities and needs can be addressed in creative and satisfactory ways.
- Participate in planning efforts. Under NEPA and NFMA, the Forest Service is encouraged to give counties with special expertise the opportunity to participate on proposed land management plans by being a cooperating agency

as described earlier in this guide. The Forest Service must also coordinate efforts with county resource management plans in the development of land management plan. NFMA does not require the Federal Government to meet the demands of a county government. It does require, that the Forest Service coordinate with a county regarding its land use plans in the Federal planning process; and, when the Forest Service land management plans do not align with the objectives of the county plan is important for the Forest Service to explain why.

- Develop procedures for participation. Counties may want to develop procedures for their participation in land management actions undertaken by the Forest Service to ensure that coordination of county planning with national forest or grassland planning is effectively accomplished. Procedures can also be established to provide meaningful input as a cooperating agency in the planning process. The Appendix provides an example of how Dolores County, Colorado, included procedures within their Development and Land Use Regulations.

Use the Right Tool for the Relationship

- Know what Forest Service agreements your county is a

party to. Many counties have entered into various partnership and financial agreements with Federal agencies over the years. Some agreements may be active, pending approval from the county or Federal Government, or are expired. Become familiar with the details of existing and expiring agreements between the Forest Service and your county. Additionally, reach out to Forest Service employees to discover possible options for written agreements between the county and the Forest Service to work toward improving forest health and road access and maintenance and improving recreation opportunities.

- Use the *Forest Service Partnership Resource Center*, which has a curated library of resources that can help you choose the right mechanism for your situation. Visit the [Partnership Resource Center \(www.fs.fed.us/working-with-us/partnerships\)](http://www.fs.fed.us/working-with-us/partnerships) for more information.
- Use the National Collaboration Cadre, when appropriate. The Forest Service also has a National Collaboration Cadre, which is a resource that helps forests and stakeholders organize for collaboration and is available to work with existing collaborative groups to help evaluate strengths and weaknesses and identify ways to improve collaborative work.

Provide Data, Science, and Other General Local Knowledge to Federal Officials

Bring Data and Ideas to the Table

- Federal officials are required to make decisions based on verifiable data and best available science. You can help this process by conducting socioeconomic analyses of your county so that data can be used by agency personnel during the planning process. Some counties have highly qualified natural resource staff that can provide environmental expertise. For example, the State of Wyoming has provided limited funds to county governments that

wish to produce baseline socioeconomic data. This data is compiled by university professors and is based on various government and private studies that withstand the scrutiny of peer-reviews.

- Hiring trained scientists and experts can be expensive. Many counties have residents whose careers and interests are or were centered in fields valuable to land management planning. These individuals could volunteer to advise the county's elected leaders in natural resource policy, science, or socio-economic trends. Individual volunteers and volunteer committees can be specific to reviewing, editing, or writing a county's resource management plan and/or advising the local government of

public concerns regarding natural resource issues. Keep in mind, however, that a volunteer committee may not serve as a formal coordinating partner or cooperating agency with Federal agencies unless the county government formally sanctions the committee members as agents of the county.

Develop Local Resource Management Plans

The existence of a county resource management plan can greatly aid Federal agencies in the development of their own land management plans. County officials, working in conjunction with others (e.g., experts on species data, customs and cultural data, socioeconomic baseline data, and scientific analysis of environmental topics) can provide crucial information that helps create a better informed land management plan. Some States may make funding available for a county to develop a resource management plan. It would be worth exploring your county's options in order to ensure your residents have an informed voice with a strong scientific backing at the table. Counties that have resource management plans (including community wildfire protection plans) should provide these plans and any updates to the Forest Service personnel and make sure new personnel are provided copies.



NACo County Explorer

County Explorer is an interactive data base that provides information on more than 100 data sets for every county in the United States. It allows the user to view information about socio-economics, infrastructure, financing, and administrative details that are important to fully understanding a local community. It can be accessed on NACo's website at: explorer.naco.org. Forest Service and county officials can jointly use this tool to help their planning efforts.



Conclusion

The guiding factors in intergovernmental participation, whether coordination, cooperation, or collaboration, should be the identification of opportunities to contribute to common objectives; the resolution or reduction of conflicts between policies, plans, and personnel; and the achievement of mutually agreeable outcomes. Intergovernmental participation is an investment in time and resources that can, and should, continue for many years. Successful partnerships depend on all of the parties taking time to understand each other's management objectives and to work to find the inconsistent positions, to discuss them, and to consider alternatives for resolving them that are mutually beneficial.



Section A.

Appendices

For information about the National Environmental Policy Act, visit the Council on Environmental Quality website, which provides detailed information on the law, regulations, guidance, practices, and many publications and reports: <https://ceq.doe.gov/>.

For information about the Forest Service Planning Rule, the following website provides information, guidebooks, and answers to frequently asked questions about the rule. www.fs.usda.gov/planningrule

For information about working in partnership with the Forest Service, visit the Partnership Resource Center: This site provides information about funding, administrative, and legal information, stories about partnerships, and other learning resources.
<https://www.fs.fed.us/working-with-us/partnerships>

Counties do not give up any rights provided to them under law by entering into Memorandums of Understanding as Cooperating Agencies.

1. Copy of Forest Service - NACo Memorandum of Understanding



USDA, Forest Service

OMB 0596-0217
FS-1500-15FS Agreement No. 20-MU-11132420-095

Cooperator Agreement No. _____

MEMORANDUM OF UNDERSTANDING
Between The
NATIONAL ASSOCIATION OF COUNTIES (NACO)
And The
USDA, FOREST SERVICE

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between the National Association of Counties, hereinafter referred to as "National Association of Counties," and the United States Department of Agriculture (USDA), Forest Service, hereinafter referred to as the "U.S. Forest Service."

Background: The organizations recognize that counties have a unique role and perspective in the management of public lands, with the potential of being significantly affected by the decisions of the U.S. Forest Service. This time brings a unique opportunity for stronger coordination with States, Tribes, counties, and other partners as the Forest Service grows its focus on sharing stewardship responsibilities beyond the borders of our Federal public lands. By strengthening local and federal intergovernmental relationships, we can ensure county officials are integrally involved in Forest Service deliberation and policy development. Through these relationships, agency leaders become more keenly aware of the impacts of Forest Service actions on local communities.

Title: MOU Recognizing Collaboration between the U.S. Forest Service and National Association of Counties

I. PURPOSE: The purpose of this MOU is to document the cooperation between the parties to establish a framework for the U.S. Forest Service and National Association of Counties to work collaboratively on initiatives that mutually benefit each organization's mission and objectives. In so doing, the organizations strive to build upon and improve lines of communication at all levels. The National Association of Counties together with the Forest Service strengthen support between counties that have direct interest in or involvement with national forest lands and the agency in accordance with the following provisions.

II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

The U.S. Forest Service is a land and resource management agency of the United States Department of Agriculture responsible for managing and protecting approximately 193 million acres of public lands. The Forest Service provides leadership in the management of the Nation's state and private forests, forest research, and international assistance for the protection and sound management of the world's forest resources. The agency is increasingly coordinating with states, counties, Tribes, and other partners to prioritize actions in order to



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increase the scope and scale of critical forest treatments. In sharing its stewardship responsibilities, the agency is able to support communities, improve forest conditions, and generally realize numerous common benefits that are important to the majority of the agency's stakeholders.

National Association of Counties is a national organization that represents county governments in the United States. Founded in 1935, National Association of Counties provides essential services to the nation's 3,069 counties. National Association of Counties advances issues with a unified voice before the federal government, improves the public's understanding of county government, assists counties in finding and sharing innovative solutions through education and research, and provides value-added services to save counties and taxpayers money.

In consideration of the above premises, the parties agree as follows:

III. THE U.S. FOREST SERVICE AND NATIONAL ASSOCIATION OF COUNTIES SHALL:

- A. The Forest Service Chief and National Association of Counties Executive Director or their representatives will meet to identify and discuss issues of mutual concern and interest, facilitate cooperation and explore mutual objectives. These meetings will provide the basis for an ongoing cooperative relationship among the organizations.
- B. Whenever possible, the Forest Service and National Association of Counties leadership will consult with each other as they are adopting policies or initiatives which are of interest to and which might directly affect each organization.
- C. The Forest Service and National Association of Counties agree to work cooperatively to identify and promote coordination among federal and county public land management systems.
- D. The Forest Service and National Association of Counties agree that federal, local and regional collaboration in stewardship is essential to achieve national policy objectives.
- E. The Forest Service and National Association of Counties will work to identify projects and initiatives at the national, local or regional level to facilitate cooperation among the federal government and counties in implementing land management policies and directives.
- F. The Forest Service and National Association of Counties agree to identify and explore additional opportunities for cooperation including training, educational programs, land use planning, cooperation in land and resource management practices, access management, and interagency staff assignments and exchanges.
- G. The Forest Service Chief, or other agency representatives, will, to the extent practicable, attend National Association of Counties meetings and conferences and participate in whatever capacity is deemed beneficial by each organization.



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IV. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

A. PRINCIPAL CONTACTS. Individuals listed below are authorized to act in their respective areas for matters related to this agreement.

Principal U.S. Forest Service Contacts:

U.S. Forest Service Program Manager Contact	U.S. Forest Service Administrative Contact
Jacqueline Emanuel 201 14 th St. SW Washington, D.C. 20250 Telephone: 202-205-1072 Email: jacqueline.emanuel@usda.gov	Leanne Veldhuis 201 14 th St. SW Washington, D.C. 20250 Telephone: 202-649-1177 Email: leanne.veldhuis@usda.gov

Principal National Association of Counties Contacts:

National Association of Counties Program Manager Contact	National Association of Counties Administrative Contact
Jonathan Shuffield 660 N. Capitol Street NW Suite 400 Washington, D.C. 20001 Telephone: (512) 965-7268 Email: jshuffield@National Association of Counties.org	Miranda Morvay 660 N. Capitol Street NW Suite 400 Washington, D.C. 20001 Telephone: (202) 393-6226 Email: mmorvay@National Association of Counties.org

B. ASSURANCE REGARDING FELONY CONVICTION OR TAX DELINQUENT STATUS FOR CORPORATE ENTITIES. This agreement is subject to the provisions contained in the Department of Interior, Environment, and Related Agencies Appropriations Act, 2012, P.L. No. 112-74, Division E, Section 433 and 434 regarding corporate felony convictions and corporate federal tax delinquencies. Accordingly, by entering into this agreement National Association of Counties acknowledges that it: 1) does not have a tax delinquency, meaning that it is not subject to any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, and (2) has not been convicted (or had an officer or agent acting on its behalf convicted) of a felony criminal violation under any Federal law within 24 months preceding the agreement, unless a suspending and debarring official of the USDA has considered suspension or debarment is not necessary to protect the interests of the Government. If National Association of Counties fails to comply with these provisions, the U.S. Forest Service will annul this agreement and may recover any funds National Association of Counties has expended in violation of sections 433 and 434.



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- D. NOTICES. Any communications affecting the operations covered by this agreement given by the U.S. Forest Service or National Association of Counties is sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the U.S. Forest Service Program Manager, at the address specified in the MOU.

To National Association of Counties, at the Program Manager's address shown in the MOU or such other address designated within the MOU.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

- E. PARTICIPATION IN SIMILAR ACTIVITIES. This MOU in no way restricts the U.S. Forest Service or National Association of Counties from participating in similar activities with other public or private agencies, organizations, and individuals.
- F. ENDORSEMENT. Any of the Program Manager's contributions made under this MOU do not by direct reference or implication convey U.S. Forest Service endorsement of National Association of Counties's products or activities.
- G. NONBINDING AGREEMENT. This MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity. The parties shall manage their respective resources and activities in a separate, coordinated and mutually beneficial manner to meet the purpose(s) of this MOU. Nothing in this MOU authorizes any of the parties to obligate or transfer anything of value.

Specific, prospective projects or activities that involve the transfer of funds, services, property, and/or anything of value to a party requires the execution of separate agreements and are contingent upon numerous factors, including, as applicable, but not limited to: agency availability of appropriated funds and other resources; cooperator availability of funds and other resources; agency and cooperator administrative and legal requirements (including agency authorization by statute); etc. This MOU neither provides, nor meets these criteria. If the parties elect to enter into an obligation agreement that involves the transfer of funds, services, property, and/or anything of value to a party, then the applicable criteria must be met. Additionally, under a prospective agreement, each party operates under its own laws, regulations, and/or policies, and any Forest Service obligation is subject to the availability of appropriated funds and other resources. The negotiation, execution, and administration of these prospective agreements must comply with all applicable law.



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Nothing in this MOU is intended to alter, limit, or expand the agencies' statutory and regulatory authority.

- H. USE OF U.S. FOREST SERVICE INSIGNIA. In order for National Association of Counties to use the U.S. Forest Service insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted from the U.S. Forest Service's Office of Communications. A written request must be submitted and approval granted in writing by the Office of Communications (Washington Office) prior to use of the insignia.
- I. MEMBERS OF U.S. CONGRESS. Pursuant to 41 U.S.C. 22, no U.S. member of, or U.S. delegate to, Congress shall be admitted to any share or part of this agreement, or benefits that may arise therefrom, either directly or indirectly.
- J. FREEDOM OF INFORMATION ACT (FOIA). Public access to MOU or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552).
- K. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All cooperators, their employees, volunteers, and contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.
- L. TRIBAL EMPLOYMENT RIGHTS ORDINANCE (TERO) The U.S. Forest Service recognizes and honors the applicability of the Tribal laws and ordinances developed under the authority of the Indian Self-Determination and Educational Assistance Act of 1975 (PL 93-638).
- M. NONDISCRIMINATION STATEMENT – PRINTED, ELECTRONIC, OR AUDIOVISUAL MATERIAL. National Association of Counties shall include the following statement, in full, in any printed, audiovisual material, or electronic media for public distribution developed or printed with any Federal funding.

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis



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of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

If the material is too small to permit the full statement to be included, the material must, at minimum, include the following statement, in print size no smaller than the text:

"This institution is an equal opportunity provider."

- N. TERMINATION. Any of the parties, in writing, may terminate this MOU in whole, or in part, at any time before the date of expiration.
- O. DEBARMENT AND SUSPENSION. National Association of Counties shall immediately inform the U.S. Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part 180. Additionally, should National Association of Counties or any of their principals receive a transmittal letter or other official Federal notice of debarment or suspension, then they shall notify the U.S. Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.
- P. MODIFICATIONS. Modifications within the scope of this MOU must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change.
- Q. COMMENCEMENT/EXPIRATION DATE. This MOU is executed as of the date of the last signature and is effective through 5 years at which time it will expire.



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R. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this MOU.

In witness whereof, the parties hereto have executed this MOU as of the last date written below.

Matthew Chase, Executive Director
National Association of Counties

3/1/2020
Date

Vicki Christiansen, Chief
U.S. Forest Service

3/1/2020
Date

The authority and format of this agreement have been reviewed and approved for signature.

JOHN HEFNER

Digitally signed by JOHN HEFNER
Date: 2020.02.20 14:05:25 -08'00'

John Hefner, WO
U.S. Forest Service Grants Management Specialist

2/20/2020

Date

Burden Statement

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2. List of State and Regional County Associations and related County Coalitions

Alaska Municipal League	One Sealaska Plaza	Juneau	AK	99801-126	(907)586-1325
Association of County Commissions of Alabama	PO BOX 5040	Montgomery	AL	36103-504	(334)263-7594
Association of Arkansas Counties	1415 West Third Street	Little Rock	AR	72201	(501)372-7550
Arizona Association of Counties	1910 W Jefferson St Ste 1	Phoenix	AZ	85009-522	(602)252-6563 (222)
County Supervisors Association of Arizona	1905 W Washington St Ste 100	Phoenix	AZ	85009-527	602-452-4514
California State Association of Counties	1100 K St Ste 101	Sacramento	CA	95814-393	(916)327-7500 (545)
Colorado Counties, Inc.	800 Grant St Ste 500	Denver	CO	80203-298	(303)861-4076
Delaware Association of Counties	12 N Washington Ave	Lewes	DE	19958-180	(302)645-0432
Florida Association of Counties	100 South Monroe Street	Tallahassee	FL	32301	(850)922-4300
ACOG – Advancing Georgia's Counties	191 Peachtree Street, NE	Atlanta	GA	30303	(404)522-5022
Hawai'i State Association of Counties	4386 Rice Street, Suite 101	Lihue	HI	96766-181	(808)241-6371
Iowa State Association of Counties	5500 Westown Pkwy Ste 190	West Des Moines	IA	50266-836	(515)244-7181
Idaho Association of Counties	3100 Vista Ave	Boise	ID	83705	208-345-9126
United Counties Council of Illinois	217 East Monroe, Suite 101	Springfield	IL	62701-174	(217)544-5585
Association of Indiana Counties	101 W. Ohio St Ste 1575	Indianapolis	IN	46204-205	(317)684-3710
Kansas Association of Counties	300 SW Eighth Avenue, Suite 300	Topeka	KS	66603-394	(785)272-2585 (302)
Kentucky Association of Counties	400 Englewood Dr.	Frankfort	KY	40601	(502)330-3503
Police Jury Association of Louisiana	707 N 7th St	Baton Rouge	LA	70802-532	225-235-5840
Norfolk County	614 High Street	Dedham	MA	02026-189	(781)461-6105
Maryland Association of Counties	169 Conduit St	Annapolis	MD	21401-251	(410)269-0043
Maine County Commissioners Association	4 Gabriel Dr Ste 2	Augusta	ME	04330-816	(207)623-4697
Michigan Association of Counties	935 N Washington Ave	Lansing	MI	48906-513	(517) 372-5374
Association of Minnesota Counties	125 Charles Street	Saint Paul	MN	55103-210	(651)789-4330
Missouri Association of Counties	PO BOX 234	Jefferson	MO	65102-023	(573)634-2120
Mississippi Association of Supervisors	793 N. President Street	Jackson	MS	39202-300	(601)353-2741
Montana Association of Counties	2715 Skyway Drive, Suite A	Helena	MT	59602	(406)449-4360
North Carolina Association of County Commissioners	215 N Dawson St	Raleigh	NC	27603-117	919-715-4369
North Dakota Association of Counties	PO Box 877	Bismarck	ND	58502-087	(701)328-7300
Nebraska Association of County Officials	1335 H Street	Lincoln	NE	68508-274	(402)434-5660 (226)
New Hampshire Association of Counties	46 Donovan Street, Suite 2	Concord	NH	03301-262	(603) 224-9222
New Jersey Association of Counties	150 W State St Ste 220	Trenton	NJ	08608-110	(609)394-3467
New Mexico Association of Counties	444 Galisteo St	Santa Fe	NM	87501-264	(505)820-8117
Nevada Association of Counties	304 South Minnesota Street	Carson City	NV	89703	(775)883-7863
New York State Association of Counties	540 Broadway, 5th Floor	Albany	NY	12207-273	(518)465-1473
County Commissioners Association of Ohio	209 East State Street	Columbus	OH	43215-419	(614)221-5627
Association of County Commissioners of Oklahoma	429 N.E. 50th Street, 3rd Floor	Oklahoma City	OK	73105	405-516-5313
Association of Oregon Counties	1201 Court St Ne Ste 300	Salem	OR	97301-411	(503)585-8351
County Commissioners Association of Pennsylvania	PO BOX 60769	Harrisburg	PA	17106-076	(717)526-1010 (3115)
South Carolina Association of Counties	1919 Thurmond Mall	Columbia	SC	29201-237	(803)252-7255
South Dakota Counties	211 E Prospect Ave	Pierre	SD	57501-253	(605)224-4554
County Officials Association of Tennessee	226 Anne Dallas Dudley Blvd.	Nashville	TN	37219	615.253.6700
Texas Association of Counties	PO BOX 2131	Austin	TX	78768-213	(512) 478-8753
Utah Association of Counties	5397 S. Vine Street	Salt Lake City	UT	84107-675	(801)265-1331
Virginia Association of Counties	1207 E Main St Ste 300	Richmond	VA	23219-366	804.343.2511
Washington Association of County Officials	206 10th Ave Se	Olympia	WA	98501-133	(360)489-3043
Washington State Association of Counties	206 10th Ave Se	Olympia	WA	98501-133	(360)753-1886 (109)
Wisconsin Counties Association	22 E Mifflin St Ste 900	Madison	WI	53703-424	(608)663-7188
County Commissioners' Association of West Virginia	2007 Quarrier Street	Charleston	WV	25311	(304)345-4639
West Virginia Association of Counties	2026 Kanawha Blvd., E	Charleston	WV	25311	(304)346-0591
Wyoming County Commissioners Association	PO BOX 86	Cheyenne	WY	82003-008	307-632-5409

3. Dolores County Development and Land Use Regulations

Procedures for County Participation in Federal Land Management Decisions

Section 6. Public Lands Policy and Plan This section states the current overall Public Lands Policy/Plan of Dolores County.

A. Intent Dolores County places the highest priority on maintaining and promoting the historic access and use of the public lands within and adjacent to Dolores County, including, but not limited to hunting and hunting related activities, grazing, agriculture, resource exploration and extraction, and broad recreational access, including motorized and non-motorized activities to protect the health safety, welfare and economic opportunities of Dolores County.

1. Hunting upon public lands within and adjacent to Dolores County contributes significantly to the economy of Dolores County and plays a major role in social interaction, family heritage, food supply, and the recreation of the citizens of the County. Therefore, it is the policy of Dolores County that all hunting opportunities and activities, including motorized game retrieval, shall be preserved and/or advanced.
2. The ability to make a living from the land holds a significant economic and historic importance to Dolores County. Therefore, it is the policy of Dolores County that restrictions shall not be placed upon public lands within and adjacent to Dolores County which limit the historic use of said property, including, but not limited to resource exploration and extraction, grazing, and agricultural related activities.
3. The public lands within and adjacent to Dolores County have historically provided a significant source of recreation for citizens of Dolores County, and has provided significant income to the community in the form of recreation. That recreation has included both motorized and non-motorized activities. Therefore, it is the policy of Dolores

County that restrictions shall not be placed upon public lands within and adjacent to Dolores County which limits the historic recreational use of said property.

- B. Open Access It is the policy of Dolores County that all historic trails, paths, and roads upon or across public lands within Dolores County shall remain open to the public for all established uses.
- Section 7. Significant Impacts on Public Land Use and Access The purpose of this section is to provide the County of Dolores with as much participation as possible in the formulation, decision-making, and implementation of actions proposed by State or Federal agencies, which could cause significant impacts on use of public lands located within or adjacent to Dolores County.

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A. Scope This section shall apply to all proposed action by state and/or federal agencies, which action could, in the sole determination of the BOCC, significantly impact use of or access to public lands located within or adjacent to Dolores County. The requirements of this section shall be in addition to any and all other applicable requirements contained within state, federal or local laws, orders, ordinances, rules, regulations, mandates, resolutions, and executive orders. Applicable proposed actions likely to significantly impact use or access include, but are not limited to:

1. Closures, seasonal, temporary, or permanent, of any road, trail, or path, currently, previously or historically open to travel.
2. Restriction or expansion of the form of travel allowed on any public land including upon any road, trail, or path, currently or historically open to travel.

3. Changes, including restrictions or expansions, to allowed uses upon public lands, including, but not limited to firewood collection, mineral extraction, hunting, camping, hiking, motorized travel, game retrieval, and grazing.
4. Designation, classification, or reclassification of any portion of public lands, when such action would likely result in any immediate or future impact to use or access as set forth in paragraphs 1 through 3.

B. Process As early as possible, but in no event later than the pre-scoping stage of any proposed action, the applicable state or federal agency shall contact the Dolores County Board of County Commissioners to schedule a coordination meeting for the purpose of disclosure and discussion regarding the possible proposed action. At that first meeting, the BOCC shall first determine if the proposed action could cause significant impact, and whether the BOCC chooses to coordinate with the agency on the proposed action. If so, the BOCC and the respective agency shall develop a schedule of future meetings and hearings regarding the proposed action. The number of meetings and or hearings required shall be set by the BOCC and agency together, depending upon factors such as the potential impact, timing of the proposed action, the need to information, etc. Meetings shall not exceed one per month unless additional meetings are agreed to by the BOCC and agency. The agenda and notice for each meeting and hearing shall be coordinated between the BOCC and the agency.

C. Impact Determination At the initial meeting and continuing thereafter, the BOCC and the agency will explore the impacts which could result from the proposed action. Impacts include, but are not limited to:

1. Financial benefits and/or burdens to the economy of Dolores County, including tax revenues, as well to individuals within the County.
2. The availability and access of services, including emergency services.

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1. Changes to accessibility or use, specific to a defined group, such as the elderly, disabled, youth, etc.
2. Impact upon the historic use of the public lands and the desirability of Dolores County to promote and preserve said historic uses, including, but not limited to hunting and hunting related activities, grazing, agriculture, broad recreational access, including motorized and non-motorized activities.

D. Research: At the initial meeting and continuing thereafter, the agency and the BOCC will determine what research, experts, or other information may be required for the purpose of identifying and quantifying possible impacts. Obtaining said research, experts and information shall be scheduled. Any other agencies providing such information or providing a position regarding the proposed action shall attend all meetings and hearings.

E. RS2477: Issues At the initial meeting and continuing thereafter, the agency and the BOCC will determine what research, experts, or other information may be required for the purpose of supporting or refuting RS2477 right of way issues.

F. Public Hearing: Following sufficient coordination meetings to obtain necessary information required to make an informed analysis of the proposed action, a public hearing will be set. Notice for said hearing shall be published at least thirty (30) days prior to the hearing. At the hearing, the agency will present their proposed action, as well as all supporting and contrary research, opinions and information which it has obtained or received. The public shall be provided a reasonable opportunity to be heard and to present evidence. Within a reasonable time following conclusion of the hearing, the BOCC shall render an opinion regarding the proposed action. The agency shall give the final BOCC opinion the most deference allowed under law in rendering its decision on the proposed action.

Section A. Appendices

G. Implementation: In the event that a final decision is rendered which ultimately allows for implementation of all or part of the proposed action, prior to commencing implementation, the agency shall notify the BOCC in writing and schedule a meeting with the BOCC for the purpose of coordinating the implementation.

H. No Requirement to Act: Nothing within this section shall be construed to require the BOCC to follow or

mandate the procedures set forth herein as to any particular proposed action. The BOCC recognizes that state and federal agencies are responsible for making countless decisions regarding public lands. Only a relatively small number of such actions will require application of this section. The decision to mandate the procedures set forth herein shall rest with the BOCC in their sole discretion, based in part upon the significance of the proposed action, resources available and the potential impacts.



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