
General Understandings and Expectations for Both the Forest Service and the Cooperating Agency during Forest Plan Revision

Background

- A. The Forest Service is revising the Land Management Plan for the Bridger Teton National Forest in accordance with the 2012 National Forest System Land Management Planning Rule (36 CFR §219) in compliance with the National Environmental Policy Act (NEPA). NEPA provides that it is the “continuing policy of the Federal Government, in cooperation with State and local governments...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.” (42 U.S.C. §4331(a))
- B. The Cooperator has requested, and the Forest Service has agreed to grant, cooperating agency status. While NEPA, 36 CFR 220, and the 2012 Planning Rule outline legal requirements for National Forest System Land Management Planning, the effectiveness of the cooperating agency relationship depends on the Forest Service and cooperators pledging to work together in good faith.

The Cooperator Shall

- C. Meet established timeframes requested by the Forest Service for all input and reviews.
 - i. The length of the review period(s) will vary; however, a minimum of four weeks will be given, when possible. Longer reviews will be attempted for larger requests.
 - ii. Clear and open communication on ability to meet timeframes and expectations is expected. Additional review time can be requested.
 - iii. If a Forest Service timeframe does not accommodate a longer review period, an attempt will be made to respond within the requested timeframe.
- D. Assign a principal contact to serve as the primary liaison between the Cooperating Agency and the Forest Service Land Management Plan Revision Team, serving as the primary point of contact for all communication and requests. This principal contact can represent multiple cooperating agencies. The Cooperator principal contact will:
 - i. Disseminate information to the Cooperator’s internal departments, divisions, and consultants and to collect all input and provide back to the Forest Service.

- ii. Ensuring that the correct information is shared and shared appropriately within its own organization while adhering to any privileged restrictions for pre-decisional documents and discussions.
- iii. Bring forward to the Forest Service liaison, in writing, any conflicts, disagreements, or concerns that arise in the Plan Revision process and regarding this agreement.
- iv. Participate, to the extent possible, in work to co-create information to be included in forest plan documents with emphasis on the development of plan alternatives.

The Forest Service Shall

- A. Provide the Cooperator an opportunity to meaningfully participate in the planning process and allocate responsibility to them, commensurate with available time and knowledge in shaping plans and environmental analyses—instead of merely commenting on them.
- B. Determine the purpose and need, and alternatives in consultation with cooperating agencies.
- C. Use the Cooperator's information, data, and analysis that is relevant to the Cooperator's areas of special expertise, to the maximum extent possible, consistent with the Forest Service's responsibility as lead agency and applicable law in the development and approval of the Environmental Impact Statement (EIS) for the Revised Plan.
- D. Meet at the Cooperator's request to discuss the Cooperator's review and analysis relevant to the areas of special expertise.
- E. Include the summarized results of the Cooperator's submitted review of its planning and land use policies that it considers relevant to the Revised Land Management Plan (36 CFR §219.4(b)(2)).
- F. Coordinate Forest Service land management planning efforts with the Cooperator's planning efforts through the Forest Service liaison. The Forest Service will:
 - i. Share the Plan Revision timeline and milestones for all environmental reviews and authorizations required for implementation and any updates.
 - ii. Schedule reoccurring meetings with the Cooperator. These meetings may be combined with and in coordination with other cooperating agencies. The purpose of the meetings is to share information, provide a forum to discuss resource issues, and to involve the Cooperator in the development of the EIS as related to its areas of special expertise. The meeting schedule will vary according to the Plan Revision process timeframe and options will be given to attend virtually.
 - iii. Prepare an agenda with intended outcomes for all meetings, and clearly identify the objective and timing of any requests as described in Section III(A).

- iv. Consider requests from the Cooperator for additional time to perform its cooperating agency responsibilities.
- v. Strive to coordinate with other forests involved in forest plan revision as to minimize overlapping review periods.

G. Assign a Forest Service principal contact to serve as the primary liaison between the Cooperator and the Land Management Plan Revision Team, serving as the primary point of contact for all communication and requests. The Forest Service principal contact shall:

- i. Coordinate with the principal Cooperator liaison to schedule meetings between the Cooperator and the Forest Service revision team.
- ii. Provide consistent communication on meeting times, timeframes of requests, upcoming deadlines, sensitivity of materials, formats for input, and expectations or objectives of requests.
- iii. Promptly inform the Cooperator liaison of schedule changes that may affect the time afforded the Cooperator to perform its responsibilities as a cooperating agency.
- iv. Bring forward to the Plan Revision Team any conflicts, disagreements, or concerns during the Plan Revision process brought forward by the Cooperator.
- v. Share the Forest Service decision regarding any conflict, disagreement, or concern to the Cooperators.

Expectations of a Cooperative Relationship

- A. Collectively, the Parties will work together in good faith and attempt to resolve any disagreements, conflict, or issues by negotiation. The following conflict resolution process will be followed.
 - i. The disagreement will be articulated in a written format and shared with the Revision team by the identified liaison.
 - ii. The Cooperator and Revision team will decide if the larger cooperating agency group should be involved in the negotiation regarding the disagreement, conflict, or issue.
 - iii. Both sides will work to provide reasonable solutions to address the disagreement, conflict, or issue.
 - iv. If agreement cannot be reached, the Forest Service has the final decision for the disagreement, conflict, or issue and will provide such decision in writing.
- B. The Forest Service and Cooperator are committed to "no surprises" in terms of timeframes and controversial topics. The Parties shall endeavor to work together in accordance with the estimated Plan Revision schedule and the development, review, and input

timeframes identified by the Forest Service. Both parties will have open conversations about what is valued as it relates to the plan revision.

- C. The Forest Service and the Cooperator will share information, including documents, data, and analysis, related to the revision of the Land Management Plan, except when constrained from sharing it by law, regulation, or policy. Any such information will be shared by providing it to the respective liaisons, as outlined in Sections III(C) and IV(C), for each party designated in Section V(D).
- D. The parties will keep confidential and protect from public disclosure any and all documents exchanged or developed as part of this agreement prior to determination by the applicable party of the releasability of the documents under the Freedom of Information Act, 5 U.S.C. 552, or the Wyoming Public Records Act (or other applicable state laws).
 - i. Unless otherwise agreed to by the Parties, the Forest Service and the Cooperator may only distribute shared information to staff, and consultants directly involved with the revised Land Management Plan and may only use the information for the development of the revised Land Management Plan.
 - ii. Each party will protect, to the extent allowed by applicable state and federal laws, the confidentiality of the other party's documents. Information provided by either Party must be accompanied by the description of what is being provided and any confidentiality or disclosure issues related to the information.
 - iii. Both parties agree to impose the requirement section upon their consultants, and the release of documents to those consultants shall not be deemed public disclosure.
 - iv. The Parties will not release any information exchanged or developed except as required and authorized by law, regulation, or policy, prior to providing notice to the other Party and receiving a response regarding any concerns about the release of information.
 - v. Any information that is exchanged may be subject to disclosure under the Freedom of Information Act and the Wyoming Public Records Act.
- E. The Forest Service will consider recommendations from the Cooperator when determining the scope, scale, methods, forums, and timing for external participation in all aspects of the Plan Revision process.
- F. The Cooperator may offer opportunities to co-sponsor public meetings and other public participation forums in coordination with the Forest Service. The Cooperator may circulate public documents to solicit feedback from other boards, commissions, and departments, within timeframes established by the Forest Service. The Forest Service reserves the determination of co-sponsored meetings as opportunities for the public to submit substantive formal comment for the purposes of the pre-decisional administrative review process (36 CFR § 219, Subpart B).

- G. If the Parties' principal contacts change prior to the issuance of the final Record of Decision, the Parties will promptly notify the other party.
- H. The Forest Service is not obligated to provide a written response to the Cooperator's input on the EIS and ROD for the revised Land Management Plan other than required under 40 CFR § 219.57(b), or other law or regulation. Within the established timeframe, the Parties' primary contacts will make efforts to jointly review and discuss the Cooperator's suggested changes, analysis, recommendations, and data prior to the Forest Service making the final EIS and draft plan decision document for the revised Land Management Plan available to the public.

It is Mutually Understood That:

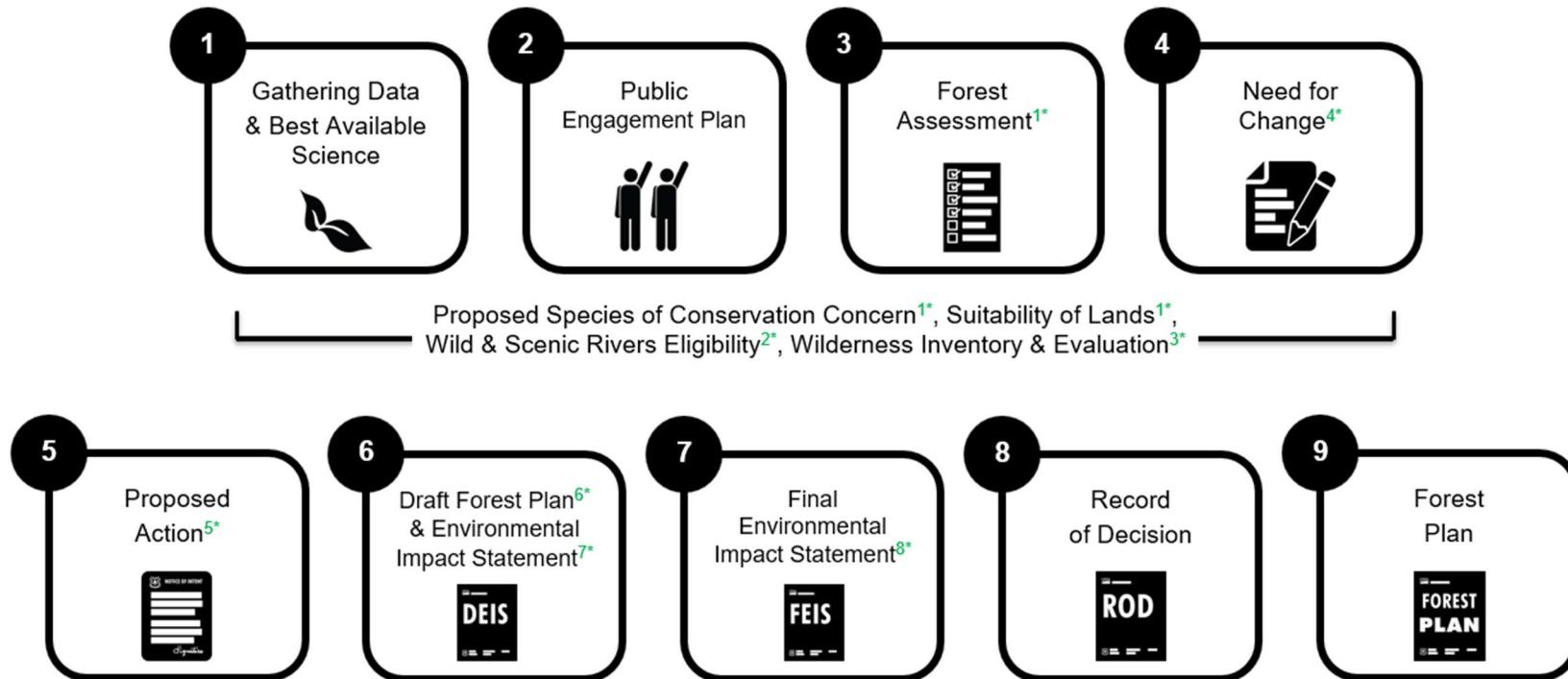
- A. AUTHORITIES, RIGHTS, AND RIGHTS OF THE FOREST SERVICE
 - i. The Forest Service retains the exclusive authority as the lead agency to make decisions on the Forest Plan for which it has the responsibility by law.
 - ii. The Forest Service retains sole decision-making authority over issues relating to the completion of the EIS.
 - iii. The Forest Service retains responsibility for the development and content of the revised Land Management Plan.
 - iv. The Forest Service maintains its primary responsibility for NEPA and National Forest Management Act compliance.
 - v. The Forest Service will not seek to direct or control management of lands outside of the plan area, nor will the Forest Service conform management to meet non-Forest Service objectives or policies. (36 CFR § 219.4(b)(3)).
 - vi. The Forest Service, as stated in this agreement, does not represent any other Forest Service unit.
 - vii. The Forest Service reserves its rights to raise all applicable affirmative defenses should any challenge to the adequacy of the Revised Plan be raised.
- B. AUTHORITIES, RIGHTS, AND RESPONSIBILITIES OF THE COOPERATING AGENCY
 - i. The Cooperator does not gain new authority in becoming a cooperating agency.
 - ii. The Cooperator, as stated in this agreement, does not represent any other Governmental Agency.
 - iii. The Cooperator's participation as a cooperating agency does not affect the Cooperator's ability to submit comments or objections during the formal comment and objection periods on the EIS and ROD.
 - iv. Participation as a cooperating agency does not exempt the Cooperator from the requirement to submit comments on the draft EIS or other opportunity for participation per 36 CFR § 219.4 and § 219.53 to be eligible to object.

- v. The Cooperator reserves its rights to pursue a challenge the adequacy of the Revised Plan and its compliance with applicable laws and regulations in any administrative or judicial forum.
- vi. The Cooperator's participation as a cooperating agency is not an endorsement of the revised Land Management Plan.

Sequencing of Steps in Forest Plan Revision Process

Forest Plan Revision Timeline

* Meetings with Cooperating Agencies



The Timeline displayed here shows the sequencing of steps in the forest planning process. The green asterisks represent points of cooperative work between the Forest and Cooperating Agencies.

Michael R. Jones

Michael Jones, Fremont County Commission

9-4-25

Date

Kent Connelly

Kent Connelly, Lincoln County Commission

5-6-2025

Date

DeMont Grandy

DeMont Grandy, Lincoln Conservation District

04/22/25

Date

Kay Lynn Neld

Kay Lynn Neld, Star Valley Conservation District

7/14/25

Date

Sam White

Sam White, Sublette County Commission

5/16/2025

Date

Michael Henn

Michael Henn, Sublette Conservation District

5/16/25

Date

Mark Newcomb

Mark Newcomb, Teton County Commission

ATTEST:
Maureen Murphy
Teton County Clerk

attested by: Maureen Murphy



5/6/25

Date

Carlin Girard

Carlin Girard, Teton Conservation District

6/3/2025

Date

Chad E. Hudson, Bridger-Teton National Forest, Forest Supervisor

Date