



# The Role of State, Local, and Federal Agencies and Tribal Governments in Plan Revision

## Why are agencies and governments important to the Lolo Plan Revision?

The Forest Service is the lead agency for the Lolo Land Management Plan Revision. The 2012 Planning Rule places focus on coordination, cooperation, and collaboration between governmental interests and the Forest Service as they work together to fulfill their missions. Forest Service efforts to engage these entities are intended to result in a revised plan that is integrated across landscapes and broadly supported. By seeking information and consistency across ownerships, the revised plan can better achieve an “all lands approach” to planning.

## What is a state, local, or federal agency or tribal government?

The 2012 Planning Rule requires that the Forest Service encourage participation by federal agencies, state, and local governments, and federally recognized Indian tribes or Alaska Native Corporations. Tribal entities are determined by federal and tribal law, and state agencies and local governments are determined by state law.

## What are the methods of engagement?

Each agency and government that chooses to participate in plan revision retains authority over its own jurisdiction. Each entity must determine its need, interest, and capacity for participation. There are three general methods of engagement:

1. **Collaboration** consists of people with diverse interests and ideas working together to achieve shared goals. Agencies and governments can play an important role in identifying and participating in opportunities for public collaborative processes.
2. **Cooperation.** State, local, and tribal governments may have cooperative arrangements with the Forest

Service. The responsible official encourages states, counties, other local governments, and federally recognized Indian tribes to seek cooperating agency status per the National Environmental Policy Act (NEPA).

3. **Coordination.** The Forest Service is required to coordinate land management planning with the planning efforts of other agencies and governments. Coordination helps ensure that management is consistent across ecosystems and jurisdictions and achieves mutual goals where possible. The Forest Service must review relevant state, local, and tribal land use plans and policies, and assess their interrelated impacts. The review of land use plans and polices includes consideration of:
  - Stated objectives;
  - Compatibility and interrelated impacts;
  - Opportunities to address impacts or contribute to joint objectives; and,
  - Opportunities to resolve or reduce conflicts.

## What is Cooperating Agency Status?

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*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 that should be addressed in the environmental analysis.*

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Cooperating agency status is available to state, local, and tribal governments, and other federal agencies under the NEPA. This status will generally be granted when the cooperator has “special expertise” or “jurisdiction by law”. *Jurisdiction by Law* means that an agency has jurisdiction by law where it has the authority to approve,

veto, or finance all or part of the proposal. *Special expertise* means the agency has one or more of the following:

- Experience regarding statutory responsibility, agency mission, or related program expertise;
- Expertise needed to help the lead agency meet a statutory responsibility; and,
- Expertise regarding the proposed actions' relationship to the objectives of related policies and plans.

## What is the purpose of this relationship?

There are many reasons and purposes for establishing cooperating agency status, including:

- Sharing of information and limited resources;
- Avoiding duplication of process;
- Improving consistency in implementation;
- Building relationships of trust and cooperation;
- Clarifying roles and responsibilities;
- Using local knowledge of conditions and land use requirements;
- Addressing intergovernmental issues;
- Enhancing local plan credibility; and,
- Making more informed decisions.

## What are key roles and responsibilities?

As the lead agency, the Forest Service can:

- Request early participation in the process;
- Coordinate planning efforts and meetings;
- Consider relevant information in cooperator's assessments, plans, monitoring evaluation reports, and studies;
- Use cooperator's review and analysis to the maximum extent possible;
- Provide cooperators with documents prior to releasing them to the public; and,
- Notify cooperators of key milestones and schedule changes.

A cooperating agency can:

- Participate in the NEPA process at the earliest possible time, including scoping;
- Help identify issues, develop information, and prepare environmental analyses;
- Provide staff support to enhance the lead agency's interdisciplinary capability;
- Review and provide feedback on draft documents prior to their public release;
- Review its own plans and land use policies to facilitate plan coordination;
- Attend interdisciplinary meetings related to their special expertise; and,
- Assist in identifying and reaching key constituencies.

## Additional frequently asked questions

### When does cooperating status begin and end?

Cooperating agency status applies to the NEPA portion of the planning process, which begins with scoping and ends with a final decision.

### Are funds exchanged?

No. The regulations require that a cooperating agency normally use its own funds.

### Who represents a cooperating agency?

Each cooperating agency is responsible for delegating the most appropriate point of contact to provide the special expertise identified.

### Is the work conducted with a cooperating agency available to the public?

Yes. Work conducted by the Forest Service is subject to the Freedom of Information Act. Documents created with or by cooperating agencies are part of the planning record.

## **Does the cooperating agency share decision making authority with the Forest Service?**

No. Although cooperating agencies help shape the decision-making process, the Forest Service cannot delegate decision-making authority. The Forest Service retains responsibility for the content of the revised Plan. Cooperating agencies cannot help manage the objections process or develop the record of decision.

## **Is the Forest Service required to adhere to land management goals of cooperating agencies?**

No. While the Forest Service must consider relevant plans and seek consistency where possible, it shall not conform management to meet non-Forest Service objectives or policies.

## **Does a cooperating agency have more influence on the process than the public?**

No. All input from the public will be considered. Cooperating agency agreements do not confer revision team member status to cooperator staff or any non-federal personnel.

## **Can a cooperating agency participate in the objections process?**

Yes. cooperating agency status does not exclude the cooperator from submitting substantive comments to be eligible to participate in the pre-decisional administrative review process. The cooperator's participation is not an endorsement of the revised plan, and cooperators reserve the right to pursue remedies to challenge it. Likewise, the Forest Service reserves the right to raise defenses.

## **What engagement opportunities are offered to agencies and governments for the Lolo Plan Revision?**

The responsible official and revision team have developed multiple avenues for interested agencies and governments to participate in the Lolo Plan Revision process. Each entity is encouraged to engage in the ways that best meet their interests.

## **Interagency Governmental Working Group**

We invite leaders and key point of contacts from agencies and governments and elected officials to join us in an Interagency Governmental Working Group. We anticipate this group meeting quarterly, with the purpose of providing status updates and a platform for dialogue across agencies. Participation in this group does not preclude an entity from seeking cooperating agency status or participating in the objections process.

## **Cooperating Agency Status**

We encourage agencies and governments to seek cooperating agency status. As directed by the regulations, the Forest Service and cooperating agency will work together to develop a memorandum of understanding (MOU) outlining specific terms of cooperation.

## **Public events and engagements**

We welcome representatives from agencies and governments to participate in the array of engagement events being offered to the public. These opportunities include webinars, workshops, field trips, ranger chats, and office hours.

## **Where can I find more information?**

The [Lolo Revision Web Hub](#) contains links to more information. Specifically:

- [Understanding Your Opportunities for Participating in the Forest Service Planning Process: A Guide for State, Local, and Tribal Governments](#)
- [County Governments and the USDA Forest Service: A Guidebook for Working Together](#)
- [2012 Planning Rule and 2012 Planning Rule Directives \(FSH 1909.15\)](#)

Other pertinent regulations include:

- [40 CFR 1508.5 and CFR 1501.6](#)
- [FSH 1909.15 \(NEPA Handbook\)](#)

You may reach out to the Revision Team anytime at [SM.FS.LNFRevision@usda.gov](mailto:SM.FS.LNFRevision@usda.gov).