

Planning for Growth and Open Space Conservation Webinar Series

Session #2

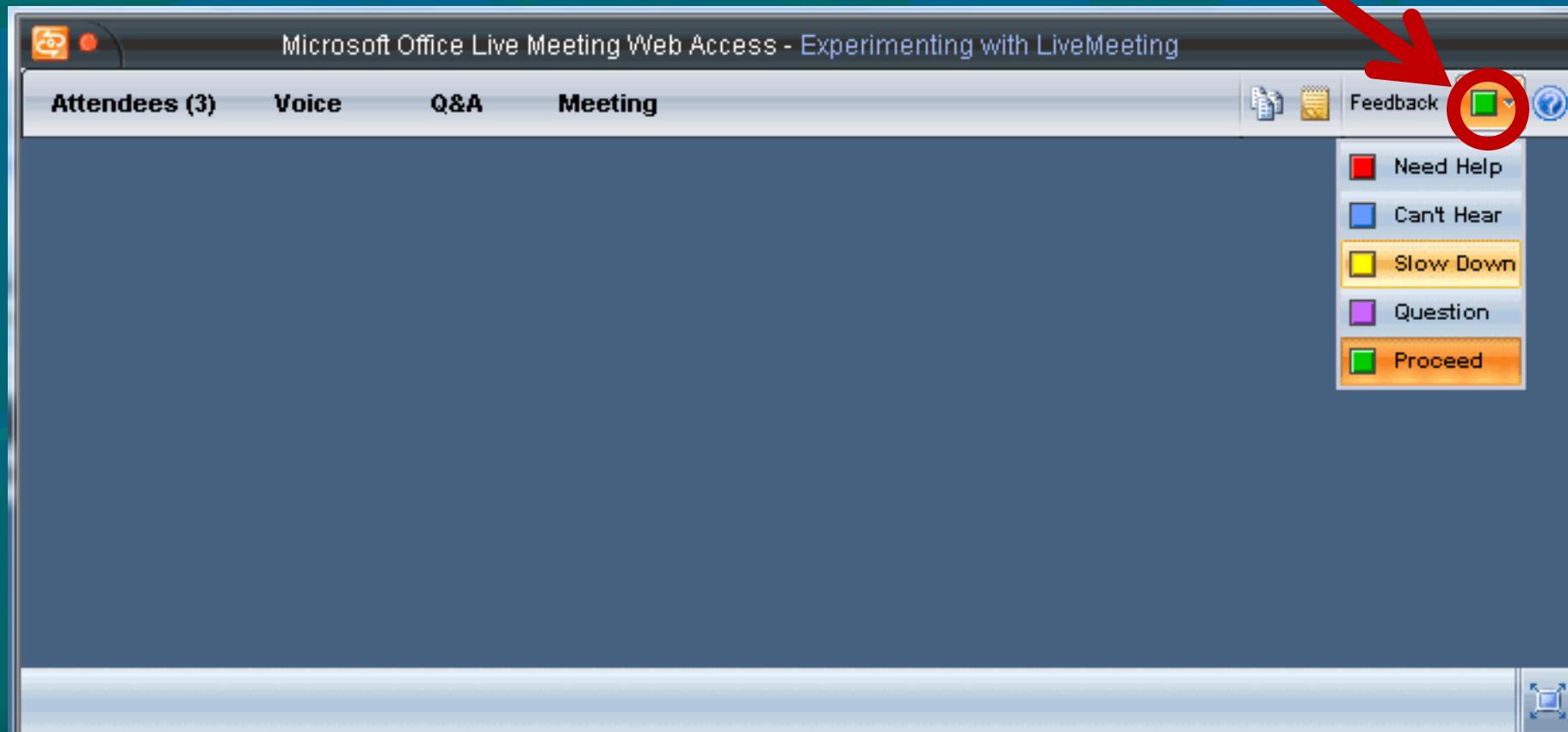
YES YOU CAN!

Participating in Growth Planning
Beyond the Green Line

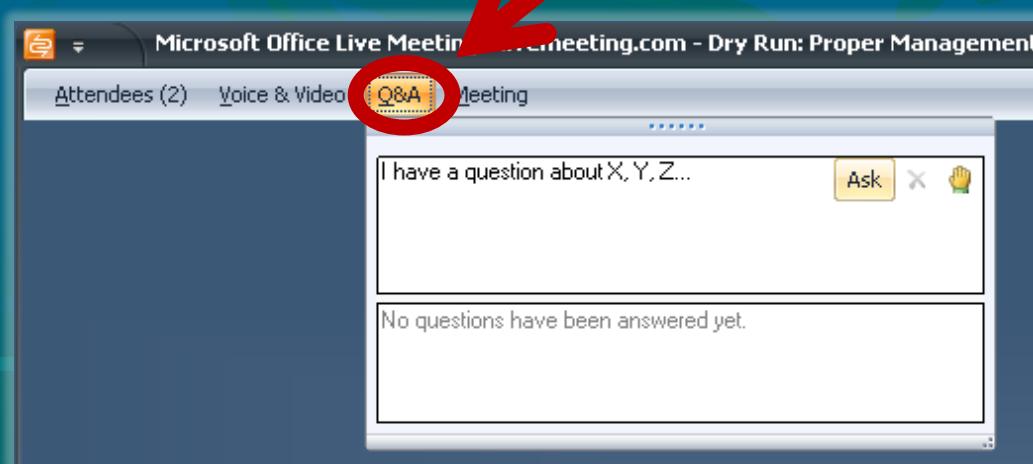
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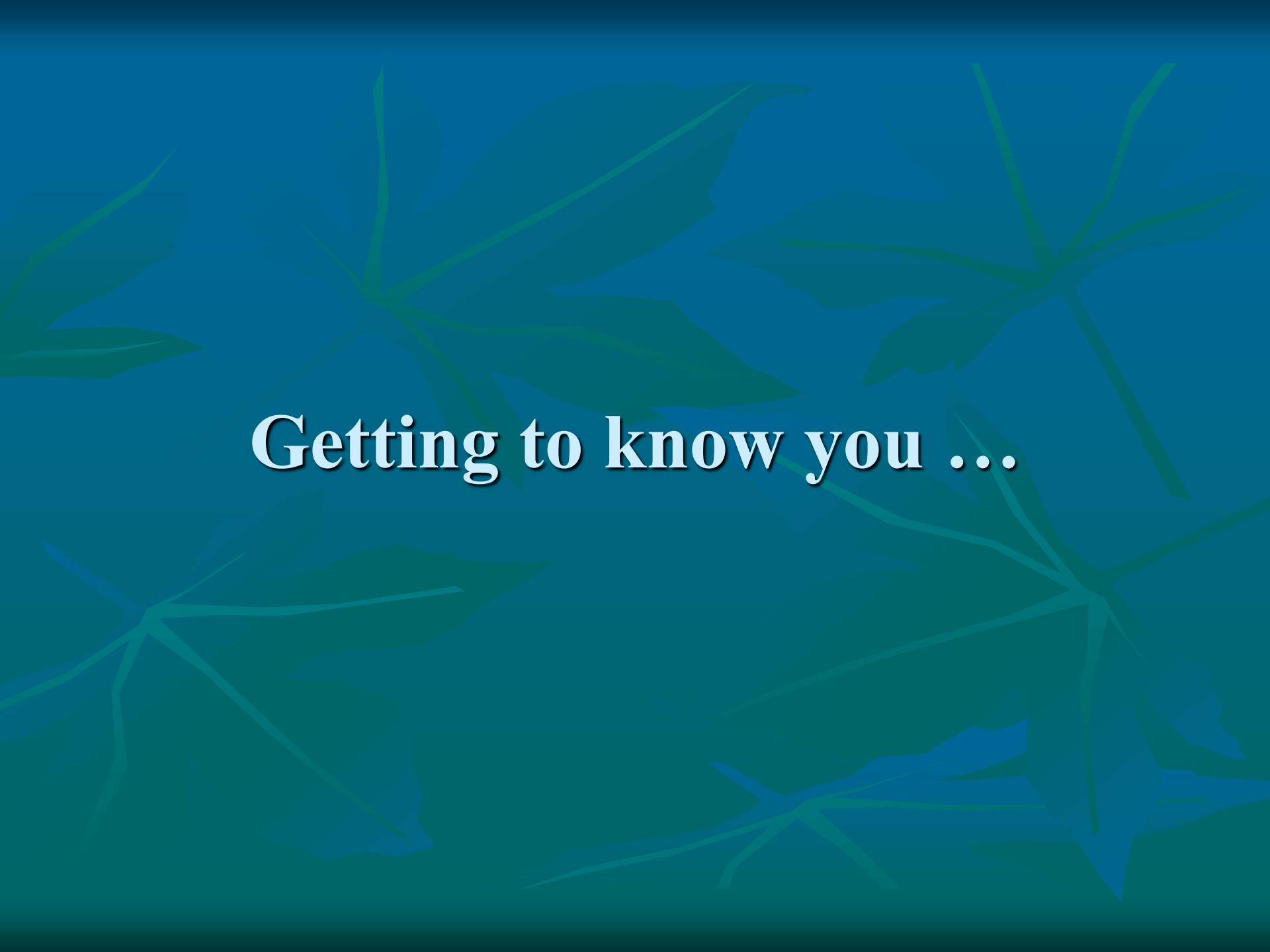
For technical assistance

Click “feedback” at the top right and select from the available choices.



Q&A





Getting to know you ...

Today's Speakers



Margie Ewing
US Forest Service, State & Private Forestry
Regions 1 & 4



Jay Pence
District Ranger, Teton Basin Ranger District,
Caribou-Targhee National Forest

Today's Speakers



Maya Solomon
Program Coordinator
US FS, S&PF, Cooperative Forestry



Lorraine "Rainee" Luciano
Chief, Office of Ethics
Forest Service Ethics Branch

Ron Mulach & Kate Schneider

USDA Office of General Counsel

On Stand-By



Margie Ewing
US Forest Service, State &
Private Forestry, Regions 1 & 4

The Natural Resource Professional Role in Land Use Planning

US Forest Service



Loss of Open Space Threat

- Steady loss of forests, grasslands, farms, ranches, wetlands, parks, and urban greenspaces to developed uses
- 6,000 acres a day

Introduction

Natural resource professionals have much of the experience and knowledge necessary to understand and explain the risks and benefits associated with land-use changes in the wildland-urban interface (WUI).

Outline

- Why Forest Service ?
- Why Now ?
- What is the local Planning Process ?
- How to get Involved
- Keys for effective communication

Impacts from Loss of Open Space

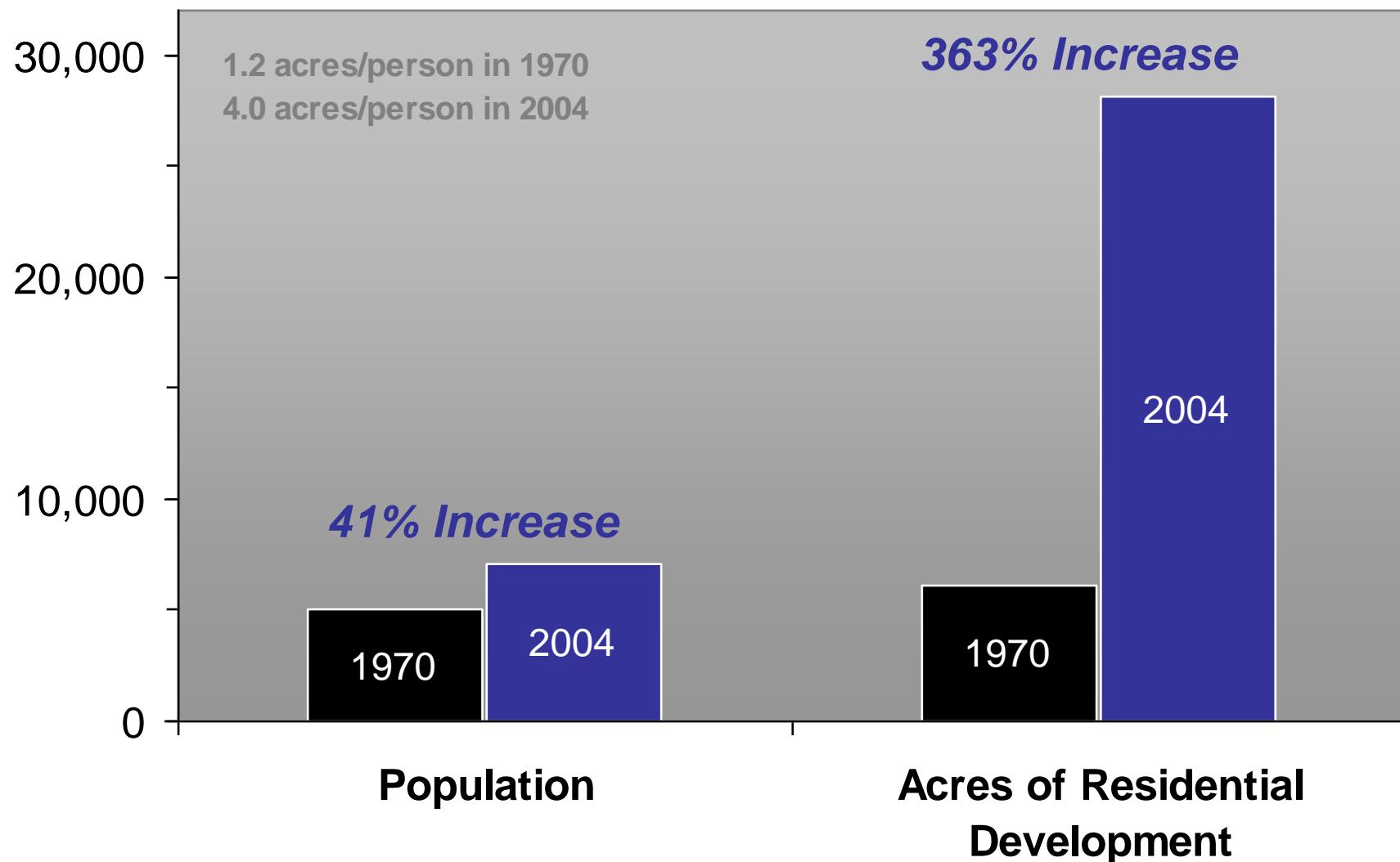


- Invasive Species
- Risks to forest health
- Loss of habitat
- Increase fragmentation
- Altered hydrology
- Decreased water quality

- Challenges to program delivery and increased cost
- Loss of recreation
- Increase in fuel loads
- Challenges to traditional management
- Risks to resource-based economies

Madison County, MT

Population Growth vs. Land Development



Policy Anchor Points



- National Forest Management Act
- Executive Order – Facilitation of Cooperative Conservation (2004)
- Agency Transformation and State & Private Forestry Redesign
- National Strategic Plan

Forest Service Open Space Conservation Strategy

- Vision: “interconnected network of open space across the landscape that supports healthy ecosystems and a high quality of life.”
- The Strategy outlines national priorities to help the Forest Service be a more effective partner in Open Space Conservation.





How can you help?



- Provide science-based information for decision makers
- Articulate the natural resource consequences of various land-use options.

You are not responsible for

- making regulatory decisions
- determining what the “right” decision is
- aligning yourself with a particular interest group

Participation by Public Land
Managers and Resource
Specialists is Vital.

The Main Players in a County Land Use Planning Process:

- County Planning Board & planning staff
- Private landowners & other local residents
- Development community and other special interest groups
- City/town officials
- Public land managers and resource specialists (IF you choose to participate)
- County Commissioners

County Strategic Planning

1. Growth Policy (comprehensive plan)
2. Neighborhood Growth Policy
3. Watershed Plans
4. Subdivision Review Regulations
5. Zoning

The Growth Policy

- The Growth Policy sets the overall framework for how a county will manage future growth.



Neighborhood or Watershed Plans

- A neighborhood or watershed plan reflects the more particular values of the people living in one part of the country.

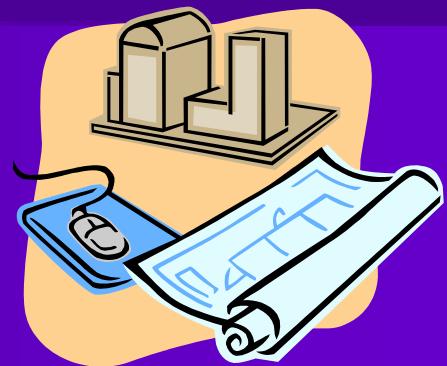


County Zoning

- Divides communities into agricultural, commercial, industrial and residential land uses
- Intended to promote compatibility of land uses
- Either county officials or a group of landowners can initiate zoning
- Opposition by 40% can “kill” an effort
- Zoning is a regulatory tool

The Zoning Process

1. **Data Gathering**
2. **Public Notification**
3. Commission Review
4. Commission Vote
5. **Public Comment**
6. Review for Compatibility with Plan



Development & Subdivision Review

- Overall Development Plans-must go before planning board and County Commissioners
- Preapplication-must present to planning board
- Local governments must consider environmental impacts
- Subdivisions can be required to mitigate negative impacts

How to get Involved

- Offer information and technical assistance to local government officials
- And neighborhood groups
- And landowners

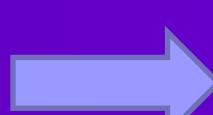
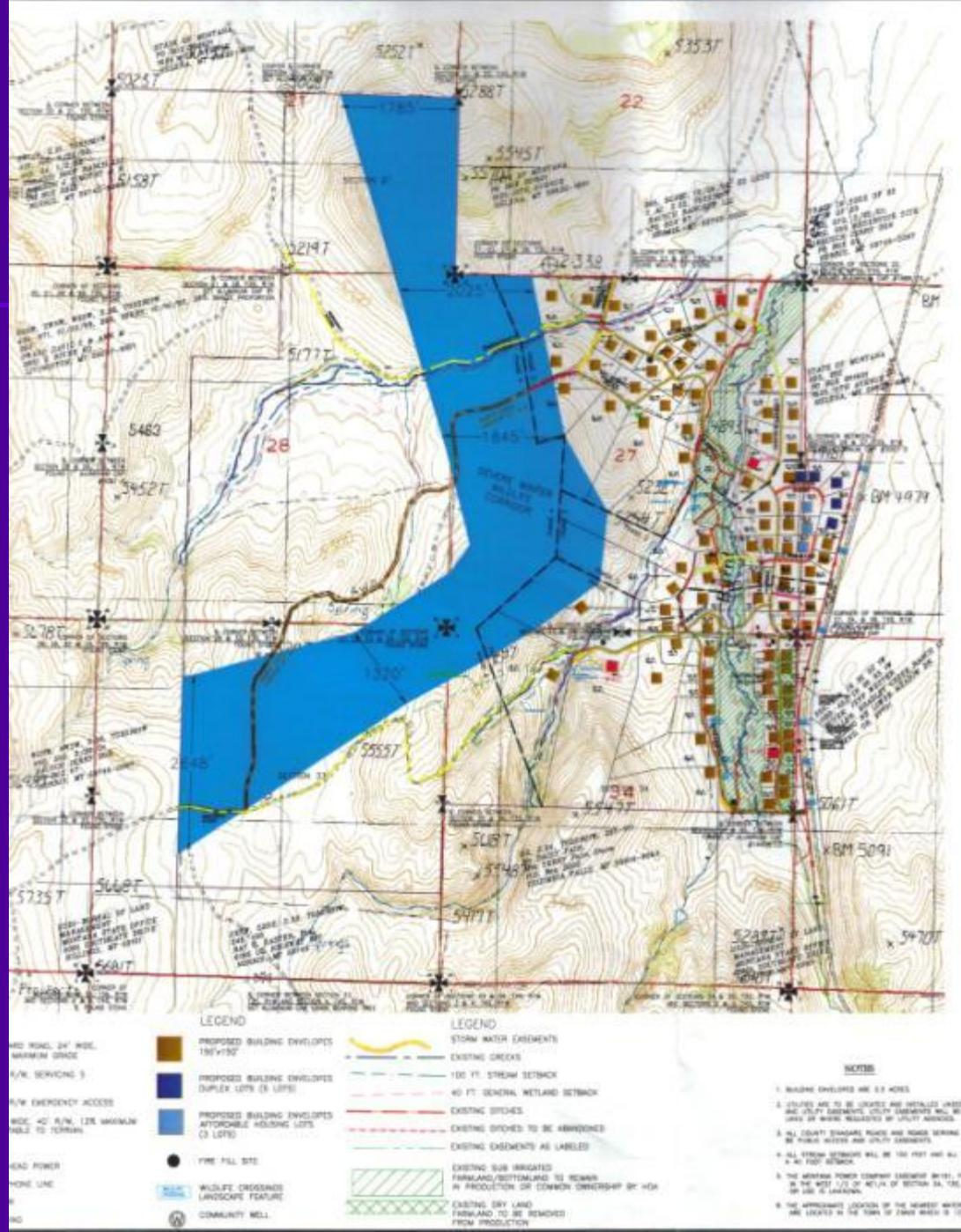


Typical Natural Resource Issues

- Fire and fuel management
- Wildlife habitat
- Water Quality
- Aesthetics
- Access



National
Forest
Boundary
5 miles
West



National
Forest
Boundary
5 Miles East

Professional vs. personal opinions

Professional opinions should be based on fact and experience. Resource professionals should provide their professional and not personal opinions to decision makers.

Involvement vs. advocacy

There can be a fine line between responsible involvement and advocacy.



What's an example of a situation where this might be difficult? When is it easier?

Policy Formulation

Using the best available science, resource professionals can articulate how each particular course of action might affect natural resources.



Problem Identification

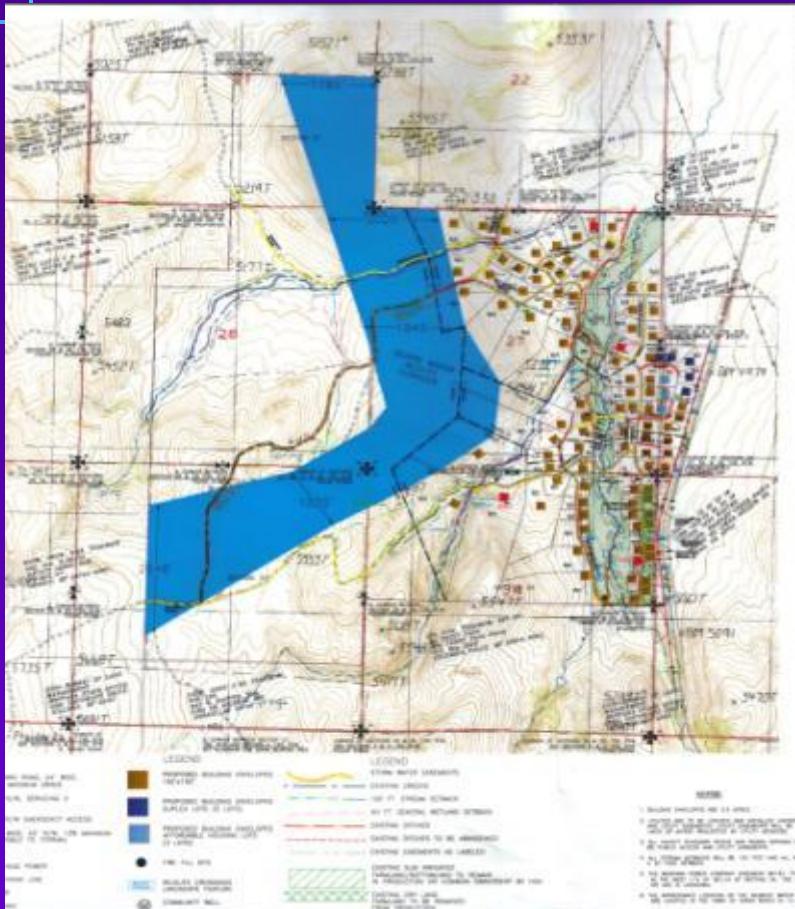
Natural resource managers are ...

- Aware of important issues and short- and long-term consequences
 - Help policy makers prioritize issues
- May be aware of potential solutions
 - Share ideas about what worked for other communities



Providing consistent, reliable information increases a resource professional's credibility.

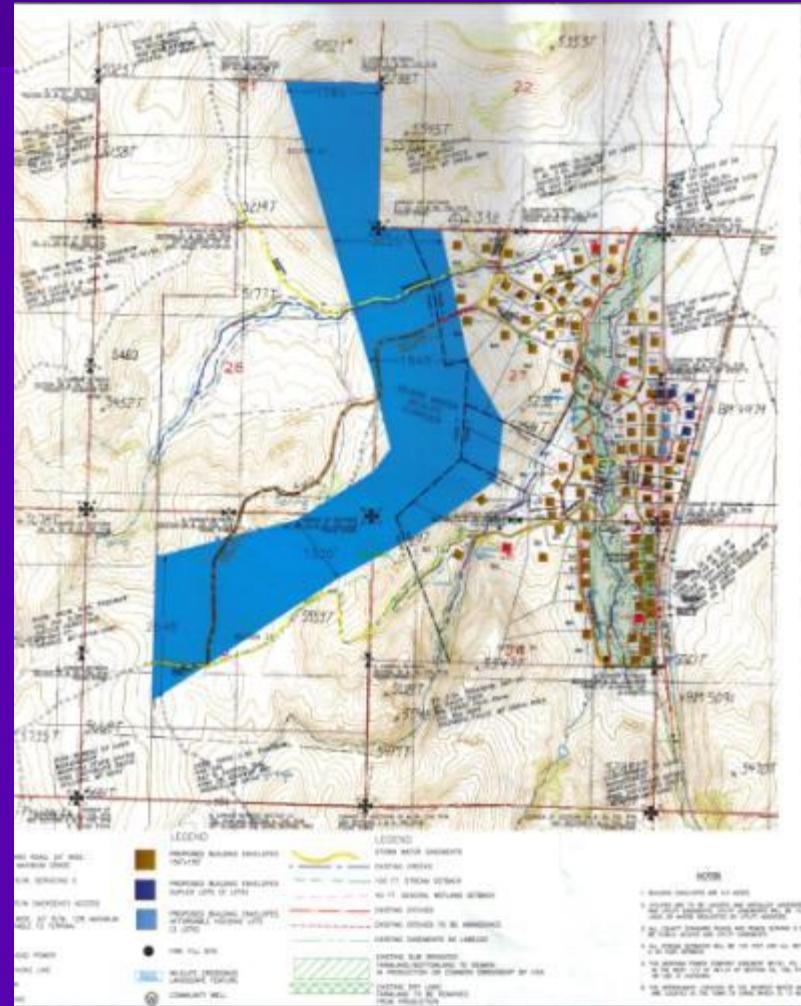
Fire and Fuels



- Fire Wise development with defensible space.
- Fuel breaks
- Structure protection provided
- emergency equipment

Water Quality

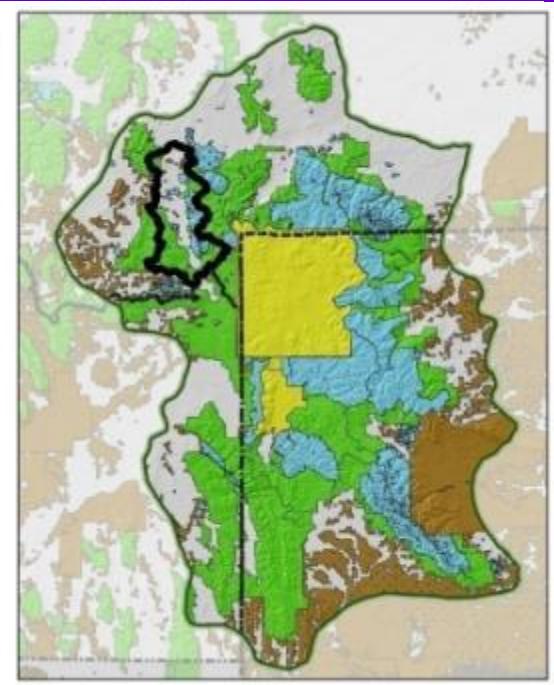
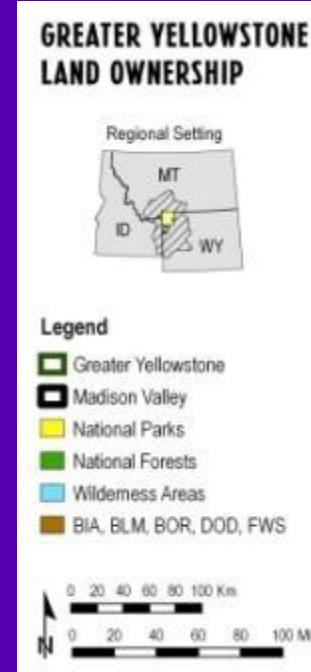
- Review resource information:
- 1. Impaired Water Bodies List
- 2. Total Maximum Daily Load (if established)



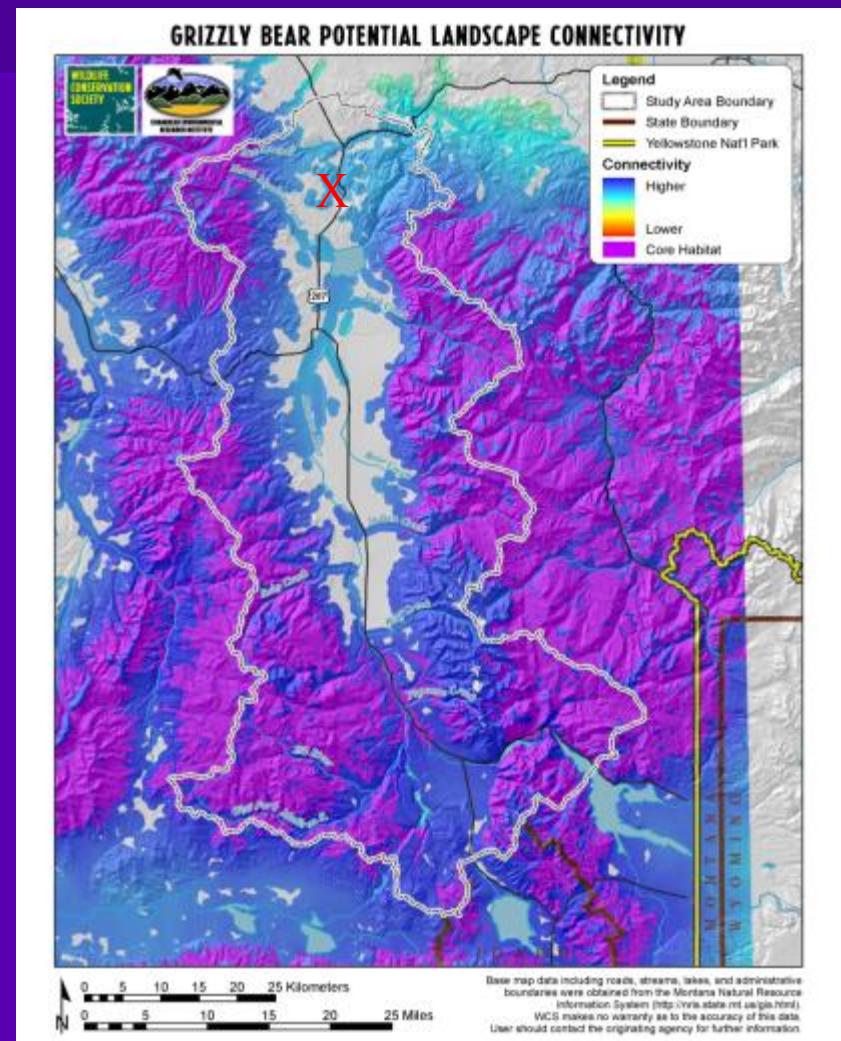
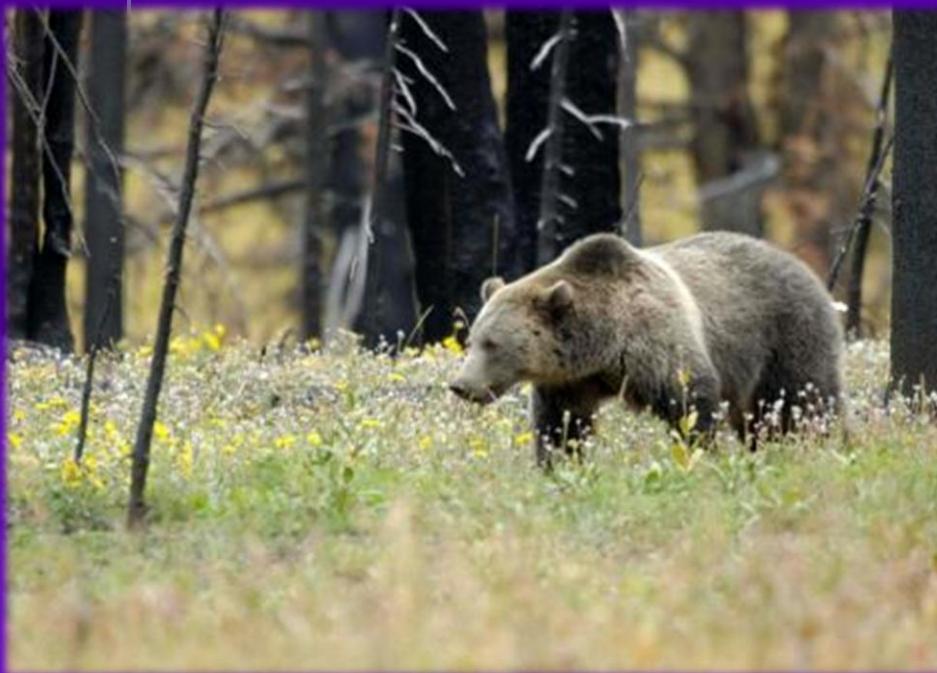
Wildlife (best available science)

Site Specific Information

General Assessments and Models



Habitat Connectivity



Asthetics (Forest Service View Shed)



Access

- Is access needed through this development to National Forest lands?
- How will increases in population effect National Forest Management?



Land Conservation Tools & Policies

- Urban growth boundary
- Eminent domain
- Land acquisition program for public lands
- Conservation easement (land preservation agreement)
- Agriculture reserve program
- Zoning
- Conservation subdivision
- Floodplain restrictions
- Wetlands protection policy
- Slope ordinance/mountain ridge protection ordinances
- Viewshed preservation

Summary

- The time is now
- Your Involvement in local land use planning is part of the mission
- Will make it easier to do your job
- There are many opportunities for natural resource professionals to get involved in land-use decision making



THE END



Jay Pence

District Ranger

Teton Basin Ranger District

Caribou-Targhee National Forest

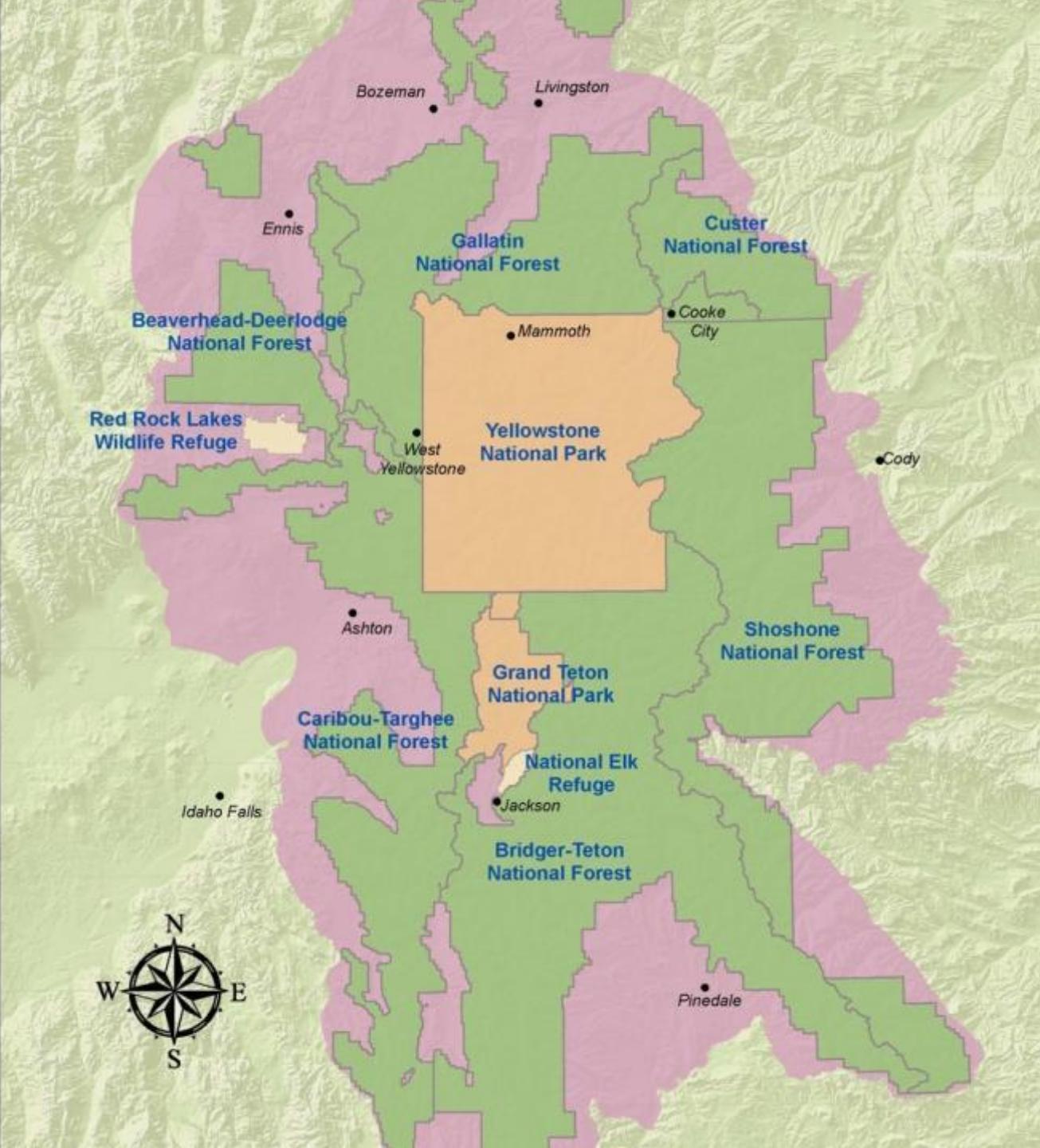


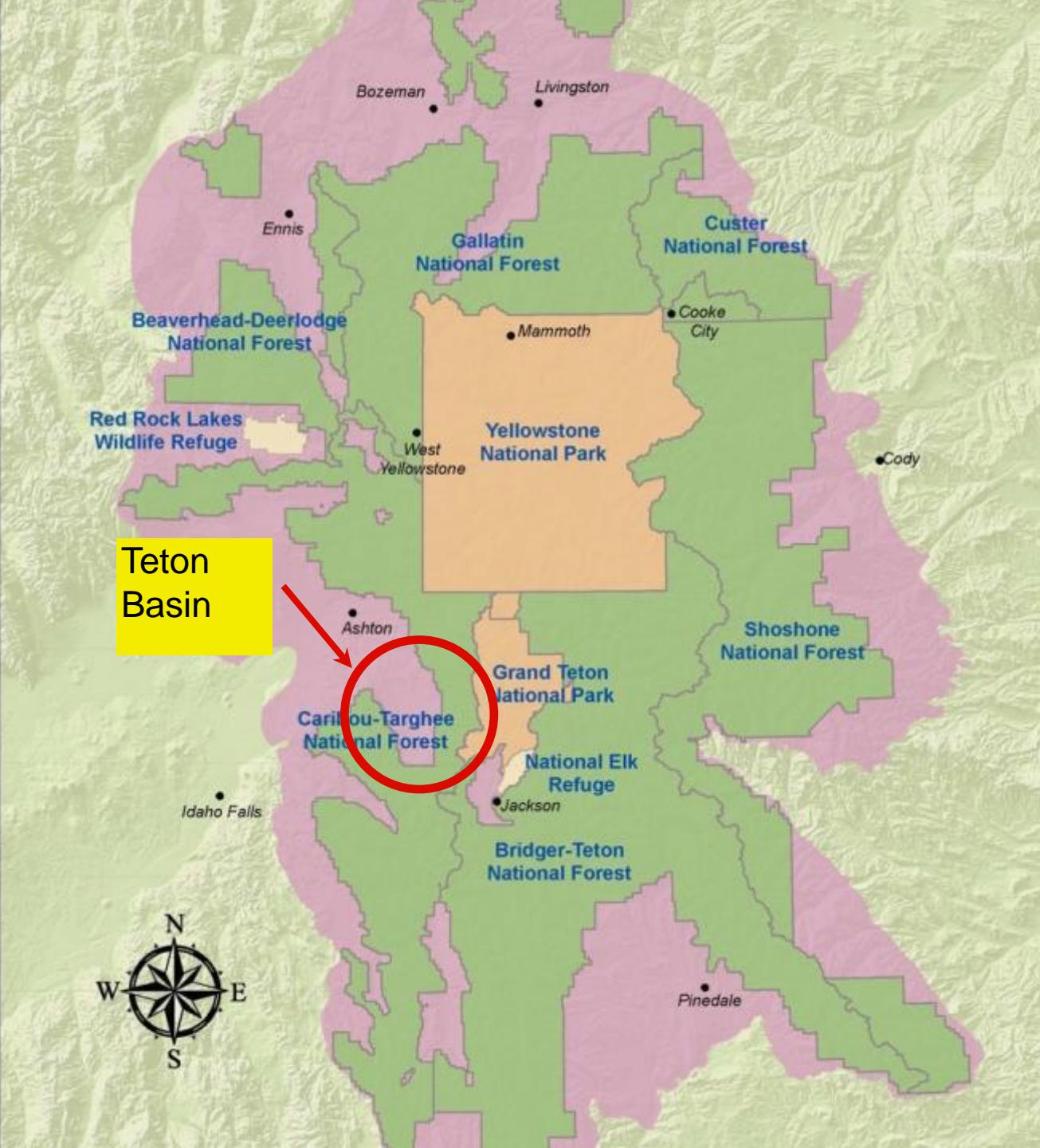
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Teton Basin Ranger District

Region 4
Caribou-Targhee National Forest









County Planning and Zoning

- Is a very simple crosswalk to National Forests.
- Counties have a Master Development plan, comp plan or other document that guides development within the county. Think of it as a Forest Plan.
- If the agency doesn't participate, then it's similar to a special interest group who didn't comment during our NEPA process.

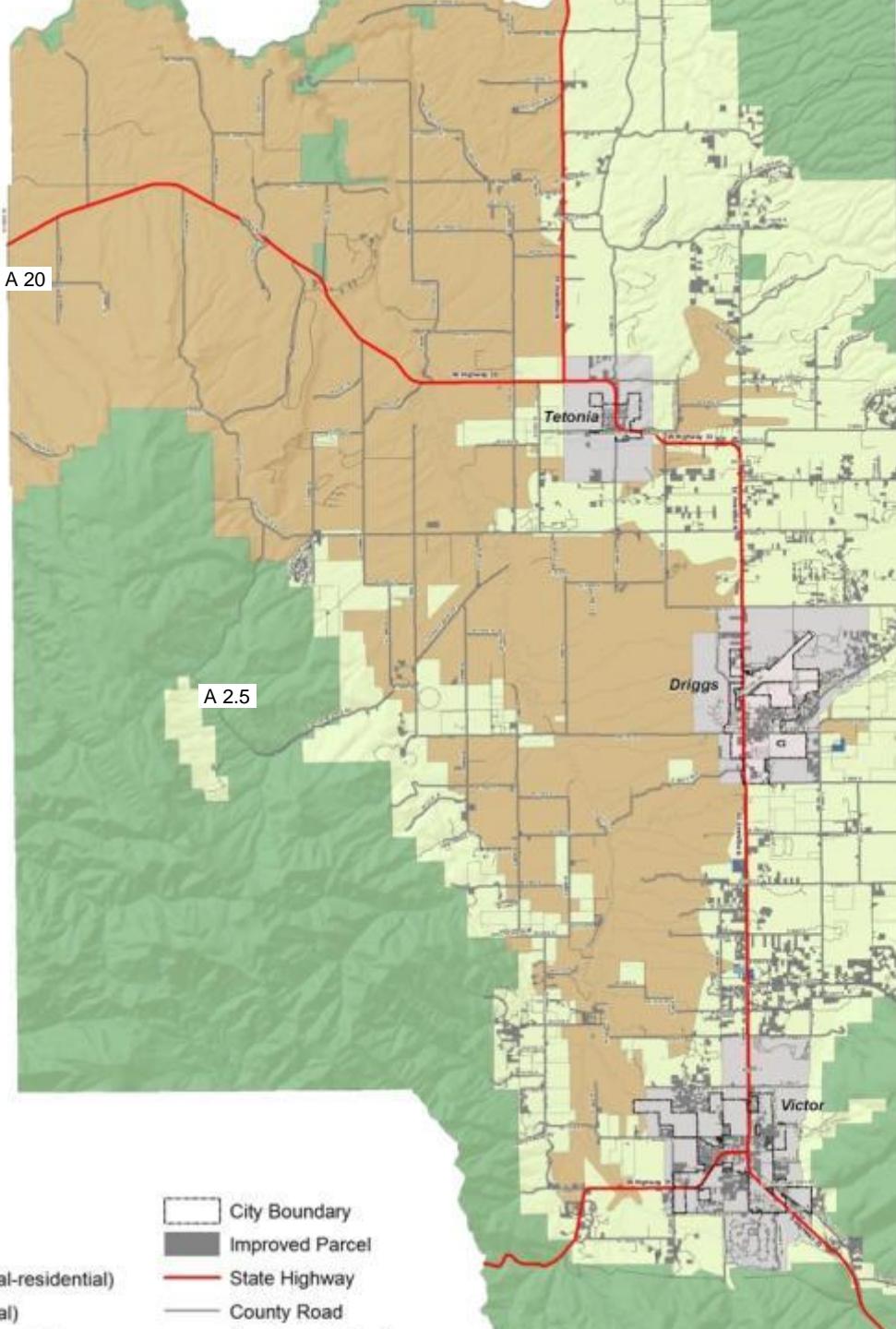




Teton County, Idaho

Teton Springs Golf and Casting Club Summer 2000

- This approved subdivision aimed to build 600 residential units, a golf course, tennis courts, a swimming pool, hotel, shops and restaurants on 774 acres. Clients paid as much as a quarter-million dollars for residential lots.



Legend

Zoning

- A-20 (Agriculture)
- A-2.5 (Agriculture/ rural-residential)
- C-1 (Retail Commercial)

- City Boundary
- Improved Parcel
- State Highway
- County Road





Fuels Reduction Project on Forest.



AMERICAN
REALTY WEST
208-354-2348

6,105 Lots on 19,500 Acres have been plated since 2000





Participate!



- Go to the P&Z meetings and write informative letters.
- DO NOT MAKE DEMANDS!
- ASK QUESTIONS AND SHARE OBSERVATIONS.

Examples

- An existing Subdivision is against the Forest. Property owners have created a network of user-created trails on the Forest, impacting wildlife and watersheds. Share with the county a map and pictures. Give the decision makers time to see it for themselves.
- Ask them if they can help you by mitigating this kind of activity with the next development. Especially if its already being proposed. You'll be surprised how creative people can be.

Examples

- How is wildlife going to migrate?
- How are the existing uses going to continue? Grazing, horses, snowmobiles, ATVs, etc...
- Forest management (fuels reduction, vegetation management) and visuals?
- Where are the forest visitors going to park their cars in order to access existing trails? Visitation is likely to increase with a subdivision next to the Forest.
- Is there an opportunity to put that parking off the Forest and in a better location (parks and pathways in the subdivision)?

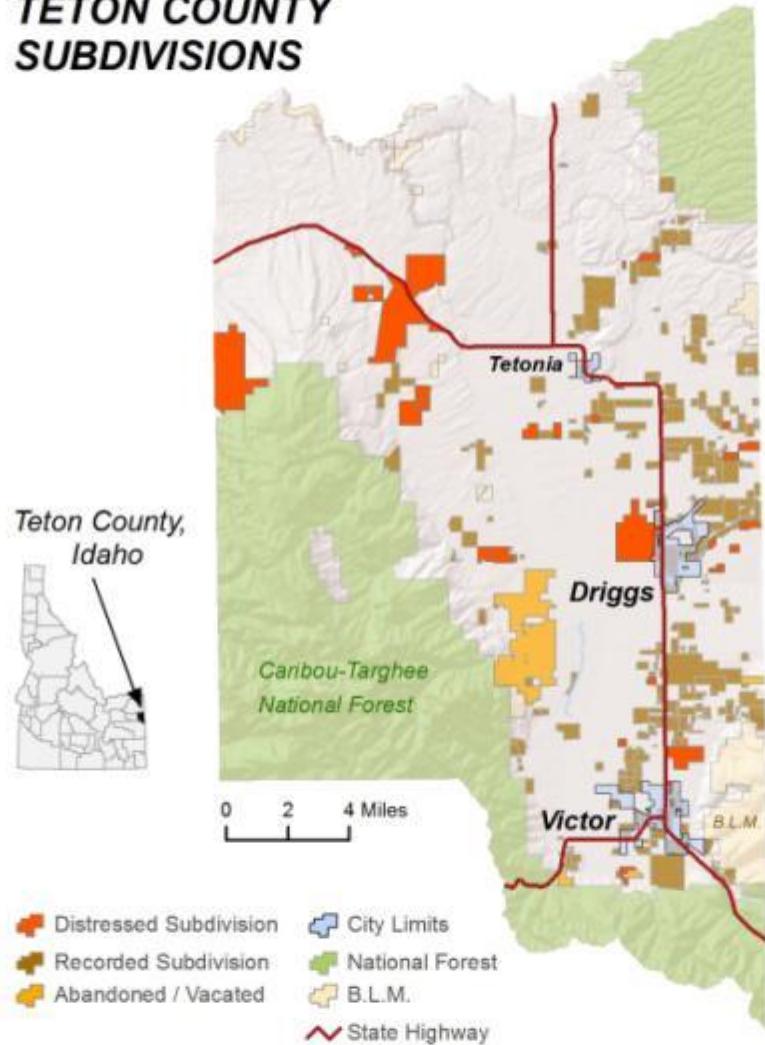
Results I experienced

- Due to the relationships I developed with P&Z and county commissioners in the area, the developers often came to the FS with preliminary plats for review. Their intent was to mitigate or address FS questions and concerns before submittal to the county.
- They wanted letters and comments discussing that they had met with the agency and had made the following changes in the development.

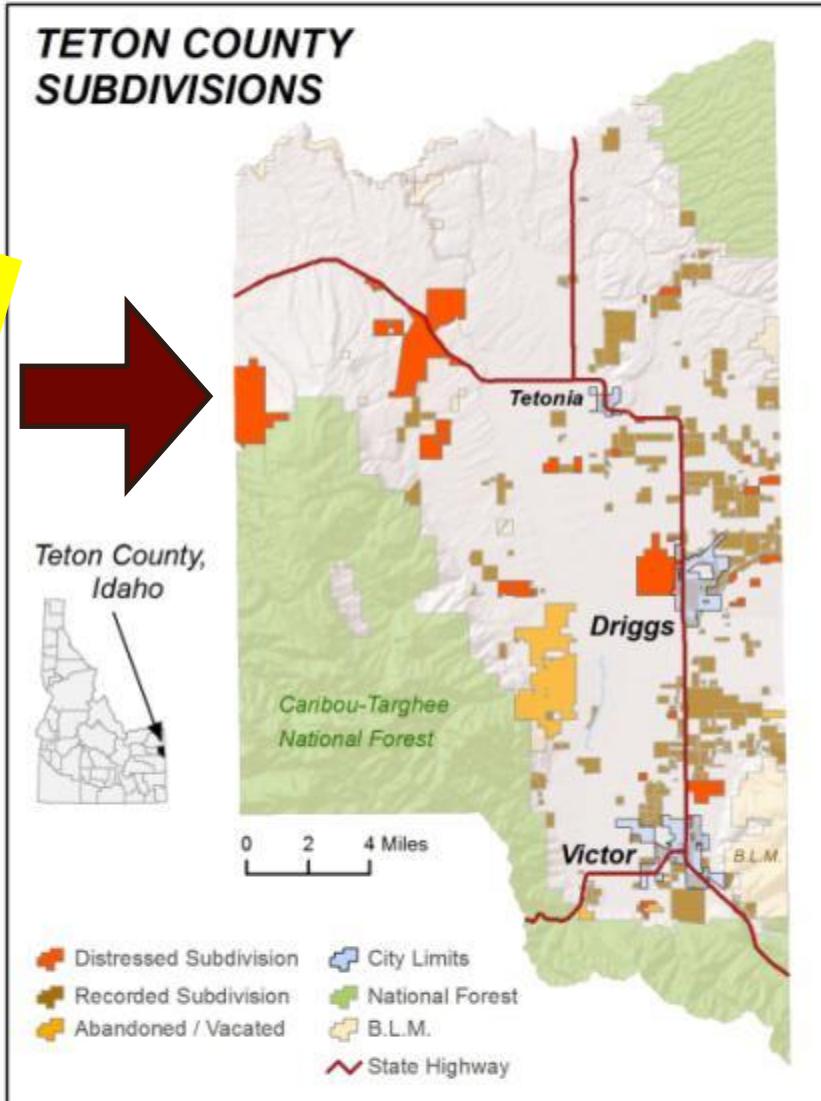
Relationships!

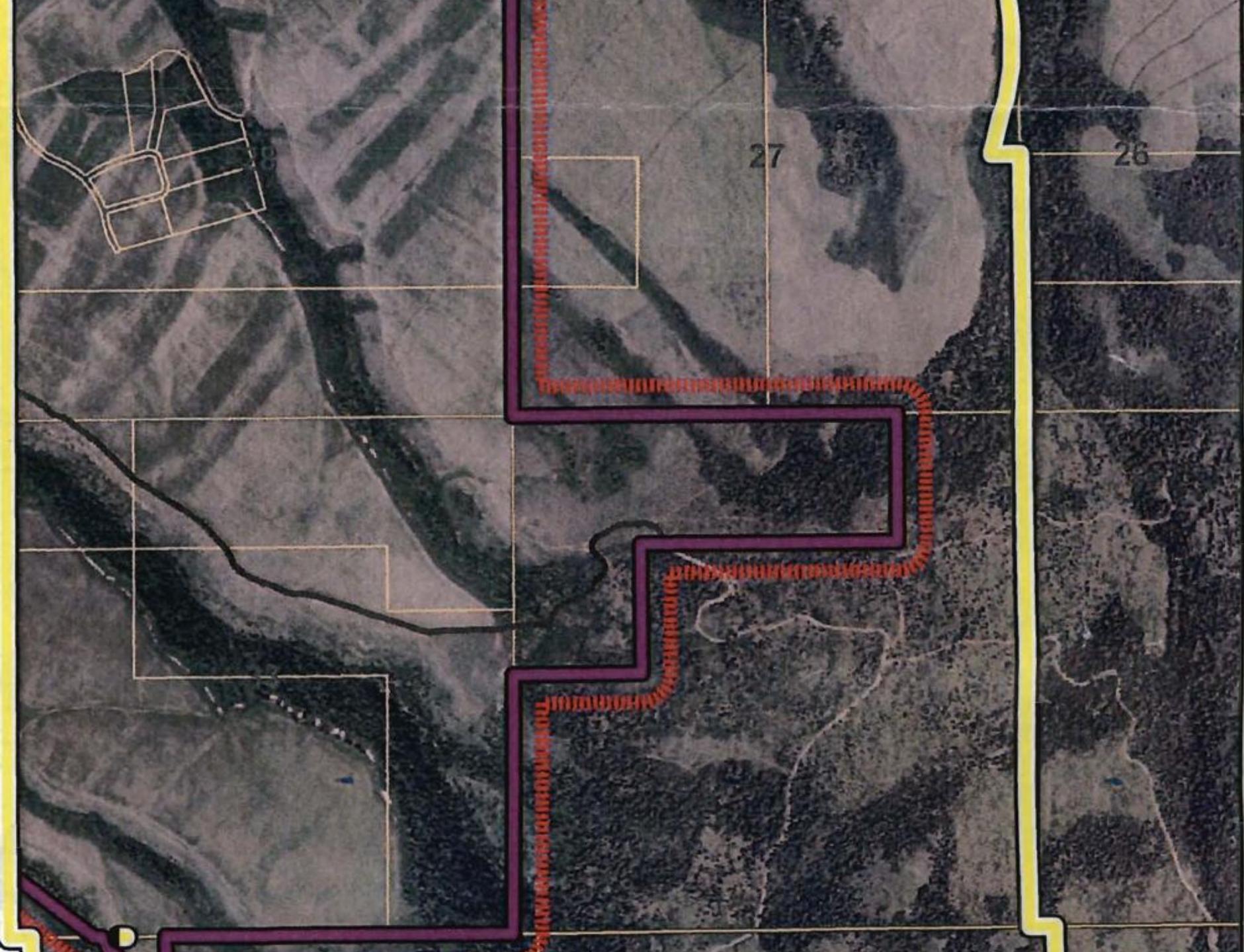
- Remember, the Agency doesn't make the decision. The county does! Discuss your concerns with people before any official meeting or hearing. Many of my best insights happened over coffee or at the gas station.
- The county commissioners are the line officers.
- They want to make good decisions and just need information.
- Your questions may become their questions.
- Participate at the public meetings and hearings.

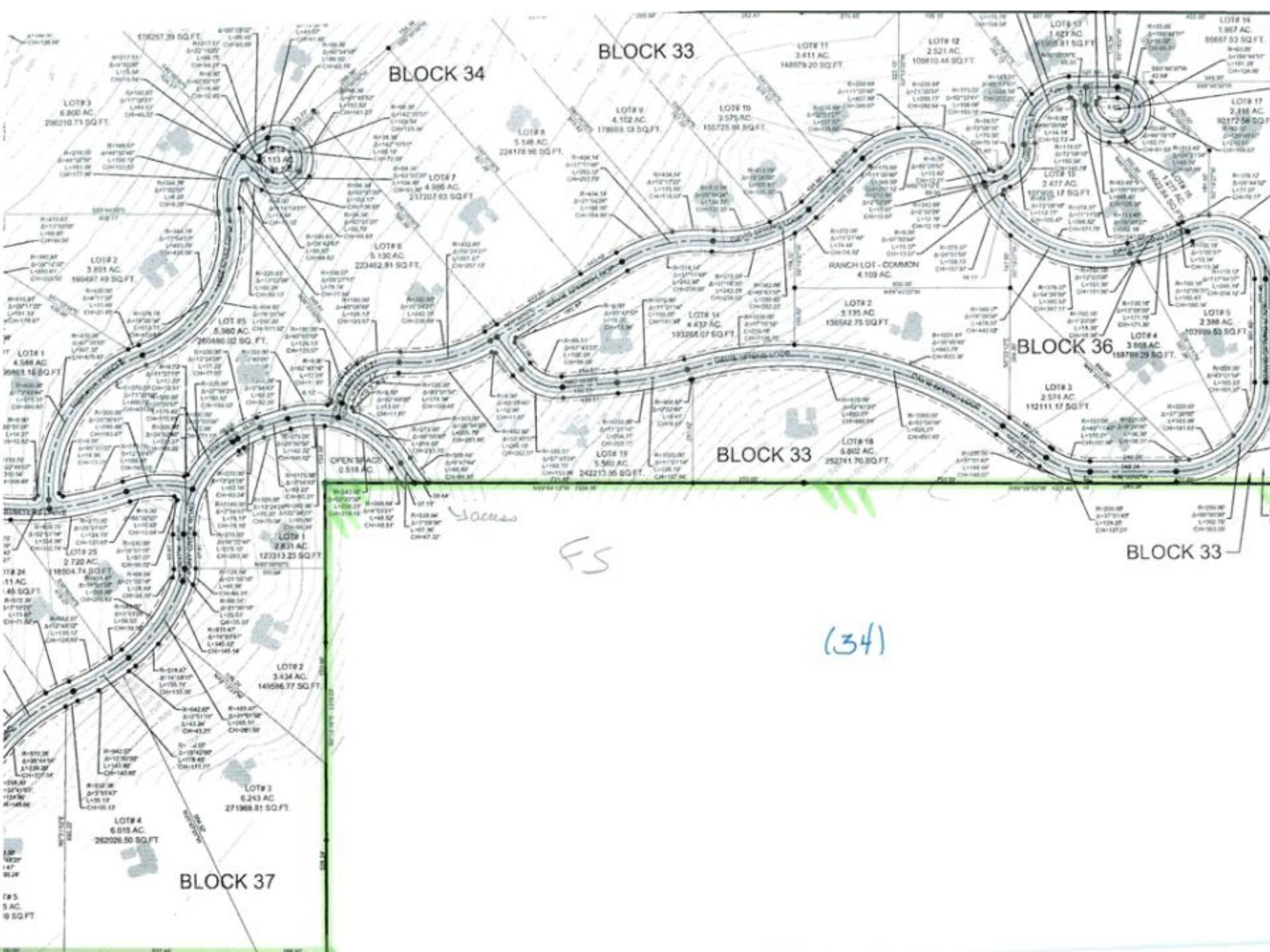
TETON COUNTY SUBDIVISIONS

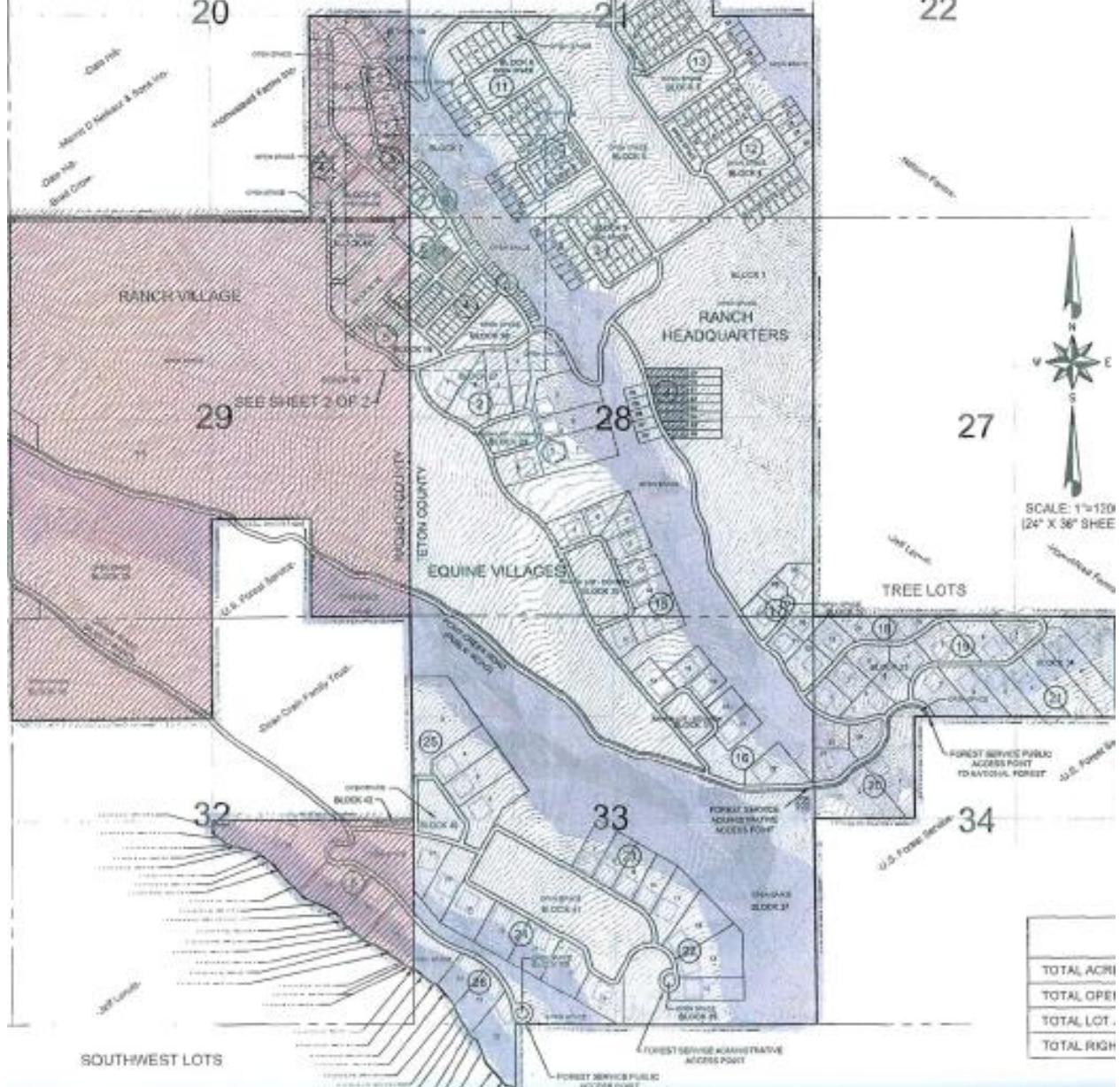


Case
Study





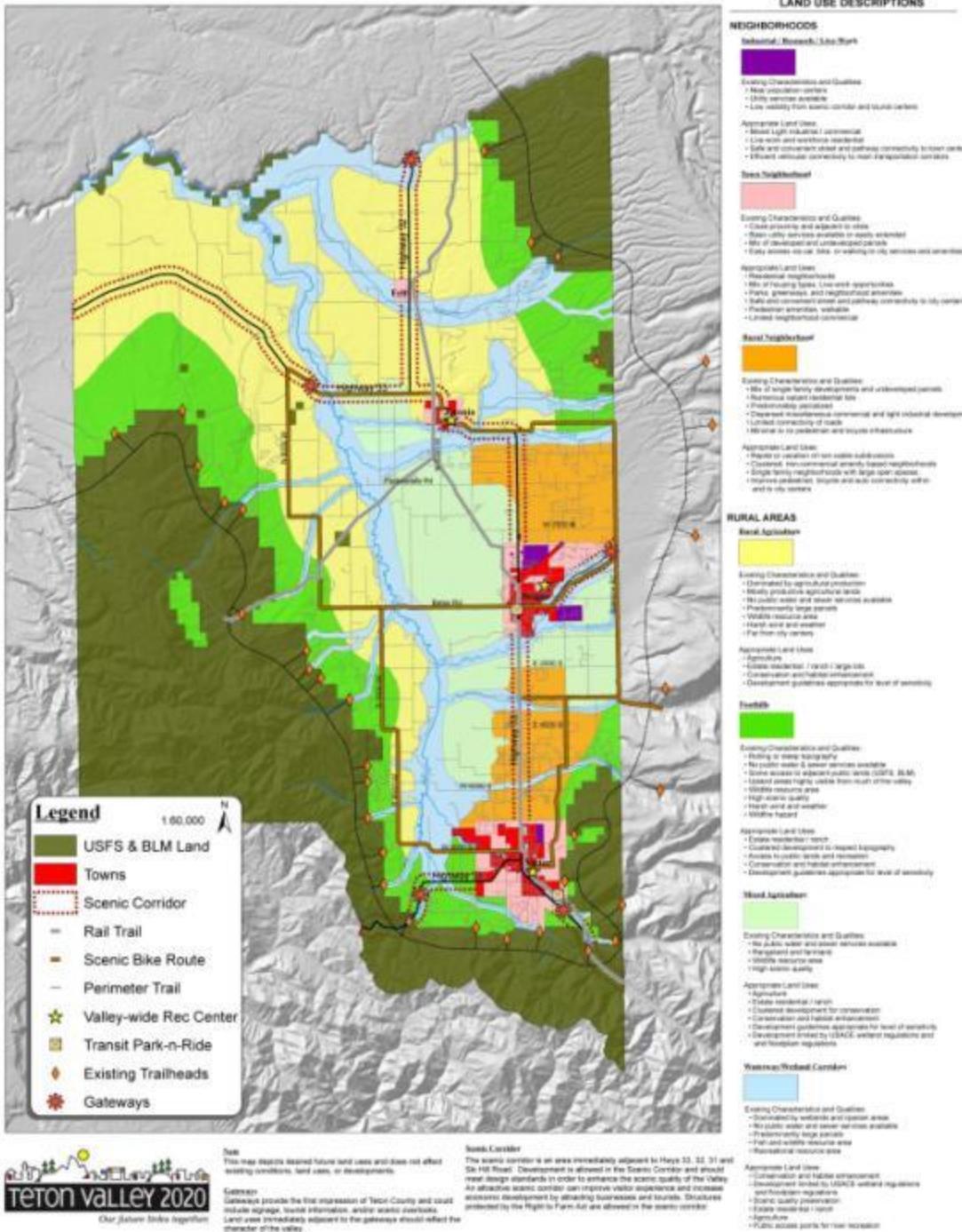


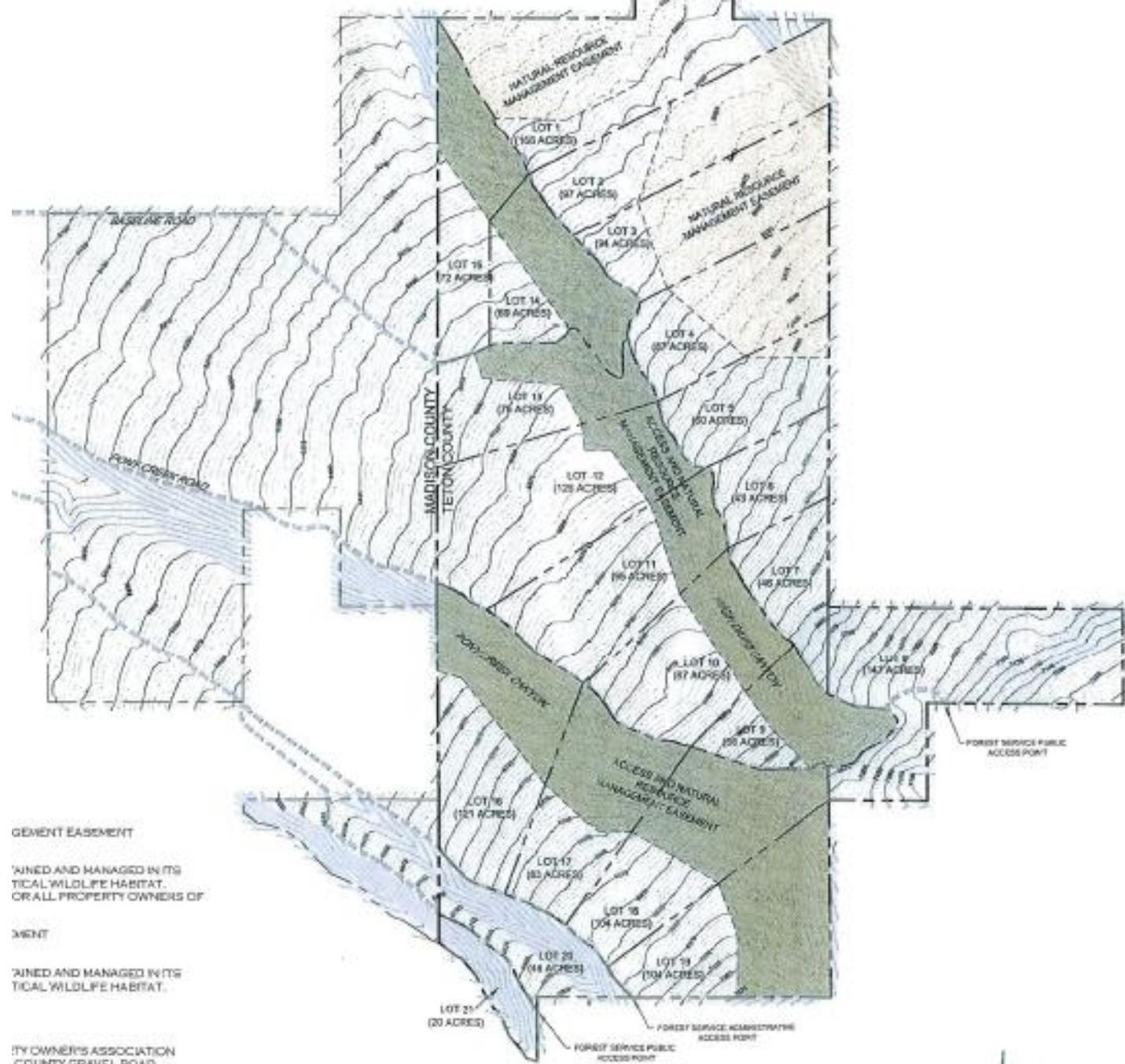


Case Study

(FS specific)

- ◆ Large gravel parking lot off the Forest with wide trail corridors for all users including snowmobiles and ATVs.
- ◆ 300 foot building setback from NFS boundary with language for fire-wise development.
- ◆ Two public deeded access's to the NFS.
- ◆ Four administrative accesses through lots for agency and contractors (fuels reduction, vegetation management, fence maintenance etc. . .).
- ◆ Subdivision is responsible for mitigating user created trails on NFS lands around subdivision.
- ◆ During phase 3 of the development, a National Forest Foundation grant would be implemented to allow money from the sale of lots to be available to the District for trail maintenance and weed control.





Remember

1. If you don't comment or participate, then you can't complain about the results.
2. Create relationships with the decision makers, concerned, publics and the developers. This takes time.
3. Make yourself available.
4. You may disagree. Remember you aren't in control of the decision, but want them to know your concerns and questions.
5. Ask questions, request help, avoid demands and see what happens.

Suggestions:

- ◆ During public development meetings, I often find that the counties will break verbal public comments into two sections: those for the development and those against the development.
- ◆ If possible, get them to add a “those neutral” comment section.
- ◆ I was more effective and honest in that capacity.
- ◆ It has become popular with many groups and agencies in my locale.
- ◆ If a neutral comments section is not added, just get up the mic and state the obvious. “I’m not for or against. I’m neutral, but have several questions and concerns.”

Don't give your personal opinion.

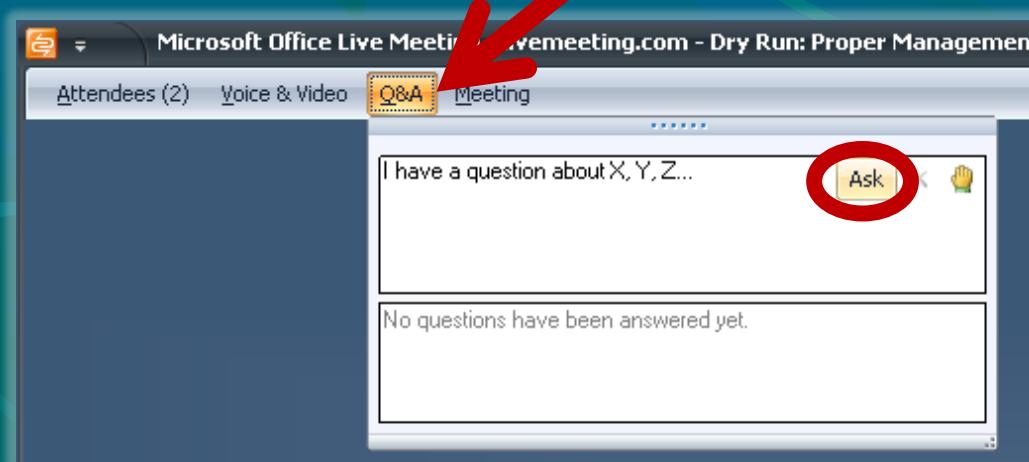
It's easy to say, but it is hard.

In the long run, your involvement will
be worth it.

Time for Questions!

Dial *0 on your phone OR

Type your question in the Q&A panel & click “Ask”



To edit or add to a question , click “Edit.” Type the edits and click “Ask.”

A photograph of a woman with short brown hair, smiling at the camera. She is wearing an orange, draped-style dress and a corsage of a large red rose and smaller white flowers on her left shoulder. The background is dark and out of focus, showing what appears to be a tiered cake and some event lighting.

Maya Solomon

Program Coordinator
USFS, S&PF, Cooperative Forestry

Issue	True/False	Authorizing Law	What the Law says?	Type of Work
“A Forest Service employee cannot participate in local or regional planning efforts.”	FALSE	5 CFR Part 2635, Subpart H- Outside Activities (Ethics Law and Regulations, Part V, Section B)	This law allows Forest Service employees to be appointed, in their official capacity, by a Supervisor to a non-federal organization or on the organization’s board.	<ul style="list-style-type: none"> • A land management representative on the Chicago Wilderness Consortium Land Management Advisory Board • Community Development Board in which the NF is located.
“National Forest System employees cannot provide information that may influence decisions on lands outside of Forest Service boundaries.”	FALSE	Intergovernmental Cooperation Act of 1968, as amended by the Intergovernmental Cooperation Act of September 13, 1982 (31 USC 6501-6508, Public Law 97-258)	<p>This Act authorizes federal agencies including the Forest Service to provide special or technical services to a state or local government upon written request.</p> <p>Importantly, this Act has a particular emphasis on “comprehensive planning” (including “patterns and intensity of land use).</p>	<ul style="list-style-type: none"> • Provide statistical data, technical information, surveys, data, etc. • Technical aid in preparing proposals for development and other projects.

Issue	True/False	Authorizing Law	What the Law says?	
"National Forest System employees may assist State agencies with prescribed burns and other land management projects."	TRUE	Granger-Thye Act of April 24, 1950 (16 USC 572)	This law authorizes the Forest Service to collect funds from partners to perform work, on or off Forest Service land, that is the responsibility of the partner.	<ul style="list-style-type: none"> Administering forest resources in accordance with sound conservation practices on non-Federal forest lands. Surveying to establish common boundaries.
"National Forest System provides funds to a regional collaborative to funds a regional restoration project across State, Private, and Federally owned lands.	TRUE	Wyden Amendment (Watershed Restoration and Enhancement Agreement) (PL 109-54, as amended by PL 111-11)	This Act allows Forest Service money to be spent on non-federal lands as long as the projects benefit the fish, wildlife, and other resources on National Forest lands within an affected watershed. The funds may be spent on both public or private lands.	<ul style="list-style-type: none"> Watershed Restoration In-stream habitat restoration Clearing fire prone brush adjacent to NFS lands

Additional Information

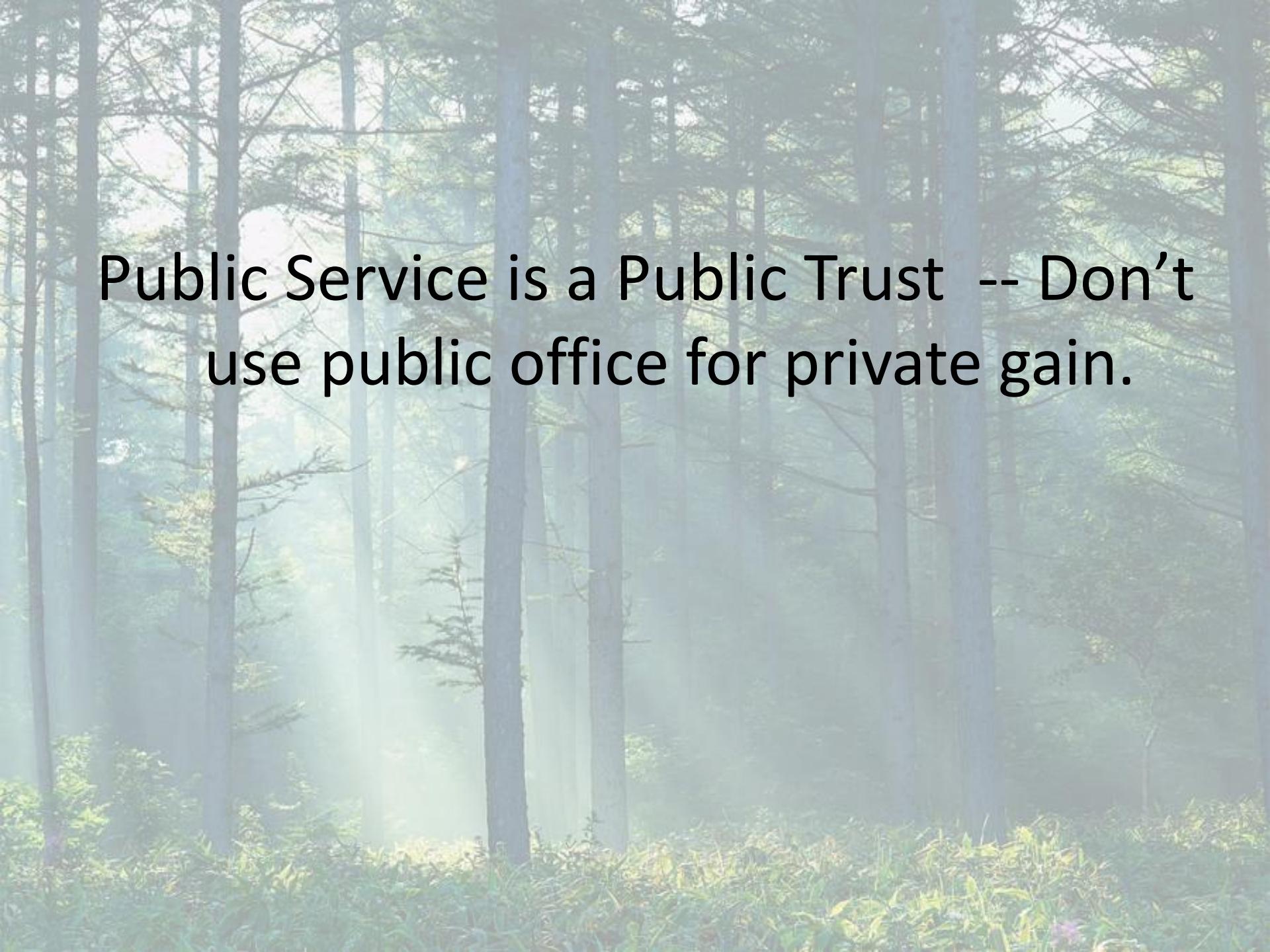
- FS Handbook 1509
 - http://www.fs.fed.us/im/directives/fsh/1509.11/1509.11_70-79.2.doc
- Partnership Guide
 - [http://www.fs.usda.gov/Internet/FSE DOCUMENTS/stelprdb5193234.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5193234.pdf)
- Partnership Resource Center
 - <http://www.fs.usda.gov/prc>



Lorraine “Rainee” Luciano
Chief, Office of Ethics
Forest Service Ethics Branch

ETHICS & Land Use Planning

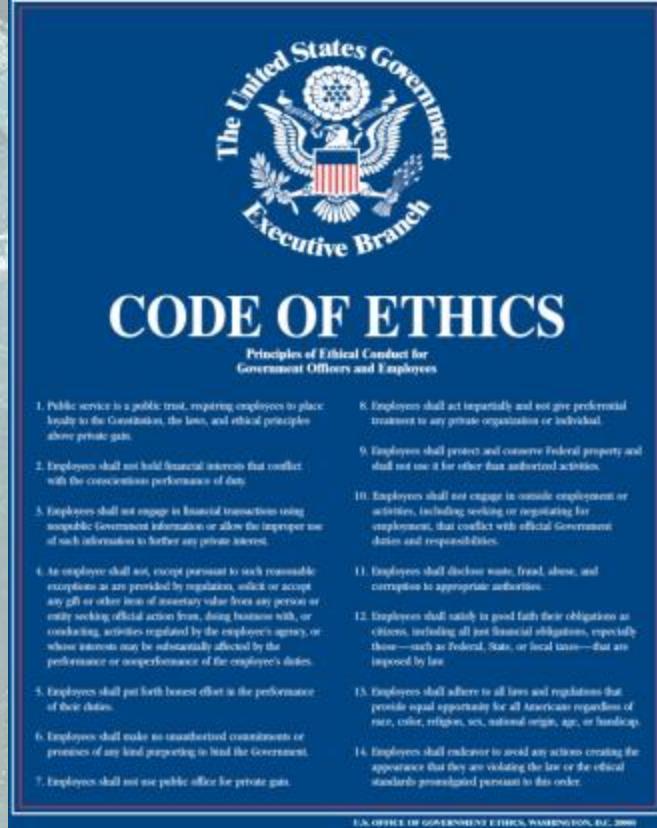




Public Service is a Public Trust -- Don't
use public office for private gain.

Know the Ethics Rules

14 Ethics Principles:



- 5 C.F.R. 2635
 - [Subpart A--GENERAL PROVISIONS](#)
 - [Subpart B--GIFTS FROM OUTSIDE SOURCES](#)
 - [Subpart C--GIFTS BETWEEN EMPLOYEES](#)
 - [Subpart D--CONFLICTING FINANCIAL INTERESTS](#)
 - [Subpart E--IMPARTIALITY IN PERFORMING OFFICIAL DUTIES](#)
 - [Subpart F--SEEKING OTHER EMPLOYMENT](#)
 - [Subpart G--MISUSE OF POSITION](#)
 - [Subpart H--OUTSIDE ACTIVITIES](#)
 - [Subpart I--RELATED STATUTORY AUTHORITIES](#)

[\(CLICK HERE\)](#)

How to Maintain Your Impartiality

- Make sure your official and personal business are separated.
- Be careful of gifts offered by parties that want you to act in an official capacity.
- Make sure you understand the mere appearance of a conflict of interest makes it a conflict.

Maintaining Impartiality

5 C.F.R 2635.402/502

- **RULE:** The Standards prohibit the taking official action on specific matters involving either:
 - The financial interest of household members; or Close relatives; or

One of the following “covered relationship:”

- Persons/Entities who employed you in the past year;
- Organizations in which you participate actively; or
- Former employers who, within the past 2 years, paid you an extraordinary severance payment (\$10,000+) before coming to work for the Government.
- 502(2) - An employee who is concerned that circumstances other than those specifically described in this section would raise a question regarding his impartiality should use the process described in this section to determine whether he should or should not participate in a particular matter.

Questions?

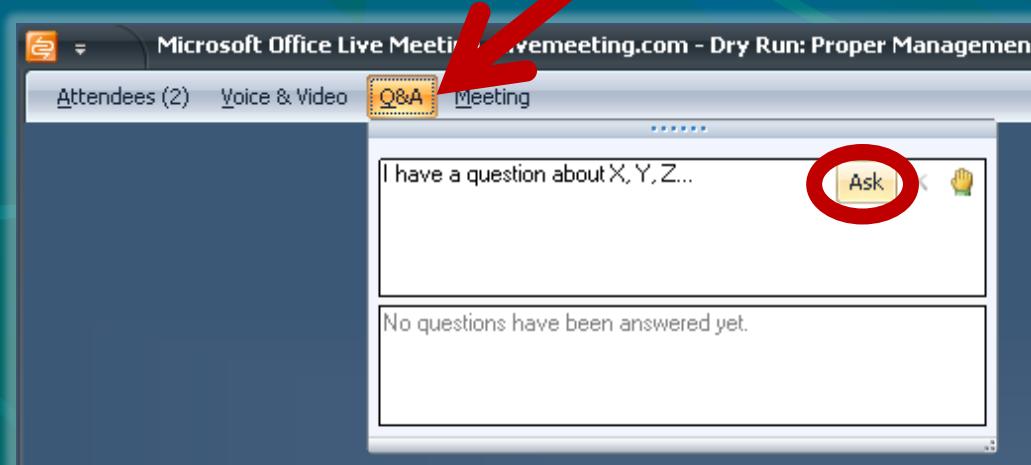
We're Good...but call us
before you “need” a
superhero to rescue you!



Forest Service Ethics Branch
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Arlington, VA 22209
FSEthics@dm.usda.gov
Tel: 703-605-0860

Time for Questions!

Dial *0 on your phone OR
Type your question in the Q&A panel & click “Ask”



To edit or add to a question , click “Edit.” Type the edits and click “Ask.”

Session #3

Green Infrastructure Planning: Connecting Partners and Greenspaces

Thursday, June 21st, 2 pm Eastern

- Kris Hoellen, The Conservation Fund
- Karen Firehock, Green Infrastructure Center Inc.
- Rick LeBrasseur, Center for Green Infrastructure

Future Topic Areas

- Landscape-level planning for natural resource professionals;
- Open space conservation efforts by federal agencies (USDA, DOT, DOT, and DOI);
- The art of using science to guide planning efforts

For More Information or to
Provide Feedback

www.fs.fed.us/openspace/webinars

Or Contact

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