



How Coordination Plans Work

by Fred Kelly Grant

Local governments that have implemented “coordination” status with federal management agencies are successfully fighting erosion of private property rights in their communities. The “coordination” status is authorized by almost every federal statute relating to management of land, resource, and environment. All the local government has to do is formally accept the congressional invitation to “coordinate,” and federal agencies have no choice but to agree.

What is this “coordination” factor, which elevates the involvement of local government in federal planning and management actions? The foundation for the concept is found in the Federal Land Policy Management Act, i.e. commonly known as FLPMA. Section 1712 of Title 43 of the United States Code requires that the Bureau of Land Management must coordinate its “land use inventory, planning, and management actions” with any local government which has engaged in land use planning for the federal lands managed by the federal agencies.

Congress did not leave the definition of the word “coordination” to chance, or to the whim of the federal management agencies. Congress defined the word by specifying the duties and responsibilities of the BLM regarding local plans. The statute REQUIRES the following:

1. BLM must keep apprised of local land use plans;
2. BLM must assure consideration is given to local plans when federal plans are being developed;
3. BLM must attempt to resolve inconsistencies between federal and state local plans;
4. BLM must provide “meaningful...involvement” of local government officials in the development and revision of plans, guidelines and regulations;
5. The Secretary must, finally, compare local and federal plans and make sure they are consistent “to the maximum extent...consistent with federal law.”

BLM regulations set forth a very clear process by which the local government, which has developed a plan is able to “coordinate” with the BLM, and this process includes an elevation of the participation level of the local government to a point of notice and “meaningful” participation above and ahead of “public participation.”

Note that the statute does not limit mandatory coordination to “counties,” but rather extends it to “local government.” That language includes any unit of local government, often identified as any separate tax raising unit of government, i.e., school districts, road districts, fire districts, irrigation districts, and cities and towns. So, in a county where county commissioners or supervisors refuse to develop a local plan for coordination status, any school board or other tax-raising unit of government can gain coordinate status for itself. The ideal goal for local government would be to develop a plan by which the county, towns

within the county, school districts, irrigation districts, fire districts, could all participate in the same coordination activities.

Other federal land management agencies are also required to deal with local governments on a higher plane than they do with the general public. This applies to those which operate under and implement the National Forest Management Act, Endangered Species Act, Clean Water Act, Clean Air Act, the Wild and Scenic Rivers Act, the National Preservation Act, Soil Conservation district statutes, and the National Environmental Policy Act.

Two of the most important elements of coordination are prior notice and necessity of seeking consistence. First, prior notice of planning and management actions gives local government the opportunity to make its analysis, to make its recommendations, and then monitor the consistency of federal action to local plan throughout the process. The local government must receive notice even before anyone else in the general public. Second, the federal agency is required to make every practicable effort to make the federal and local position consistent. If consistency and agreement cannot be conceived, the issue of consistency goes to the Secretary of Interior.

To gain maximum impact from coordination status, a local government must develop and adopt a local land use and management plan, which defines the natural resource priorities in terms of the economic, social, and political customs and culture of the community. In those areas in which livestock grazing is critical to the economy, priorities must be set with the economic backbone centralized. All local industries and uses that make up the economic strength of the community should be prioritized with regard to their dependence upon and impact upon the natural resources and environment. Each area's plan should be written specific to the area, taking into account the adverse impact on the economy if federal agencies restrict and reduce natural resource use. An existing plan from another area can be used as an example of format and of methods of establishing priorities, but each area must develop its own plan, specific to the area and its citizen's needs.

An effective path to development of a plan takes one of two forks:

1. Where county supervisors or commissioners, or the governing body of the particular taxing district, want to implement a coordination status, they can achieve that status by appointing a natural resource council which will put together the local plan and its priorities. They present it to the Commissioners/Supervisors for adoption, and then serve as advisors on natural resource issues to the governing board.
2. Where the Commissioners/Supervisors are not of a mind to develop and adopt a plan, then those of you seeking protection take up the process of developing the plan, independently. When you have finished the plan, it is up to you and your supporters to use all your persuasiveness to convince the governing board to adopt the plan.

Once the plan is adopted, the council should be appointed by the Commissioners/Supervisors to monitor actions of state and federal agencies for the purpose of making sure they maintain consistency with local plans, and of making sure that when new issues arise they take on the work of presenting amendments to the local plan to cover the new issues.

Once the local plan is adopted, the governing body must advise the Federal and State agencies that the local government is involved in land use planning within the terms of the federal statutes and

regulations relating to federal-local coordination. The advisory letter should invite the agencies to send personnel to meet with the governing body to discuss the procedure through which coordination will be implemented. That procedure should be decided upon and reduced to a written agreement in order to avoid future disputes as to how and where coordination took place. The procedure should set forth all the elements of coordination set forth in FLPMA: advance notice, opportunity for early comment and persuasion, and consistency review.

Even though FLPMA itself may not be involved in the land management issues you face, the other federal statutes have like requirements. For example, the Secretary of Interior must give local government advance notice of any listing decision that he intends to make, and he must take into account any local plan relating to species before he makes a listing decision. These duties put local government at the table with U.S. Fish and Wildlife. The Clean Water Act also requires that consideration be given to local plans as to water quality, so this requirement puts participating local governments at the table with EPA and the state environmental quality agencies.

In the world of coordination, Owyhee County, Idaho and Modoc County, California (both of which have been using coordinate status to protect their citizens for the past ten years) can offer a long list of success stories about situations in which local government has brought state and federal agencies to the table for solutions which are not harmful to ranchers, farmers and water users.

Development of the group of citizens who are interested enough to work tirelessly on development of a plan and persuasion of commissioners/supervisors is the first step to achieve coordinate status. It is highly recommended that the this group consist of representatives of the industries of the area, Tribal representatives (if possible), business people, school board or district representatives, fire department, water users, and health districts be invited to participate. The broader the group, the more inclusive will be your plan, and the more persuasive will be the presentation to the governing board for adoption.

It is highly recommended that anyone interested in pursuing the coordinate approach for local government should attend a seminar offered by Stewards of the Range, taught by Fred Kelly Grant, on the process of developing, gaining passage of, and then enforcing a coordinating local plan.