

9/17/96

To: State Director

From: Joe Patti, Field Planning Coordinator

Subject: Briefing Paper: Panel Discussion Items for Wyoming County Commissioners Association Workshop/Panel (9/17/96) -- "How to be a part of the Federal planning process"

INTRODUCTION/BACKGROUND:

Basic to the following, that pertains to BLM and the FS, is the understanding that the NEPA process is the BLM and FS planning process. Since you will be involved in a joint discussion with the FS, Lee Kramer and I have tried to prepare appropriate parts of this briefing and information to serve both agencies' needs. Also, this has had BLM Regional Solicitor's review/input.

Attached are support materials for this paper. Some could be used as handouts, if you wish. Included are xeroxed excerpts of the appropriate parts of the CEQ Regulations (this will also serve FS needs) and the BLM Planning Regulations discussed below, a detailed table of the BLM planning/NEPA process with the planning stage public involvement opportunity points shaded in, and a table of only the general NEPA process with the public involvement opportunity points identified (this will also serve FS needs).

Joe Evans thought the CEQ regulation parts, specific to the Cooperating Agency and Joint Lead topics, would be good to leave with the Commissioners as a handout. Assuming that those aspects will be raised and because it's pertinent to both agencies, you could have copies available to give them. The BLM planning regulation parts are specific to pointing out that the Commissioners and county government do NOT have "exclusive" review and comment opportunity periods in the BLM NEPA/planning process that are "before or separate" from those of the rest of the public (You shouldn't need to use this for a handout). I do recommend you use the two tables as handouts.

The letter from Mike Karbs to the Natrona County Commissioners is not a handout item. I attached it for your information because it's germane to the subject at hand and has had direct Solicitor's input. Jay Guerin has provided a brief statement on FACA for your use (not a handout item), since the agenda mentions it. Also provided, is a copy of the FS paper on the NEPA that Jerry Schmidt will present (This will also serve BLM needs).

This workshop title or theme is specific to how the "County Commissioners" or county government can be a part of the Federal planning process. There is little doubt that several philosophically-related (if not directly-related) trends of the time are at the root of the subject and include: the re-awakening of the sagebrush rebellion, so-called state and local rights and the perpetual power struggle over jurisdiction of the Federal lands and resources in the western states.

A great deal of the interest and hoopla on this issue that has been resurrected over the past two-plus years has been generated or inspired by things like: the Nye County, Nevada episode with the Forest Service; Karen Budd's campaigns around the west (some of the loud uproars seem to have come on the heels of her appearances, e.g., Catron County, Nye County, the supposed Park Co., Wyoming, County Plan effort; bashing of the Grass Creek RMP effort; various Federal office bombings and threats, etc.

The combination of these factors, a private NEPA training package (by formerly Shipley Associates), and either misunderstanding, misinterpretation or misrepresentation of the facts, laws and regulations, have led to the following kinds of basic suggestions or contentions regarding county government involvement with the Federal planning process:

1. that the CEQ regulations provide for joint planning authority that allows the counties to be a joint "decision-maker" for the Federal lands;
2. that the counties can require a yearly list of all Bureau of Land Management and Forest Service activities; and
3. that the counties can become involved in the NEPA process "before" or "separately from" the general public and can develop plans for county involvement in Federal actions or activities.

REGARDING SUGGESTION 1. -- that the CEQ regulations provide for joint planning authority that allows the counties to be a joint "decision-maker" for the Federal lands:

-- In addition to an apparent assumption that county governments have some jurisdiction and some decision-making authority, pertaining to land and resource use planning and management on Federal lands, this also appears to be the result of misinterpretation of parts of the CEQ regulations -- 40 CFR 1501.6 (titled -- Cooperating agencies); 1501.5 (titled -- Lead agencies); 1506.2 (titled -- Elimination of duplication with State and local procedures), particularly item (c) of that part; and 1508.5 (titled -- Cooperating agency).

Re: 1501.6 and 1508.5 -- 1501.6 is very clear in specifying that a cooperating agency is ..."any other Federal agency which has jurisdiction by law"... or..."any other Federal agency which has special expertise with respect to any environmental issue, which should be addressed in the [environmental impact] statement"... 1501.6(b) and (c) also describe the participatory and funding "responsibilities" of a cooperating agency.

1508.5 does provide that ..."A State or local agency of similar qualifications [i.e., the jurisdiction by law and special expertise qualifications, including the participatory and funding responsibilities, cited in 1501.6]...may by agreement with the lead agency become a cooperating agency".

RESPONSE TO THE COOPERATING AGENCY QUESTION:

COUNTY GOVERNMENTS DO HAVE SOME LIMITED AUTHORITIES ON FEDERAL LANDS, CONCERNING THINGS LIKE HEALTH AND SANITATION, CRIMINAL LAW ENFORCEMENT, AND EMPLOYMENT FEES AND PERMITS. IT MAY ALSO BE POSSIBLE TO HAVE A SITUATION WHERE THE COUNTY GOVERNMENT MAY HAVE SPECIAL EXPERTISE CONCERNING AN ENVIRONMENTAL ISSUE THAT MUST BE ADDRESSED IN A FEDERAL AGENCY NEPA DOCUMENT. WHILE POSSIBILITIES ARE VERY LIMITED, COOPERATING AGENCY STATUS MAY BE APPLICABLE, WHERE THESE TYPES OF THINGS ARE BEING ADDRESSED ON FEDERAL LANDS.

HOWEVER, COUNTY GOVERNMENTS HAVE NO "JURISDICTION BY LAW", PERTAINING TO "LAND AND RESOURCE USE PLANNING AND MANAGEMENT", ON THE FEDERAL LANDS. THUS, THEY GENERALLY HAVE NO PLANNING OR MANAGEMENT DECISION-MAKING AUTHORITY "FOR THE LAND AND RESOURCE USES ON THE FEDERAL LANDS". ACCORDINGLY, IN THE STRICT TECHNICAL MEANING OF THE TERM IN THE REGULATION, THE "COOPERATING AGENCY"

PROVISO IS NOT APPLICABLE TO COUNTY GOVERNMENT, WHERE PLANNING AND MANAGEMENT DECISIONS FOR FEDERAL LAND AND RESOURCE USES ARE CONCERNED.

THIS CERTAINLY DOES NOT MEAN THAT COUNTY GOVERNMENT HAS NO WAY TO AFFECT RESOURCE AND LAND USE DECISION-MAKING ON FEDERAL LANDS. IT ALSO DOES NOT MEAN THAT THERE IS NO WAY FOR COUNTY GOVERNMENT AND FEDERAL AGENCIES TO COOPERATE AND WORK TOGETHER IN THE COURSE OF A PLANNING EFFORT OR PREPARING A NEPA DOCUMENT ON EITHER A FEDERAL OR NON-FEDERAL PROJECT OF MUTUAL INTEREST OR CONCERN. THE IMPORTANT POINT TO BE MADE HERE IS THAT THE "TECHNICAL" INTENT AND MEANING OF THIS REGULATION DOES NOT APPLY TO COUNTY GOVERNMENT, WITH SPECIFIC REGARD TO DECISION-MAKING FOR LAND AND RESOURCE USE PLANNING AND MANAGEMENT ON FEDERAL LANDS.

AN EXAMPLE OF A NON-FEDERAL AGENCY THAT COULD BE A COOPERATING AGENCY, WITH REGARD TO LAND AND RESOURCE USE PLANNING AND MANAGEMENT ON THE FEDERAL LANDS, IS THE STATE OF WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ). THE DEQ, THROUGH FEDERAL LAW AND STATE PROGRAMS, SERVES AS AN AGENT OF THE FEDERAL GOVERNMENT IN SOME LIMITED AREAS OF MINED LAND RECLAMATION, ENVIRONMENTAL PERMITTING, ETC., ON THE FEDERAL LANDS IN THE STATE.

Re: 1501.5 AND 1506.2 -- 1501.5(b) provides that a State or local agency may act as "joint lead" with a Federal agency to prepare an environmental impact statement (EIS), within the limits of 1506.2. The requirement of 1506.2 is for [Federal] agencies to cooperate with State and local agencies to reduce duplication between NEPA and "comparable State and local requirements, unless the [Federal] agencies are specifically barred from doing so by some other law". Included with the comparable requirements proviso, is the opportunity for Federal and State or local agencies to be joint leads in a decision-making NEPA analysis and document. In addition item (c) requires Federal agencies to cooperate in fulfilling environmental impact statement requirements (i.e., such requirements contained in State laws or local ordinances), so long as they are not in conflict with those in NEPA, so that one document will comply with all applicable laws.

RESPONSE TO THE JOINT LEAD QUESTION:

AGAIN, IN THE STRICT TECHNICAL MEANING OF THE TERM IN THE REGULATION, THE "JOINT-LEAD" PROVISO IS NOT GENERALLY APPLICABLE TO COUNTY GOVERNMENT, WHERE PLANNING AND MANAGEMENT DECISIONS FOR FEDERAL LAND AND RESOURCE USES ARE CONCERNED. THE SAME BASIC CONCLUSION STATED ABOVE FOR THE COOPERATING AGENCY QUESTION ALSO APPLIES HERE.

AGAIN, THIS DOES NOT MEAN THAT COUNTY GOVERNMENT HAS NO WAY TO AFFECT RESOURCE AND LAND USE DECISION-MAKING ON FEDERAL LANDS OR THAT THERE IS NO WAY FOR COUNTY GOVERNMENTS AND FEDERAL AGENCIES TO COOPERATE AND WORK TOGETHER IN THE COURSE OF A PLANNING EFFORT OR PREPARING A NEPA DOCUMENT ON EITHER A FEDERAL OR NON-FEDERAL PROJECT OF MUTUAL INTEREST OR CONCERN. AGAIN, THE IMPORTANT POINT TO BE MADE IS THAT THE "TECHNICAL" INTENT AND MEANING OF THIS REGULATION DOES NOT APPLY TO COUNTY GOVERNMENT, WITH SPECIFIC REGARD TO DECISION-MAKING FOR LAND AND RESOURCE USE PLANNING AND MANAGEMENT ON FEDERAL LANDS.

THE REAL OBJECTIVE OF THIS PARTICULAR REGULATION (40 CFR 1506.2) IS TO AVOID REDUNDANCY OF WORK IN THE NEPA PROCESS AND PROVIDE ONE ANALYSIS AND DOCUMENTATION SOURCE FOR THE FEDERAL AND NON-FEDERAL PARTICIPANTS TO SUPPORT THE DECISIONS THAT THEY WOULD

"INDIVIDUALLY APPLY" TO THOSE AREAS WHERE THEIR "INDIVIDUAL JURISDICTIONS" AND AUTHORITIES EXIST. ANOTHER MAJOR BENEFIT TO THIS IS THE COOPERATION AND COORDINATION THAT WOULD OCCUR IN ADDRESSING THE INTERMINGLED LAND OWNERSHIP AND JURISDICTIONAL RELATIONSHIPS TOWARD HARMONIOUS DECISIONS FOR THE FEDERAL AND NON-FEDERAL LANDS INVOLVED.

RESPONSE TO SUGGESTION 1:

IT IS IMPORTANT TO POINT OUT THAT THE DEFINITIONS OF "COOPERATING AGENCY" AND "JOINT LEAD" DO NOT TRANSCEND INTO "JOINT DECISION-MAKING", WITH PARTICULAR REGARD TO LAND AND RESOURCE USE PLANNING AND MANAGEMENT DECISIONS ON FEDERAL LANDS. ANY SUCH COUNTY GOVERNMENT DECISION-MAKING THAT MAY DERIVE FROM COOPERATING AGENCY OR JOINT-LEAD INVOLVEMENT IN THE NEPA (OR COMPARABLE) PROCESSES WOULD ONLY BE APPLICABLE TO COUNTY-OWNED AND OTHER NON-FEDERAL LANDS, TO THE EXTENT THAT THE COUNTY HAS JURISDICTION OVER THOSE NON-FEDERAL LANDS, AND TO OTHER MATTERS (MENTIONED ABOVE) THAT MAY AFFECT EITHER FEDERAL OR NON-FEDERAL LANDS. LIKewise, THE FEDERAL AGENCY DECISION-MAKING AUTHORITY WOULD BE LIMITED TO THE FEDERAL LANDS AND FEDERAL MINERALS IT ADMINISTERS WITHIN THE ANALYSIS AREA.

REGARDING SUGGESTION 2. -- that the counties can require a yearly list of all BLM and FS activities:

RESPONSE TO SUGGESTION 2:

AS PERTAINS TO A LIST OF SCHEDULED, PLANNED OR ANTICIPATED EVENTS OR WORK ITEMS THAT A FEDERAL AGENCY MAY BE INVOLVED IN, THIS IS CERTAINLY A TRUE STATEMENT. RATHER THAN COUCHING THIS IN TERMS OF A "REQUIREMENT", IT NEED ONLY BE A "REQUEST". BETTER YET, FEDERAL AGENCIES SHOULD TAKE INITIATIVE IN PROVIDING THIS TYPE OF INFORMATION AND SHOULD DO IT ON A CONTINUING BASIS, SUCH AS MONTHLY OR QUARTERLY (THINGS HAVE A WAY OF CHANGING ON US WITH LITTLE OR NO ADVANCE NOTICE). THIS CAN BE ACCOMPLISHED WITH REGULAR FEDERAL AGENCY/COUNTY GOVERNMENT COORDINATION AND INFORMATION-SHARING, THROUGH SUCH THINGS AS FEDERAL AGENCY ATTENDANCE AT COUNTY COMMISSIONERS' MEETINGS, REGULARLY SCHEDULED OR IMPROMPTU COORDINATION AND WORK SESSIONS OR MEETINGS ON MATTERS OF MUTUAL INTEREST AND CONCERN, ETC.

IN LINE WITH THIS, THE FOREST SERVICE (FS) PLANNING HANDBOOK REQUIRES SENDING OUT A CALENDAR AND SCHEDULE OF NEPA PROJECTS ON A QUARTERLY BASIS. IN ADDITION DISTRICT RANGERS MEET WITH LOCAL COUNTY COMMISSIONERS ON A REGULAR BASIS. WHILE NOT SPECIFICALLY FORMALIZED IN BUREAU OF LAND MANAGEMENT (BLM) MANUALS AND DIRECTIVES, MANY OF THE BLM RESOURCE AREA AND DISTRICT MANAGERS IN WYOMING HAVE PRACTICED THESE SAME TYPES OF COOPERATION AND COORDINATION ACTIVITIES WITH COUNTY GOVERNMENTS ON A REGULAR BASIS. THERE HAVE BEEN A FEW IN THE PAST WHO HAVE NOT. IT IS CERTAINLY CURRENT WYOMING BLM POLICY THAT AREA AND DISTRICT MANAGERS WILL ENGAGE IN OR PROVIDE OPPORTUNITY FOR THESE KINDS OF ACTIVITIES.

REGARDING SUGGESTION 3. -- that the counties can become involved in the NEPA process "before" or "separately from" the general public and can develop plans for county involvement in Federal actions or activities:

-- This appears to involve misinterpretation of parts of the CEQ

regulations -- 40 CFR 1506.6 (titled -- Public involvement); and the BLM planning regulations -- 43 CFR 1610.2 (titled -- Public participation) and 1610.3 (titled -- Coordination with other Federal agencies, State and local governments, and Indian tribes).

Re: 1506.6 of the CEQ regulations -- 1506.6 provides for including any and all entities of the public that may have an interest in or concern with the Federal action or activity being analyzed. There are no provisions for exclusive or separate involvement (i.e., separate in terms of timing, either before or after the opportunity of other publics to be involved), "for the purpose of reviewing and providing comment", on a Federal NEPA/planning document.

Re: 1610.2 and 1610.3 of the BLM planning regulations -- 1610.2 requires conformance with the public involvement requirements of NEPA (i.e., the CEQ regulations cited above) in addition to other requirements specific to land use planning. Further, 1610.3(a) requires BLM to also coordinate with other Federal agencies, State and local governments, and Indian tribes, to keep apprised of non-BLM plans, to consider those plans in the course of developing RMPs, to assist in resolving inconsistencies between Federal and non-federal plans, etc. Consistent with the CEQ regulation mentioned above, 1610.3(e) is explicit in requiring that "Federal agencies, State and local governments and Indian tribes shall have the [same] time period prescribed under 1610.2 ... for review and comment on resource management plan proposals". ...

RESPONSE TO SUGGESTION 3:

THE INTENT OF 43 CFR 1610.3(a) IS TO ASSURE THAT THE BLM DOES "COORDINATE" WITH OTHER FEDERAL AGENCIES, STATE AND LOCAL GOVERNMENTS AND INDIAN TRIBES, BECAUSE THIS IS SPECIFICALLY REQUIRED BY THE FEDERAL LAND POLICY AND MANAGEMENT ACT (FLPMA) of 1976 (Section 202 (c)(9)). HOWEVER, THE REQUIREMENT TO "COORDINATE" WITH THESE SPECIFIC ENTITIES DOES NOT TRANSLATE INTO PROVIDING ONE OR MORE OF THEM THE EXCLUSIVE OPPORTUNITY TO REVIEW AND COMMENT ON BLM DECISION PROPOSALS OR PROVIDING THEM THE OPPORTUNITY TO EFFECT CHANGES IN BLM DECISION-MAKING "BEFORE OR SEPARATELY FROM THE GENERAL PUBLIC OPPORTUNITIES WHICH OCCUR DURING CONDUCT OF THE NEPA/PLANNING PROCESSES".

IN ACCORDANCE WITH THESE REGULATORY REQUIREMENTS, ANYTHING THAT MAY INVOLVE EXCLUSIVE OR PREFERENTIAL REVIEW AND COMMENT OPPORTUNITIES FOR ANY ENTITY OF THE PUBLIC IN THE FEDERAL NEPA/PLANNING PROCESSES IS NOT ALLOWED. THIS INCLUDES OTHER FEDERAL AGENCIES, STATE, COUNTY OR OTHER LOCAL GOVERNMENTS AND AGENCIES, SPECIAL INTEREST GROUPS, INDIAN TRIBES, AND INDIVIDUALS OF THE GENERAL PUBLIC, WHERE IT WOULD EXCLUDE THE OPPORTUNITY OF ANY OF THE OTHER PUBLICS THAT MAY HAVE AN INTEREST IN OR CONCERN WITH THE ACTION OR MATTER BEING ADDRESSED AT THE TIME.

THE MORE PROPER WAY TO STATE THE SUGGESTION IS --- THAT THE COUNTIES CAN OR SHOULD BECOME INVOLVED IN "FEDERAL ACTIONS OR ACTIVITIES" (NOT SPECIFICALLY AND ONLY THE NEPA/PLANNING PROCESSES) AND CAN DEVELOP PLANS FOR COUNTY INVOLVEMENT IN FEDERAL ACTIONS OR ACTIVITIES.

ITEM OF INTEREST CONCERNING THIS SUBJECT:

THE COORDINATION ACTIVITIES BETWEEN THE BLM AND THE FOUR COUNTY COMMISSIONS IN THE BIGHORN BASIN DURING THE PAST YEAR MAY HAVE ADDED TO THE CONFUSION ON THIS PARTICULAR SUBJECT. AFTER THE PUBLIC REVIEW AND COMMENT PERIOD HAD ENDED FOR THE DRAFT EIS ON THE GRASS CREEK RMP, THE

BIGHORN BASIN COUNTY COMMISSIONERS REQUESTED MORE TIME TO OBTAIN CLARIFICATION FROM BLM ON THE INTENT AND MEANING OF VARIOUS ASPECTS IN THE DRAFT EIS, TO GAIN A BETTER UNDERSTANDING OF THE BLM PLANNING PROCESS, TO QUESTION SOME BLM RESOURCE DATA AND SOCIO-ECONOMIC INFORMATION THEY THOUGHT WAS IN ERROR, AND TO PROVIDE OTHER SUCH DATA AND INFORMATION THAT THEY THOUGHT WAS MORE ACCURATE. IT WAS AGREED TO DELAY PRINTING OF THE FINAL EIS FOR 90 DAYS TO ALLOW THIS COORDINATION TO CONTINUE (IT WAS ALREADY ON-GOING) AND TO DETERMINE IF ANY CHANGES OR ADJUSTMENTS IN BLM PLANNING PROPOSALS WOULD BE NECESSARY.

THIS RESULTED IN SEVERAL ADDITIONAL MEETINGS BETWEEN BLM AND THE COMMISSIONERS AND THEIR COUNTY WORKING GROUP REPRESENTATIVES DURING THE 90 DAY DELAY PERIOD. SOME PEOPLE, APPARENTLY INCLUDING SOME OF THE COUNTY COMMISSIONERS, ERRONEOUSLY VIEWED THIS AS AN EXTENSION OF THE REVIEW AND COMMENT PERIOD ON THE DRAFT EIS AND AS A SEPARATE AND EXCLUSIVE REVIEW AND COMMENT OPPORTUNITY FOR THE COUNTY COMMISSIONERS AND THEIR REPRESENTATIVES TO CHANGE THE BLM MANAGEMENT PROPOSALS IN THE FINAL EIS. THIS, SIMPLY, IS NOT THE CASE AND IS NOT ALLOWABLE.

BLM'S REASONS FOR PARTICIPATING IN AND ACCOMMODATING THESE MEETINGS WERE FOR THE EXPRESS PURPOSES STATED ABOVE AND TO ASSURE THAT WE HAD FULLY MET THE PLANNING REGULATION REQUIREMENTS (43 CFR 1610.3) TO COORDINATE WITH COUNTY GOVERNMENTS. THESE MEETINGS WERE CONDUCTED IN AN OPEN FORUM AND OTHER PUBLIC INTERESTS AND INTEREST GROUPS WERE OFFERED THE SAME OPPORTUNITY, IF DESIRED. IF THESE MEETINGS WOULD HAVE BEEN FOR THE PURPOSE OF SOLICITING OR RECEIVING FURTHER "COMMENT" ON THE DRAFT EIS, SPECIFICALLY FROM COUNTY GOVERNMENT, THEY WOULD HAVE BEEN IN VIOLATION OF THE REGULATIONS.

HAD ANY NEED TO CHANGE THE BLM MANAGEMENT PROPOSALS IN THE FINAL EIS RESULTED FROM THESE PROCEEDINGS WITH THE COUNTIES DURING THIS 90 DAY DELAY PERIOD, BLM WOULD HAVE BEEN REQUIRED TO EITHER RE-OPEN THE REVIEW/COMMENT PERIOD ON THE DRAFT EIS TO "ALL PUBLICS" OR REISSUE THE DRAFT EIS FOR ANOTHER 90 DAY "PUBLIC" REVIEW/COMMENT PERIOD. AS IT TURNED OUT, ANY NEEDED CHANGES OR ADJUSTMENTS IN THE MANAGEMENT PROPOSALS FOR THE FINAL EIS WERE, APPROPRIATELY, DETERMINED FROM THE PUBLIC INPUT AND COMMENTS OBTAINED DURING THE 90 DAY REVIEW/COMMENT PERIOD FOR THE DRAFT EIS. NO SUCH NEEDS RESULTED FROM THE MEETINGS WITH THE COUNTIES DURING THE DELAY PERIOD.

THE MORAL TO THIS STORY IS THAT, IF BLM AND THE BIGHORN BASIN COUNTY GOVERNMENTS HAD BEEN COMMUNICATING WITH ONE ANOTHER AND WORKING TOGETHER ON A REGULAR BASIS, ALL OF THE DELAY, DUPLICATIVE WORK, ANXIETY AND BRICK-BATS ASSOCIATED WITH THIS CHAIN OF EVENTS MAY HAVE BEEN AVOIDED.

CONCLUSIONS:

The key to a mutually beneficial and meaningful working relationship between Federal land management agencies and the county governments is communication - communication and coordination with each other on a daily basis, keeping each other aware of what's going on. Getting this ball rolling, and keeping it rolling, requires some initiative on the parts of both the Federal agencies and the County Commissioners. This kind of involvement with each other can greatly help to avoid the pitfalls and elements of surprise and frustration when county government suddenly becomes aware, ... that vaguely recalled BLM or FS project of a few months or few years ago is now a NEPA document that the county needs to pay some unexpected attention to. Sometimes the reverse situation occurs and BLM or the FS is caught unaware of county actions that may have some effect on the Federal lands we administer. Just as the counties cannot always be ready to respond to us when we are ready, the opposite is also true. However, we can certainly do a much better job of keeping each other continually informed and thereby be "ready" much more often.

It is in this manner of day-to-day coordination and communication that counties can become involved in BLM and FS activities "before" or "separately" from the general public and help us assure that their concerns are being addressed in the planning and management of the Federal lands. This type of relationship will also do much to avoid those situations of thinking that we have problems that don't really exist.

If it would be beneficial or desirable to formalize Federal agency and county inter-relationships, we can consider developing letters of agreement or memoranda of understanding (MOUs) to spell out how we will interface and work with one another. In view of the inappropriateness of things like "cooperating or joint-lead agency", or "joint decision-making" on Federal lands (in the sense of their technical and regulatory meanings, as pointed out above), spelling out how we will work together in an agreement format is as formalized as we can get. It is questionable that we can develop a State-wide, one-size-fits-all agreement that would be adequate. While there are some basic commonalities across the State, the issues and concerns involving the effects of BLM and FS activities on the county and other local community interests, and vice versa, will usually vary by county or groups of counties. It, therefore, may be more appropriate to develop agreements on a county or county-group basis with the appropriate BLM and FS field offices.

Contact Wyoming State Office Central Files (307) 775-6089 For the rest of Attachment (Unscannable)