



Local Land and Resource Plans

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Federal agencies and departments
are mandated by V. 10
federal statutes to:

Engage local governments in federal decision making processes related to federal plans, policies and programs that will impact the local land use, management of natural resources, the citizens and the local tax base.



Federal Statutes Mandating Local Government Participation

- National Environmental Policy Act (NEPA)
- National Forest Management Act (NFMA)
- Federal Land Policy and Management Act (FLPMA)
- The Governor's Consistency Review Process



The National Environmental Policy Act

NEPA applies to "every major Federal action significantly affecting the quality of the human environment." 42 U.S.C. § 4332 (2)(C).



• Levels of Local Government Participation¹

und @ > t ... NEPA

A. Cooperating Agency Status: 40 C.E.R. § 1508.5

1. Applies to locally elected bodies such as a conservation district board of supervisors or a county commission.
2. Local government must possess "special expertise" defined as "the authority granted to a local governing body by state statute."

B. N.EPA "consistency review: " 40 C.F.R. §
506 2Ct1)

1. If the local government has a "local land use plan," the
· federal agency is mandated to:

*"discuss any inconsistency of a proposed [federal] action <
any approved State or local plan and laws (whether or not
fed sanctioned) Where an inconsistency the
environmental impact] statement should describe the
which the [federal] agency would reconcile its action
proposed
with the [local government] plan or law. "*

2. In other words, NEPA's consistency review requires:
 - a. The local government adopt a local land use or resource plan,
 - b. Where an inconsistency exists between a federal decision and a state or local government plan, the federal agency must attempt to reconcile the difference or explain why the agency cannot reconcile the difference between the federal decision and the local plan.
 - c. Copies of comments or plans by state or local governments must accompany an EIS or EA through the review process. 42 U.S.C. § 4332(C).



Federal Land Policy and Management Act "FLPMA"

- FLPMA, which governs the BLM, provides requirements for "coordination" and "consistency" with local land use plans.



FLP-MA "coordination"

- The BLM must stay apprised of local land use plans.
- The BLM must assure that local land use plans germane to the development of ELM land use plans are given consideration.
- The ELM must assist in resolving inconsistencies between local government and ELM land use plans.
- The ELM must provide for the meaningful involvement of local governments in the development of ELM land use programs. This includes early notification of proposed decisions that may impact non-federal lands.



FLPMA Consistency

- FLPMA requires BLM land use plans to be consistent with local land use plans; if not the BLM owes an explanation of how achieving consistency would have resulted in violation of federal law.
- FLMMPA requires the BLM to provide a Governor's consistency review as part of the planning process.



National Forest Management Act "NEFMA"

- Forest Service must provide opportunities for coordination of its efforts with similar planning efforts and "provide early opportunity for other governmental agency participation in forest planning efforts."



Why Would a Local Government Prepare a Local Land Use or Resource Plan?

To ensure the LOCAL economic well being,
culture and customs, and natural resource
health are considered in federal decisions.



Local Land Use or Resource Plan

- Local government "land use plans" are plans, policies, descriptions and local data that guide local participation in federal agency decision making processes.
- Local governments do not have jurisdiction over the federal government and cannot require federal agencies to take specific action that violates federal law.



Land Use Plan Template

1. District or County Background and History
2. Local Data
3. Local Policy Statements or Desired Future Conditions
4. Analysis, Alternatives and Mitigation



City or District Background and

- This section includes a description containing factual information on the history, economy, and culture, "custom and culture," importance and uses of the federal or public land from the local perspective, water needs and uses, soils and other natural features and the economic, cultural and natural resource values that are important to the local constituents.



Local Data

This section should contain local data including :

- Historical journals
- Economic information
- Tax base information
- Land Status maps (i.e. ACEC, WSAs)
- Road and trail maps
- Water rights information
- Descriptions of water storage or conveyances
- Water quality monitoring data
- Grazing administration
- Mineral location
- Wildlife habitat
- Special Status Species
- Threatened and endangered species and proposed or final critical habitats
- Soils and vegetation types
- Riparian
- Recreation
- Noxious weeds and invasive species
- Any other data



Local Policy Statements

This section should include a list of policy statements describing what the local government wants (i.e., desired future condition) or does not want to happen during federal decision-making.

These policies should pertain to resources that the local government anticipates may be affected by future federal agency planning.

These policies should also be supported by the data in the data section.

These policies cannot violate federal laws, although they can and should influence the implementation of federal laws.



Analysis. Alternatives and Mitigation

This section should include an analysis of both the negative and positive influences on the local citizens, environment and economy that can happen to the "local desired future conditions" because of action by the federal government.

This section should also contain general policies or mitigation for negative impacts from federal agency actions.



Final, Local Land Use Plan Requirements

1. A local land use plan does not create any new legal authority for a local government to "take over" the federal agencies. Nor are federal agencies simply required to comply with a local land use plan if it requires violation of federal law.
2. Under the Consistency Review requirements, if a federal agency cannot reconcile its decision with a local land use plan, the federal agency is required to provide a rational explanation to the public and local government.
3. A local land use plan has to be adopted by the local government pursuant to applicable state statutes.





**If you have any questions, please do
not hesitate to contact me.**

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