



**Fw: Coordination Rule Making - USFS**

**Kitty J. Miller** to: Cynthia C Johnson

Cc: Suzanne Allen de Sanchez

This message is digitally signed.

02/08/2010 05:24 AM

Item 21...email from Inyo County counsel.

Thank you,

Kitty Miller  
El Dorado County Board of Supervisors  
Supervisor Ray Nutting  
District II Assistant,  
(530) 621-5651

— Forwarded by Kitty J. Miller/PV/EDC on 02/08/2010 05:23 AM —

From: "Ray Nutting" <raynutting@hughes.net>  
To: "Kitty Miller" <kMiller@co.el-dorado.ca.us>  
Cc: "Claire McNeal" <cdreader@mindspring.com>, "Clair McNeal" <4cdreader@hughes.net>  
Date: 01/30/2010 02:43 AM  
Subject: FW: Coordination Rule Making - USFS

Please get into hands of Supervisor Sweeney and County Council. This is important.

**From:** Randy Keller [mailto:rkeller@inyocounty.us]  
**Sent:** Friday, January 29, 2010 4:41 PM  
**To:** Randy Keller  
**Subject:** Coordination Rule Making - USFS

Hello:

I am the County Counsel for Inyo County. I am sending this to you because of your interest in the federal coordination mandate. I want to alert you all that the U.S. Forest Service is undergoing a rulemaking that will have an extraordinarily important effect on its obligation to coordinate with local government. While federal statutes create a generalized obligation to coordinate with local government, it is through rule-making that a federal agency spells out how that coordination will occur (and may limit how it will occur). For the USFS, the operative rule is the national forest land planning management rule. This is the rule that in its 1982 form set defined procedures and obligations for coordination that have been progressively watered down since.

The Forest Service is re-writing its national planning rule. This rulemaking is a prime opportunity to press the USFS to expand its obligation to coordinate with local government, and may be our best opportunity for many years to bring about positive change in this arena. The comments are to inform the USFS of concerns to be addressed in drafting the new rule. It would be very helpful if they received numerous comments from local governments urging that a strong coordination mandate be included in the new regulations. The comments are due by Feb. 16, 2010. The next chance to comment will likely be after the USFS issues a draft of the rule. I urge you all to submit comments and to forward this notice to any other entity that is interested in coordination. I cannot over-emphasize the importance of commenting early in this process.

From my perspective, central principles for coordination should include:

- Forest plans should be consistent with local land use plans to the maximum extent

possible, consistent with Federal law.

- Coordination with local government should commence at the earliest possible time. Ideally, local land use plans will be consulted prior to developing a proposed forest plan, and the local government consulted prior to the proposed plan being released to the public and prior to the issuance of a notice of intent to prepare an environmental impact statement or other procedure required by NEPA.
- The Forest should recognize that local government is the expert on the meaning and application of its local plans. The Forest should solicit the views of local government to determine if the proposed forest plan is consistent with local plans, as interpreted by the local government. Local governments should be given sufficient time to review proposed plans and comment in writing to the forest official.
- Where inconsistencies exist, Forest officers should meet with local government officers to achieve consistency. The Forest should create a joint task force with the local government or governments to work toward consistency in their plans.
- The environmental impact statement should reflect consideration of the objectives of local government plans and policies, an assessment of the interrelated impacts of these plans and policies, a determination of how each forest plan should deal with the impacts identified, and consideration of alternatives to resolve conflicts among the plans.
- Where the Forest plan may not be made consistent with the local plan, the environmental impact statement should explain how and why its plan is not consistent with local plans, as determined by local authorities, and explain why its plan cannot be made consistent with local plans.

If you are interested in the Coordination principle, and have a National Forest presence, there will be no better opportunity to influence the issue for years to come.

Respectfully,

Randy Keller  
County Counsel  
County of Inyo  
California

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