

Coordination of Inventory Processes with State and Local Governments

Pursuant to Executive Order for Restoring the Rule of Law and Federalism by Ensuring Coordination with State and Local Governments

1. *Purpose:*

The Inventory Policy provides procedural guidance on how to coordinate the various inventory processes required of the Department of Interior and the Department of Agriculture.

2. *Objectives:*

Federal agencies are required to inventory various components on the federal lands, such as roads, trails, Lands with Wilderness Characteristics (LWC), Areas of Environmental Concern (ACEC), objects of scientific and historic significance (National Monuments by Presidential Proclamation), resources, objects and values (Congressionally Designated Monuments), range improvements, and other inventory processes as directed by federal law. This policy is to ensure that Federal agencies coordinate with State and local governments with planning authority and/or special expertise to develop accurate inventory data through an efficient and harmonizing process.

3. *Authority*

The Federal Land Policy and Management Act (FLPMA) 43 U.S.C. §§ 1701-1784, National Forest Management Act (NFMA) 16 U.S.C. §§ 1600-1614, National Environmental Policy Act (NEPA) 42 U.S.C. §§ 4321-4370e, and their corresponding regulations, the Travel Management Regulations 36 C.F.R § 212, and Presidential Executive Order [Insert #], all require inventory to be carried out in coordination with State and local governments.

4. *Policy:*

Federal agencies shall coordinate inventory actions concerning any federal lands and resources with all State and local governments that have planning responsibilities and/or special expertise within the area designated for the inventory process.

5. *Procedures:*

Phase 1: Initial Planning Phase

1. Notify any affected states and all local governments (counties, cities, special districts, etc.) in the relevant area in writing 60 days prior to initiating an inventory process. The initial planning letter shall:

- a. Inform State and local governments of the elements that are to be inventoried and by what authority the inventory is being conducted;
 - b. Request a meeting with the appropriate decision makers to establish a process for coordinating the inventory; and,
 - c. Inquire as to the level of interest the state/local government has in participating in the inventory process. If the entity is not interested in participating, request that they confirm this in writing, signed by the authorized representative.
 - d. Include a copy of Presidential Executive Order [Insert #] and a copy of this policy.
 - e. Request copy of current Plans, Policies and Objectives.
2. Meet with all participating State and local governments to establish a timeline and process for the gathering and assessing the inventory data. The process should include when and how the designated local government agent will be notified of all data collection activities, including physical inspections and surveys.
 3. Determine the following in government-to-government coordination with the local governments:
 - a. Whether the federal agency or an outside contractor will be gathering the inventory data.
 - i. If the federal agency will be collecting the inventory data:
 1. Determine whether state and local government representatives will be present in the information collection phase and what notification process for times and locations will be used.
 2. Determine the process for the state and local government to review and provide input on data collected, evaluation criteria, and agency determinations.
 - ii. If an outside contractor will be used to collect the inventory data:
 1. Determine if one or more of the State and local governments in the area have the expertise and personnel to conduct the inventory and collect the necessary data. If so, the contract shall be offered to the state and local government(s) first. If the state and local government(s) decline the contract, then an outside party can be solicited for the purposes of collecting the inventory data. The contracting procedure used by the agency should be carried out in accordance with agency rules and policies.

2. If the state and local government(s) will not be the contractor, decide whether a state and local government representative will be present for the inventory and data collection and determine the process for notification of times, locations and contacts for the data gathering.
- b. The criteria that will be established for data collected.
 - i. Determine the protocols for data collection.
 - ii. Identify whether State and local governments have relevant data that should be reviewed and ensure this is considered during the inventory process.
 - iii. Determine how data will be classified (e.g., roads, trails, wilderness characteristics,).
 - iv. Determine criteria for final decisions.

Phase 2: Inventory Review Process with the State and Local Governments:

1. Establish the timeline for state and local government to review and discuss data collection results with federal agencies.
2. Allow for state and local governments to review agency determinations prior to the public comment phase. During this review period agencies shall:
 - a. Provide to state and local governments all data and studies relied upon by the agency in making its proposed determinations.
 - b. Allow for a minimum of 120 days for the state and local governments to review the proposed determinations. Request a summary of their findings that identifies those proposed determinations in conflict and those not in conflict, in a written report signed by the authorized representative.
3. Identify proposed determinations in conflict with state and local government objectives, plans and policies and do one of the following:
 - a. Remove the proposed determinations in conflict from the agencies final report; or
 - b. Provide additional support and/or reasoning as to why the proposed determinations in conflict should be carried forward and work to resolve the conflicts in open coordination meetings with the state/local government representatives.
4. If after further review the state and/or local governments still finds some or all of the proposed determinations are in conflict, and provides the agency with the basis for this

position in writing, the agency shall consider removing these from consideration in order to eliminate conflicts between the federal and local plans.

5. If the agency carries forward determinations opposed by the state and local governments to the public comment phase, the public document must clearly state the state and local position and shall include the basis for the state and local governments opposition as provided to the agency, and the agencies reasoning as to why it should be carried forward.