

Coordination of Management Activities 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 Management Activities Policy provides procedural guidance to the Department of Interior (DOI) and Department of Agriculture (USDA) on how to coordinate the implementation of Federal land and resource use plans, policies and programs with State and local governments.

2. Objectives:

Federal agencies are required to coordinate management activities that implement their land use plans, policies and programs with the plans, policies and programs of State and local governments. The purpose of such coordination is to make certain that Federal management of lands and resources is consistent with the plans, policies and programs of State and local governments to the greatest extent possible. Such coordination is essential to avoid conflicts with the States and their local governments while effectively managing Federal lands and resources. Coordination also ensures that management objectives are met in the least disruptive fashion and without harming local communities and their citizens. Finally, coordination is intended to resolve issues and problems at the local level, where the impacts of the Federal management activities are often most pronounced, and for Federal agencies to be accountable to the States and local governments for those impacts. To achieve these objectives, Federal agencies must coordinate on a regular basis with State and local governments on all management activities that may impact local communities and the resources on which they depend, seeking to maintain consistency with the plans, policies and programs of State and local governments.

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, as well as Presidential Executive Order [insert #] require that management activities of and for Federal lands and resources be coordinated with the plans, policies and programs of State and local governments.

4. Policy:

Federal agencies shall coordinate their management activities with State and local governments to ensure consistency with State and local land use plans, policies and objectives and shall promptly identify and resolve any conflicts with such State and local governments. Ideally, conflicts with State and local land use plans, policies and objectives should be resolved at the local level, taking into consideration the impacts of plan implementation and other management activities on local communities and their citizens, and not be elevated to the Federal agency's regional or national office.

For the purposes of this Policy, “management activities” means activities undertaken by a Federal agency to implement a land use plan or similar planning document, including (without limitation) a project-level action that requires compliance with NEPA.

5. *Procedures:*

Phase 1: Establishing Regular Coordination Meetings

1. Federal agencies shall establish a regular coordination meeting schedule with State and local governments that request coordination. Meetings should be as frequent as necessary to ensure proper coordination of all management activities that potentially impact a State or local government. At a minimum, the Federal agency shall coordinate yearly.
2. In order to make the process more efficient, it may be advisable to hold joint coordination meetings where several of the local governments in an area that have similar issues and concerns and can meet together. For instance, a county, cities, towns, and special districts (water, school, fire, conservation) within the county’s jurisdiction may decide meeting together is more productive. Federal agencies should encourage this when appropriate. However, if such an arrangement is unworkable for the local governments, then the agency should conduct individual meetings.
3. These meetings shall be carried out according to the criteria set forth in Section 2 of Presidential Executive Order [insert #].

Phase 2: Coordinating Management Activities

1. Federal agencies shall keep apprised of all State and local plans, policies, and objectives. For this purpose, Federal agencies shall request that State and local governments provide the agency with updated plans, policies and objectives as soon as they are officially adopted.
2. Federal agencies should review State and local plans and policies prior to being finalized to help ensure that Federal management activities are consistent with State and local planning requirements and objectives. Federal agencies also should keep State and local governments apprised of their activities and concerns during the State and local planning processes to help avoid future conflicts.
3. Federal agencies shall assess the type of activities the State and local governments need to be made aware of and addressed through coordination in order to ensure efficient implementation of their land use plans. They should ask each State and local government to identify the types of management activities of most concern. These may include, as appropriate:
 - a. Range improvement projects, such as controlled burns and invasive species removal;
 - b. Water development and related projects;

- c. Utilities and other infrastructure projects;
 - d. Road maintenance, improvements, and potential closures;
 - e. Land transfers and exchanges;
 - f. Modifications to permits and other Federal authorizations that may impact the local economic base;
 - g. Endangered species and wildlife management issues;
 - h. Restrictions on access to federal lands;
 - i. Forest health, vegetative management and fuel reduction projects;
 - j. Proposed timber sales, including salvage sales; and
 - k. Recreational activities, including closures and maintenance of parks, recreational areas, campgrounds and trails.
 - l. Energy development including oil and gas, mining and mineral extraction activities.
4. Federal agencies shall keep the State and local governments apprised of all activities they have requested to be informed on, prior to the action being carried out.
 5. In all cases, the management activities of DOI agencies and those of the Forest Service that concern the management or use of Federal land shall be consistent with relevant State and local land use plans, policies and programs unless a Federal law specifically requires otherwise.

Phase 3: Reaching Consistency

1. In the event of a conflict or inconsistency between the management activities of a DOI agency or those of the Forest Service that concerns the management or use of Federal land or resources and a plan, policy or program of a State or local government, the Federal agency shall resolve such conflict or inconsistency through government-to-government coordination with the affected State or local government in accordance with Section 2 of Presidential Executive Order [insert #], with the goal of eliminating such conflict or inconsistency and recognizing the rights and interests of the State or local government to plan for and manage land and resources within its jurisdiction.
2. If a State or local government objects to a proposed management activity, the Federal agency shall request this objection be provided in writing, including the basis for the objection (such as how it conflicts with the entities objectives, plans or policies), and how the activity may adversely impact or interfere with State or local land uses, resources or the economy. This information should be provided to the Federal agency within 30 days of notice of the proposed action.

3. The Federal agency shall seek ways to modify the action in such a way as it reasonably resolves the conflict. The Federal agency shall consider solutions provided by the State or local government impacted by the proposed activity. This may require meeting with the State and local governments to discuss possible approaches to resolve the conflict.
4. While it is preferable to achieve resolution with the local field staff, the State Director or Forest Supervisor may be asked to participate to facilitate resolution.
5. If a conflict cannot be resolved, the Federal agency must demonstrate it has made every reasonable effort to resolve the conflict, and should provide the State or local government a written report that describes the efforts made. The report shall include:
 - a. An explanation of why the management activity must be carried out in the manner intended by the Federal agency, including compliance with a Federal law that eliminates or restricts the agency's discretion;
 - b. An explanation of why the resolution(s) proposed by the State or local government cannot be implemented; and
 - c. What mitigation efforts will be taken to minimize the harm or impact to the community represented by the State or local government.
6. If the conflict is not resolved at the Federal agency's district or state office, then the regional or national office will be asked to intervene and seek a prompt resolution.
7. If the conflict cannot be resolved by the national office, a written response will be provided to the State and local governments explaining why consistency between the Federal management activity and the State or local plan, policy or program cannot be achieved.