

## A Desk Guide to Cooperating Agency Relationships



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## **Director's Message**

The Bureau of Land Management (BLM) has led the way in establishing a culture of cooperation, collaboration and partnership in its land use planning process by promulgating regulations that establish a consistent role for cooperating agencies. State and field offices were required to engage their governmental partners consistently and effectively in the preparation or revision of land use plans. Since that time, the Department of the Interior modified its policy to require every Interior agency to offer this status to all eligible intergovernmental partners, for all environmental impact statements (EISs). We believe that by working closely with our state, local, tribal and federal government partners, we will improve communication and understanding, identify common goals and objectives, and enhance the quality of our management of the public lands. These regulations demonstrate the strong commitment to recognizing the vital role local, state, tribal and federal partners play in ensuring effective and durable land management decisions.

The *Cooperating Agency Desk Guide*, first published in 2005, is a "how to" publication that all BLM managers and staff have been required to put into practice. The guide has helped to shape our collaborative efforts with local, tribal, and state governments and other federal agencies to recognize common goals and achieve balanced approaches to multiple use management across the public lands. Since BLM's implementation of this policy, we have completed more than 60 resource management plans, and have engaged over 300 intergovernmental partners at the local, state, tribal and federal levels. We have been able to incorporate the sound advice and recommendations of these governmental partners to create and implement successful land use plans.

We have updated the original guide to reflect policy changes to the cooperating agency initiative and to incorporate what we have learned from our cooperating agency experiences. Through this expansion of our cooperative efforts, it is my hope that we enter a new era of public land management that furthers our ultimate goal of managing public lands and resources for the greatest good for all Americans.

\_\_\_\_\_, Director  
Bureau of Land Management

**Insert new Director's Photo**

## Section 1. Introduction: The BLM's Cooperating Agency Initiative

In the American political system, different spheres of government—federal, tribal, state, and local—have their respective areas of responsibility, authority, and expertise. Nowhere is the need for cooperation more critical than in the management of public lands and resources. This guide describes one tool for creating more effective governmental partnerships: the lead agency–cooperating agency relationship (referred to in this guide as the *cooperating agency relationship*) and its application to the planning and environmental assessment responsibilities of the Bureau of Land Management (BLM). While the guide is primarily concerned with implementing formal cooperating agency relationships in preparing resource management plans, partnering with tribal, state, and local governments—as well as with other federal agencies—should be standard practice at the BLM before, during, and after plans and EISs are prepared.

Section 1 of this desk guide introduces the cooperating agency (CA) relationship and describes the opportunities and challenges it entails for the BLM and its governmental partners.

Section 2 describes the CA provisions of the BLM's planning regulations and Department of the Interior policy, reviewing eligibility criteria and the appropriate roles for CAs at each step of the BLM's planning process.

Section 3 provides answers to frequently asked questions regarding effective working relationships with CAs.

Section 4 describes key elements of an effective memorandum of understanding (MOU) establishing a CA relationship.

Section 5 describes sources of information and training to support effective cooperation between the BLM and its CA partners.

### The BLM's Cooperating Agency Initiative

The CA relationship is distinctive, moving beyond consultation to engage officials and staff of other agencies in a working partnership. The CAs share skills and resources to help shape BLM land use plans and project-level EISs that better reflect the policies, needs, and conditions of their jurisdictions and the citizens they represent.

By providing a framework for intergovernmental efforts, the CA relationship can help the BLM achieve a number of objectives in planning and environmental assessment:

- Gain early and consistent involvement of CA partners
- Incorporate local knowledge of economic, social, and environmental conditions, as well as state and local land use requirements
- Address intergovernmental issues
- Avoid duplication of effort
- Enhance local credibility of plans and EISs
- Encourage CA support for management decisions
- Build relationships of trust and cooperation

**THE NATIONAL ENVIRONMENTAL POLICY ACT**

...it is the continuing policy of the Federal Government, *in cooperation with State and local governments*, and other concerned public and private organizations...to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans. (Sec. 101 (a), emphasis added)

The cooperating agency role derives from the National Environmental Policy Act (NEPA) of 1969, which calls on federal, state, and local governments to cooperate with the goal of achieving “productive harmony” between humans and their environment. The Council on Environmental Quality’s regulations implementing NEPA allow federal agencies (as lead agencies) to invite tribal, state, and local governments, as well as other federal agencies, to serve as CAs in the preparation of environmental impact statements.

Since that time the BLM has established many CA relationships. In 2005, the BLM amended its planning regulations to ensure that it engages its governmental

partners consistently and effectively through the CA relationship whenever land use plans are prepared or revised. The Department of the Interior subsequently applied this policy to the preparation of all EISs.

**The Challenge of Federal Land Management**

The BLM has a large and complex responsibility: managing more than 256 million acres of America’s public lands and roughly 700 million acres of its subsurface mineral estate. More than 140 resource management plans authorize and guide every action and approved use of these lands and resources. The BLM’s plans encompass a highly varied terrain, from Alaska’s North Slope and California’s Mojave Desert to the open space surrounding many rapidly growing western cities. The agency’s challenge is to manage this portfolio on behalf of all Americans, while recognizing the considerable local and regional consequences its decisions may have. The BLM must act in conformity with federal laws, regulations, and policies while seeking to accommodate local needs, laws, and values. The BLM’s cooperating agency initiative represents a major step toward meeting these challenges by ensuring that the agency’s decisions benefit from the varied skills and knowledge, including knowledge of local conditions and values, of its governmental partners.

In any federal undertaking, harmonizing national, regional, and local governance entails at least three key tasks. As Matthew McKinney and William Harmon noted in *Western Confluence: A Guide to Governing Natural Resources*, these include integrating the involvement of multiple parties with competing interests and values, removing obstacles to sharing and validating relevant information, and resolving conflicts among institutions and policies.

- **Multiple Parties.** Tribal, state, and local government officials are often in a better position than are federal land managers to engage the communities and interest groups most likely to be affected by a plan.
- **Complex Information.** Effective discussion between federal agencies and their publics is often blocked by deeply incompatible views of the “facts” regarding both current environmental and socioeconomic conditions and how these will be affected by a proposed plan. Resolution often requires the lead agency and cooperating agency partners to engage in joint fact-finding and to seek agreement on where to find valid information and how to interpret it.
- **Conflicting Policies and Institutions.** The challenge of managing public lands can reveal significant disagreements in jurisdictions and mandates, not only between federal,

state, local, and tribal governments, but also among different federal or state agencies. The CA relationship offers a forum in which to discuss and, if possible, reconcile divergent policies and plans for the common good.

Although challenging, intergovernmental cooperation in the management of lands and resources can yield great benefits for the public. The cooperating agency relationship is one tool among many that can advance joint efforts among governmental partners. Each party may have some lessons to learn—and some past practices to unlearn.

Experience has shown three lessons important to success when working across governmental boundaries.

- Tribal, state, and local partners need to recognize that the CA relationship is a forum for sharing information and expertise, not for asserting authority. Engaging in a cooperating agency relationship neither augments nor diminishes an agency's jurisdiction and authority.
- BLM managers and staff should acknowledge that the CA relationship requires new ways of doing business. Engaging with government partners as CAs is not another form of consultation or public involvement. Cooperating agencies expect and deserve to be given a significant role in shaping plans and environmental analyses—not merely commenting on them—commensurate with their available time and knowledge.
- All parties will find the CA relationship most productive when they emphasize mutual, rather than individual, gains and seek solutions that meet others' needs as well as their own.

Working with other governmental officials through the cooperating agency relationship does not guarantee optimal land management decisions, but it makes better outcomes more likely and can establish a foundation for long-term cooperation that benefits all partners.

**Seek Mutual Gains**

Kirk Emerson, Director, U.S. Institute for Environmental Conflict Resolution

“While many agencies have staff that are effective advocates for their mission, far fewer staff have effective negotiating skills for discovering mutual gains.”

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**Common Characteristics of Western Resource Disputes**

**MULTIPLE PARTIES**

- Clash of values
- Competing interests
- Complicated relationships
- Varying types and levels of power

**COMPLEX INFORMATION**

- Lack of information
- Misinformation
- Different views on what information is relevant
- Different procedures to collect and assess data
- Different interpretation of data
- Different levels of comfort with risk and uncertainty

**A BRIAR PATCH OF POLICIES AND INSTITUTIONS**

- Multiple jurisdictions
- Competing missions and mandates
- Lack of meaningful public participation
- Multiple opportunities for appeal
- A fundamental question of who should decide

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## Section 2. Implementing the Cooperating Agency Relationship

This section of the desk guide explains the requirements regarding cooperating agency (CA) relationships established by BLM's planning regulations and the Department's NEPA Guidance (516 DM 2).

The Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) govern the cooperating agency relationship for all federal agencies preparing EISs. The BLM's regulations and guidance and the Interior Department's policies on cooperating agencies supplement—rather than replace—CEQ regulations. Only those CEQ regulations specific to the CA relationship are cited here.

### Insert Photo with Caption:

The Bureau of Land Management has initiated a land use plan with Coconino County, Arizona, for the entire Arizona Strip, which includes the Vermilion Cliffs National Monument.

### The Role of Cooperating Agencies

The CEQ regulations call for early and significant involvement by cooperating agencies in the preparation of an environmental impact statement (EIS). Both lead and cooperating agencies assume significant obligations in offering and accepting the CA relationship.

- As the lead agency, the BLM is expected to use the analyses and proposals of a CA “to the maximum extent possible consistent with its responsibility.”
- CAs accept obligations to contribute staff to the EIS team, develop analyses for which they have particular expertise, and fund their own participation.

The BLM land use planning process yields a dual-function document: a resource management plan and an EIS. The distinction is important. *Planning* selects the goals and identifies the management actions needed to achieve them. *Environmental analysis* (producing the EIS) identifies the consequences of achieving those goals. The CEQ regulations make the CAs partners in environmental analysis. By adding provisions for the CAs to its planning regulations, the BLM has also included the CAs as formal partners in land use planning. (Because the *Guide* discusses both plans and projects, “EIS” will generally refer to project-level documents, although resource management plan revisions also involve EISs.)

#### **40 CFR 1501.6 (CEQ)**

##### **Roles of lead and cooperating agencies.**

(a) The lead agency shall

(1) Request the participation of each cooperating agency in the NEPA process at the earliest possible time.

(2) Use the environmental analysis and proposals of cooperating agencies with “jurisdiction by law” or “special expertise,” to the maximum extent possible consistent with its responsibility as lead agency.

(3) Meet with a cooperating agency at the latter's request.

(b) Each cooperating agency shall

(1) Participate in the NEPA process at the earliest possible time.

(2) Participate in the scoping process....

(3) Assume on request of the lead agency responsibility for developing information and preparing environmental analyses including portions of the environmental impact



statement concerning which the cooperating agency has “special expertise.”

(4) Make available staff support at the lead agency’s request to enhance the latter’s interdisciplinary capability. Normally use its own funds.

(5) The lead agency shall, to the extent available funds permit, fund those major activities or analyses it requests from cooperating agencies. Potential lead agencies shall include such funding requirements in their budget requests.

## Eligibility for Cooperating Agency Status

State agencies, local governments, tribal governments, and other federal agencies may serve as CAs. Other than its provision for tribes (see subsection Eligibility of Tribes), CEQ regulations recognize two criteria for CA status: jurisdiction by law and special expertise. The BLM regulations incorporate these criteria.

### 40 CFR 1508.5 (CEQ)

#### Defining eligibility.

“Cooperating agency” means any Federal agency other than a lead agency which has “jurisdiction by law” or “special expertise” with respect to any environmental impact.... A State or local agency of similar qualifications or, when the effects are on a reservation, an Indian Tribe, may by agreement with the lead agency become a cooperating agency.

*Jurisdiction by law* offers a very specific basis for CA status: authority to approve, deny, or finance all or part of a proposal.

Ryan Lance, Deputy Chief of Staff,  
Wyoming Governor’s Office

“We’re all in this together.”

- The U.S. Fish and Wildlife Service (FWS) could possess *jurisdiction by law* for a resource management plan through its consultation role under Section 7 of the Endangered Species Act. Note that the FWS would qualify as a CA not merely because the BLM is obliged to consult with that agency, but because in the Section 7 consultation process the FWS has the authority to impose binding terms and conditions on an agency’s action.
- A state Department of Natural Resources could possess *jurisdiction by law* through its delegated authority under Section 402 of the Clean Water Act to issue National Pollutant Discharge Elimination System permits.

### 40 CFR 1508.15 (CEQ)

#### Jurisdiction by law.

“Jurisdiction by law” means agency authority to approve, veto, or finance all or part of the proposal.

*Special expertise* provides a broader window for CA status, emphasizing the *relevant capabilities or knowledge* that a federal, state, tribal, or local governmental entity can contribute to an undertaking.

- State agencies responsible for policies or programs affecting the condition and use of public lands—for example by regulating water rights or sport hunting—would possess special expertise through relevant statutory responsibility.
- Cities and counties within an RMP planning area would possess special expertise regarding local land use plans and policies relevant to BLM requirements for land use

plan coordination and consistency (43 CFR 1610.3-1, 3-2).

There are two key considerations in determining whether an agency or government possesses special expertise relative to a plan or EIS. The expertise must be relevant to the decisions to be made, and it must be demonstrated, generally through an appropriate program focus and staff capabilities.

#### **40 CFR 1508.26 (CEQ)**

##### **Special expertise.**

“Special expertise” means statutory responsibility, agency mission, or related program experience.

The Memorandum of Understanding (MOU) establishing a CA relationship should identify the basis for eligibility, see Section 4 (Preparing MOUs). For additional guidance on applying the CA eligibility criteria, see Section 3 (Cooperating Agency Issues).

#### **43 CFR 1601.0-5 (BLM)**

##### **Defining eligibility.**

(d) Eligible cooperating agency means

(1) A Federal agency other than a lead agency that is qualified to participate in the development of environmental impact statements as provided in 40 CFR 1501.6 and 1508.5 or, as necessary, other environmental documents that BLM prepares, by virtue of its “jurisdiction by law” as defined in 40 CFR 1508.15, or “special expertise” as defined in 40 CFR 1508.26; or

(2) A federally recognized Indian tribe, a state agency, or a local government agency with similar qualifications.

(e) Cooperating agency means an eligible governmental entity that has entered into a written agreement with the BLM establishing cooperating agency status in the planning and NEPA processes. BLM and the cooperating agency will work together under the terms of the agreement. Cooperating agencies will participate in the various steps of BLM’s planning process as feasible, given the constraints of their resources and expertise.

### **Eligibility of Tribes**

#### **Insert Photo with Caption**

A technician for the Seneca Nation of Indians’ Utility Department and a petroleum engineer for the Bureau of Land Management–Eastern States Office check the location of gas wells on the Cattaraugus Reservation in western New York.

The CEQ and BLM regulations differ regarding the eligibility of American Indian tribes for CA status. The CEQ regulations specify that a tribe is eligible “when the effects [of an undertaking] are on a reservation” (40 CFR 1508.5). In contrast, the BLM regulations apply the same criteria for federal, state, local, and tribal government entities: jurisdiction by law or special expertise (43 CFR 1601.0-5(d)(2)). The broader BLM criteria will apply in the preparation of all RMPs and EISs.

For more guidance on managing the CA relationship with tribes, see Section 3 (CA Issues).

## Inviting Participation

The CEQ regulations permit a lead agency to invite other eligible agencies and governments to assume a cooperating agency role (40 CFR 1501.6 and 1508.5). In contrast, both BLM planning regulations and Department of the Interior (DOI) policy *require* managers to invite eligible agencies and governments to become CAs. From these requirements it follows that agencies and governments that believe they meet one or both eligibility criteria may also *request* cooperating agency status for a plan or project EIS.

### Insert Photo with Caption:

Cooperating agencies hold a quarterly Riverfront Commission Meeting during their annual intergovernmental float trip through public lands in Colorado.

Managers are expected to make a reasonable effort to identify federal, state, local, and tribal entities possessing jurisdiction by law or special expertise concerning a plan or project area. When an agency or government is invited to serve as a cooperating agency but declines to do so, that fact should be reported to DOI's Office of Environmental Policy & Compliance

(OEPC) (516 DM 2.5 (B)). Conversely, when a government entity requests CA status for a plan or EIS, the request must be evaluated against CA eligibility criteria. If either criterion—jurisdiction by law or special expertise—is met, CA status should be granted. By DOI policy, all requests for cooperating agency status must be reported to OEPC (516 DM 2.5 (B)). If a request for cooperating agency status is denied, the reason for the denial must be reported to OEPC and included in the plan or EIS (516 DM 2.5 (E)).

Note that the requirement to invite participation applies to all EISs, including all plans or plan changes prepared in conjunction with an EIS. This includes (a) new resource management plans; (b) RMP revisions; and (c) RMP amendments prepared through an EIS. The requirement does not apply to RMP amendments prepared through an environmental assessment (EA).

### **43 CFR 1610.3-1 (BLM) Inviting participation.**

(a)(5) Where possible and appropriate, develop resource management plans collaboratively with cooperating agencies.

(b) When developing or revising resource management plans, BLM State Directors and Field Managers will invite eligible Federal agencies, state and local governments, and federally recognized Indian tribes to participate as cooperating agencies. The same requirement applies when BLM amends resource management plans through an environmental impact statement. State Directors and Field Managers will consider any requests of other Federal agencies, state and local governments, and federally recognized Indian tribes for cooperating agency status. Field Managers who deny such requests will inform the State Director of the denial. The State Director will determine if the denial is appropriate.

### **516 DM 2.5 E (DOI) Inviting Participation**

B. Bureaus will inform the OEPC of any requests to become a cooperating agency or any declinations to become a cooperating agency pursuant to 40 CFR 1501.6(c).

E. Bureaus will invite eligible governmental entities to participate as cooperating agencies when the bureau is developing an environmental impact statement in accordance with the requirements of NEPA and the CEQ regulations. Bureaus will also consider any requests by eligible governmental entities to participate as a cooperating agency with respect to a particular environmental impact statement, and will either accept or deny such requests. If such a request is denied, bureaus will state in writing, within the environmental impact statement, the reasons for such denial.

## **Establishing Participation**

Under DOI policy (516 DM 2.5 G), an MOU is the required means of establishing the CA relationship, because it allows for a systematic description of the respective authority and responsibilities of the parties, and how they propose to work together through the planning process. See Section 4 (Preparing MOUs).

It is important that MOUs establishing a CA relationship be completed in a timely manner, preferably before the Notice of Intent (which formally initiates the planning process) is published in the Federal Register. The CA relationship may be established later in the planning process, but it is then particularly important that the MOU clearly identify expectations and responsibilities within an already established schedule.

## **Implementing the Cooperating Agency Relationship**

The revised BLM land use planning regulations provide a role for cooperating agencies at most steps of the planning process. These regulations are summarized here, together with suggested roles for CAs. Most of these steps parallel those of a project EIS.

### **Preparation Planning.**

The resource management plan's preparation plan should include a list of potential CAs and a preliminary assessment of the expertise each would contribute to the planning effort. The preparation plan establishes the planning schedule and budget within which the CAs must operate. Informal discussions with potential CAs should begin at this time, followed by formal invitations for CA status. The BLM works with the potential CAs to prepare an MOU to establish CA relationships.

Suggested roles for CAs:

Work with your appropriate BLM office to develop an MOU. Participate in developing a preparation plan.

1. Conduct scoping and identify issues.

This process provides a major opportunity for BLM and CA discussion. The issues selected will guide the RMP process. To the extent consistent with other BLM responsibilities, these issues should include matters significant for CAs.

Suggested roles for CAs:

Identify relevant local and regional organizations and interest groups, sponsor public forums with lead agency, collaborate in assessing scoping comments. Identify coordination requirements based on CA plans; identify significant issues; identify connected, similar, and cumulative actions; identify other relevant agencies.

**43 CFR 1610.4-1 (BLM)**  
**Identification of issues.**

At the outset of the planning process, the public, other Federal agencies, State and local governments and Indian tribes shall be given an opportunity to suggest concerns, needs, and resource use, development and protection opportunities for consideration in the preparation of the resource management plan. The Field Manager, *in collaboration with any cooperating agencies*, will analyze those suggestions and other available data, such as records of resource conditions, trends, needs, and problems, and select topics and determine the issues to be addressed during the planning process. \* \* \* [Here and in other excerpts from 43 CFR 1610.4, emphasis added]

2. Develop planning criteria.

At the start of the planning process the field office planning team determines the parameters for land allocation decisions consistent with statutory and regulatory requirements. The BLM has an obligation to seek consistency with state, local, and tribal plans, but only to the degree that such plans are also consistent with applicable federal law and regulation.

Suggested roles for CAs:

Provide advice on proposed planning criteria, including local government comprehensive plan elements (such as growth and transportation) and environmental regulations. Identify legal requirements that shape tribal, state, and local CA policies and responsibilities.

**43 CFR 1610.4-2 (BLM)**  
**Development of planning criteria.**

The Field Manager will prepare criteria to guide development of the resource management plan or revision, to ensure... [i]t is tailored to the issues previously identified....Planning criteria will generally be based upon applicable law, Director and State Director guidance, the results of public participation, and coordination with any cooperating agencies and other Federal agencies, State and local governments, and federally recognized Indian tribes.

3. Collect inventory data.

The planning team

- Identifies available data that can be used to characterize the physical, biological, social, and economic characteristics of the resource area;
- Assesses the data; and
- Identifies data gaps.

Suggested roles for CAs:

Identify data needs; provide data and technical analyses within CA's expertise.

**43 CFR 1610.4-3 (BLM)**  
**Inventory data and information collection.**

(a) The Field Manager, in collaboration with any cooperating agencies, will arrange for resource, environmental, social, economic, and institutional data and information to be collected, or assembled if already available. \* \* \*

4. Analyze baseline data and prepare Analysis of the Management Situation.

The Analysis of the Management Situation (AMS) should describe current conditions and trends

of resources, offer a framework for resolving planning issues, and provide a basis for analyzing the no-action alternative. Field office personnel are encouraged to make this document (or a summary) available to the public. A summary of current conditions and trends appears in the plan's Affected Environment section.

Suggested roles for CAs:

Provide information (such as local monitoring and baseline data) for the draft AMS and help interpret the AMS to constituents as appropriate.

**43 CFR 1610.4-4 (BLM)**

**Analysis of the management situation.**

The Field Manager, in collaboration with any cooperating agencies, will analyze the inventory data and other information available to determine the ability of the resource area to respond to identified issues and opportunities. \* \* \*

5. Formulate alternatives.

Each planning alternative should represent a distinct set of land use allocations and management actions consistent with the overall goals of the land use plan. This is a key decision item that determines the range of management choices to be subsequently analyzed and considered for adoption.

Suggested roles for CAs:

Suggest themes for potential alternatives; suggest land allocations or management actions to resolve issues.

**43 CFR 1610.4-5 (BLM)**

**Formulation of alternatives.**

At the direction of the Field Manager, in collaboration with any cooperating agencies, BLM will consider all reasonable resource management alternatives and develop several complete alternatives for detailed study. Nonetheless, the decision to designate alternatives for further development and analysis remains the exclusive responsibility of the BLM. \* \* \*

6. Estimate effects of alternatives.

The analysis should provide adequate information for evaluating the physical, biological, social, and economic effects of each proposed planning alternative. The analysis should include direct, indirect, and cumulative effects considered in both short- and long-term perspectives, at various geographic scales.

Suggested roles for CAs:

Suggest models and methods for impact analyses; provide effects analysis within CA's expertise; identify direct, indirect, and cumulative effects within CA's expertise; suggest mitigation measures for adverse effects.

**43 CFR 1610.4-6 (BLM)**

**Estimating effects of alternatives.**

The Field Manager, in collaboration with any cooperating agencies, will estimate and display the physical, biological, economic, and social effects of implementing each alternative considered in detail. \* \* \*

7. Select preferred alternative and issue the Draft Resource Management Plan for public comment. The various planning alternatives are evaluated in relation to planning issues and criteria and the analysis of effects. The field manager selects a preferred alternative and forwards the resulting draft plan to the State Director for approval and publication. The draft plan is available for public comment for a minimum of 90 days.

Suggested roles for CAs:

Collaborate with BLM field manager in evaluating alternatives; provide information for Preliminary (internal) Draft Resource Management Plan. Just as other agencies and members of the public do, CAs may also provide written public comments on the published draft plan if desired.

#### **43 CFR 1610.4-7 (BLM)**

##### **Selection of preferred alternative.**

The Field Manager, in collaboration with any cooperating agencies, will evaluate the alternatives, estimate their effects according to the planning criteria, and identify a preferred alternative that best meets Director and State Director guidance. Nonetheless, the decision to select a preferred alternative remains the exclusive responsibility of the BLM. The resulting draft resource management plan and draft environmental impact statement shall be forwarded to the State Director for approval, publication, and filing with the Environmental Protection Agency. This draft plan and environmental impact statement shall be provided for comment to the Governor of the State involved, and to officials of other Federal agencies, State and local governments, and Indian tribes that the State Director has reason to believe would be concerned.

8. Respond to comments and issue the Final Resource Management Plan.

The BLM is required to respond to substantive comments that reveal new information, missing information, or flawed analysis that could substantially change the conclusions. The field manager forwards the final plan, revised as needed to reflect comments received, to the State Director for publication. The document is also forwarded to the Governor for a 60-day review to identify any inconsistencies with state or local plans, policies, or programs.

Suggested roles for CAs:

Review comments within CA's expertise and assist in preparing responses. State CAs should contribute to Governor's Consistency Review.

**See 43 CFR 1610.3-2(e) for requirements of the Governor's Consistency Review.**

#### **43 CFR Sec. 1610.4-8 (BLM)**

##### **Selection of resource management plan.**

After publication of the draft resource management plan and draft environmental impact statement, the Field Manager shall evaluate the comments received and select and recommend to the State Director, for supervisory review and publication, a proposed resource management plan and final environmental impact statement. After supervisory review of the proposed resource management plan, the State Director shall publish the plan and file the related environmental impact statement.

9. Protests and Record of Decision.

The Final Resource Management Plan is subject to a 30-day protest period. Any party (including a CA) that participated in the planning process and may be adversely affected by



approval of the resource management plan may file a protest with the Director of the BLM. On approval of the final plan, and subject to resolution of any protests, the State Director signs the Record of Decision (ROD).

Suggested roles for CAs:

The CA has a limited role. Reviewing protests and signing the ROD are actions reserved to the BLM. The protest procedure provides the Director with an administrative review of the State Director's proposed decision. Where a CA has provided information relevant to a protest, the BLM may ask the cooperator for clarification.

**See 43 CFR 1610.5-2 for protest procedures for resource management plans.**

## **Plan Implementation**

When the ROD is signed, the plan has been completed. While formal cooperating agency status for the plan ends at this time, state, local, tribal, and federal entities are strongly encouraged to work with the BLM and private partners as the plan is implemented through on-the-ground projects. Such projects range from small actions with few effects (such as improving campgrounds) to large actions with the potential for significant effects (such as establishing a right-of-way for the Trans-Alaska Pipeline). Projects will receive a level of NEPA analysis commensurate with their potential effects. Those with the potential for significant effects require an EIS. Projects that are not likely to generate significant effects will normally be analyzed through a simpler environmental assessment (EA).

Under Interior Department policy, when a proposed project will be analyzed through an EIS the same requirement to offer cooperating agency status applies as in the preparation of a resource management plan (516 DM 2.5 E). This requirement does not apply when an EA is prepared. The BLM welcomes the informal involvement of governmental partners in preparing project-level EAs. Where the activities to be analyzed under an EA are complex or large in scale, the field manager or other authorized officer may decide to involve governmental partners through the formal CA relationship. For most project EAs, however, it is unnecessary to establish a formal CA relationship to work productively with other governments and agencies.

## **Monitoring**

Monitoring is the process of collecting data and information to determine whether or not desired outcomes (expressed as goals and objectives in the plan) are being met as the allowable uses and management actions are being implemented. A monitoring strategy, developed as part of the plan, identifies indicators of change, acceptable thresholds, methods, protocols, and timeframes that will be used to evaluate and determine whether or not desired outcomes are being achieved. Tribal, federal, state, and local entities are strongly encouraged to work with the BLM and private partners to develop monitoring strategies and participate in assessing the effectiveness of plan implementation.

### **Insert Photo with Caption:**

Bureau of Land Management and U.S. Forest Service employees in Wyoming review plans for prescribed burns being conducted cooperatively on BLM and Shoshone National Forest public lands.



## Section 3. Cooperating Agency Issues: Questions and Answers

### A. BUILDING WORKING RELATIONSHIPS

#### 1. Collaboration in the cooperating agency relationship

Doug Thompson, Fremont County, WY

“Most counties want to be a positive part of the BLM planning processes. They expect to have influence on the process, positive consideration of their responsibilities, and maximum consistency with their local LUPs.”

⇒ Does a cooperating agency (CA) relationship require the Bureau of Land Management (BLM) and the cooperators to make decisions by consensus?

No. In describing the steps of the land use planning process, the BLM’s revised planning regulations generally refer to collaboration between the field manager and cooperating agency representatives.

#### 43 CFR 1610.4-3

The Field Manager, in collaboration with any cooperating agencies, will arrange for resource, environmental, social, economic, and institutional data and information to be collected, or assembled if already available.

As used here, collaboration is “a cooperative process in which interested parties, often with widely varied interests, work together to seek solutions with broad support for managing public and other lands.” (BLM Land Use Planning Handbook, Glossary)

Collaboration mandates methods, not outcomes. It brings diverse parties together to seek broadly acceptable solutions to what are usually complex problems. It does not imply that the parties will achieve consensus. The BLM remains the final decision maker on matters within its jurisdiction.

⇒ How does the involvement of CAs affect the BLM field manager’s role in the development of a plan?

CA involvement makes the field manager’s leadership of the land use planning process even more essential. In guiding planning efforts, field managers face the challenge of reconciling Bureau-wide policy objectives with the needs and values of local, regional, and national constituencies. To be successful, the field manager must be committed to collaborative problem solving.

⇒ In working collaboratively with CAs on a plan, should the field manager limit the range of issues and solutions to be considered?

Since a key reason to involve other units of government is to benefit from their distinctive perspectives and expertise, innovative approaches should be encouraged. Nonetheless, collaboration increases the need to establish practical parameters for the planning process. As the representative of the lead agency, the field manager is responsible for clarifying

#### Informal Contacts are Essential

Sandy Brooks, Field Manager, Billings Field Office, BLM-Montana

“As a Field Manager, I play a key role in developing and enhancing relationships with cooperating agencies. In Billings, Montana, we have established an informal interagency breakfast, where several local, federal, and state agency administrators gather every other month to share information. It provides an opportunity to build relationships outside of an office environment. Then, when there are issues, we have already established a higher level of cooperation and communication.”

for cooperating agencies the general goals of the resource management plan. The goals would include, where appropriate, the range of potential land use allocations, consistent with statutory and regulatory requirements. Such limits are best established through clear planning criteria and a well-developed statement of purpose and need.

**Managers Must Be Accessible**

Commissioners Michael McKee and Jim Abegglen, Uintah County, Utah.

“Accessibility to the Field Manager and State Director has been a key factor in improving our relationship with BLM. We hope to be just as accessible to them as well.”

⇒ Does the potential CA partner also have a say in determining the objectives and ground rules of the cooperating agency relationship?

Yes, the MOU establishing the CA relationship should reflect the views of all signatories.

⇒ What if the parties cannot agree on the terms of an MOU?

The field manager should make a good faith effort to negotiate the terms of an MOU with the potential CA partner, consistent with applicable statutes, regulations, and this guidance. If this effort is not successful, the CA relationship has not been established.

⇒ Is it appropriate to use a third-party facilitator to assist CAs and BLM staff on collaboration when preparing a plan or EIS?

Yes. CAs and BLM staff may differ significantly not only in their policy orientations, but also in their knowledge, skills, style of interaction, and experience with NEPA and the BLM planning process. An effective facilitator may help the parties negotiate the MOU, focus effort productively, and resolve disagreements as they arise. CAs should participate in the selection of a facilitator. Using a facilitator does not alter the decision-making responsibilities of the BLM or CAs.

⇒ What should the BLM and CAs do if they cannot agree on substantive elements of the plan or EIS—for example, the designation of alternatives or the analysis of effects?

Where the BLM and one or more CAs disagree on substantive elements of the plan or EIS and these disagreements cannot be resolved, the BLM should include a summary of the CAs’ views in the draft and final documents. See also Section 3.C.1—Meeting Consistency Requirements.

## **2. Challenge of BLM’s planning or EIS schedule**

⇒ Is it appropriate to extend a planning or EIS schedule to accommodate the needs of CAs?

Normally, no. With the exception of other federal agencies having jurisdiction by law, no government entity is required to participate as a CA. The preferences of cooperating agencies regarding the pace and direction of collaborative efforts do not supersede the need to adhere to established schedules, which should be included in the MOUs establishing CA relationships. Nonetheless, whenever possible the field manager and CA representatives should develop a mutually agreeable planning schedule when negotiating their MOUs.

⇒ If effective collaboration with CAs would be compromised by adhering to an established planning schedule, what are some solutions?

Field managers and their CA partners have a number of options.

- Vary the level of a CA's involvement. Both CEQ and BLM regulations make it clear that the CAs may negotiate a level of involvement consistent with their available staffing and resources. The CAs may vary the time and resources they commit by determining which meetings to attend, whether to offer data or analyses, or both, and at what stage of document preparation to comment.
- Seek ways to reorganize the planning schedule for greater efficiency, without modifying the deadline for plan completion.
- Improve the efficiency of collaboration among the CAs and the BLM staff. The involvement of an effective facilitator may improve the speed and focus of CA and BLM staff interaction.
- Where none of these approaches are feasible, the Washington Office may consider a change in the planning schedule.

#### **Inundated by BLM Planning**

Evan Lowry, County Planner, San Juan County, Utah.

"We are inundated from all the simultaneous planning that BLM is doing. They have made efforts to involve us but our time and resources are stretched to the limit. I think if we could have been involved even earlier in the process, when schedules were being set and timetables prepared, we would now be able to more effectively work on these RMPs."

#### **40 CFR 1501.6(c) (CEQ)**

A cooperating agency may in response to a lead agency's request for assistance in preparing the environmental impact statement . . . reply that other program commitments preclude any involvement or the degree of involvement requested in the action that is the subject of the environmental impact statement. A copy of this reply shall be submitted to the Council [on Environmental Quality].

#### **43 CFR 1601.0-5(e) (BLM)**

Cooperating agencies will participate in the various steps of BLM's planning process as feasible, given the constraints of their resources and expertise.

### **3. Cooperating Agency roles in preparing plans and EISs**

⇒ May the CAs use their expertise to prepare (rather than merely review and comment on) sections of the plan or EIS or the technical analyses on which it is based?

Yes, where appropriate, when the CA possesses expertise and resources to complete the task in a timely manner, the BLM may agree to include the CA's analysis as part of the plan or EIS.

#### **40 CFR 1501.6(a) (CEQ)**

The lead agency shall...[u]se the environmental analysis and proposals of cooperating agencies with "jurisdiction by law" or "special expertise," to the maximum extent possible consistent with its responsibility as lead agency.

⇒ May a CA participate in the review of protests to a plan?

Protest resolution is an internal review process conducted primarily by the BLM Washington Office, to determine if in preparing a plan the State Director followed applicable laws, regulations, and policy, and considered all relevant resource information and public input. A CA

that has provided information relevant to an issue raised in a protest may be asked for clarification.

⇒ What is the role of a CA once the Record of Decision (ROD) is signed?

While formal CA status ends once the ROD is signed, CA expertise may be valuable in implementing plans and projects, as well as monitoring outcomes. Both the BLM and local communities can benefit from an ongoing relationship.

**Focus on Practical Issues**

Renee Johnson, Dillon Field Office, BLM - Montana.

“The cooperators must be focused on things within the scope of the plan that can make a difference.”

**4. Criteria for cooperating agency eligibility**

⇒ Within the interdisciplinary (ID) team, is a CA limited to participating only on the topics on which the BLM has acknowledged its jurisdiction by law or special expertise, as reflected in the MOU?

A CA is entitled to collaborate as part of a plan or EIS ID team in those areas for which jurisdiction by law or special expertise is acknowledged in the MOU. A CA’s formal involvement on other issues is at the field manager’s discretion. In practical terms the scope and nature of a CA’s participation is a matter for negotiation, taking into account the CA’s policy concerns, the staff and resources it can reasonably contribute to the planning effort, the plan schedule, and other constraints.

⇒ What discretion does the BLM have to determine the scope of a CA’s special expertise?

The criterion of special expertise emphasizes the relevant capabilities or knowledge that a CA can contribute to the planning process and associated environmental analysis. Managers are required to offer CA status to potentially eligible government entities when preparing or revising a plan or preparing an EIS. It is the field manager’s responsibility, however, to determine which entities possess special expertise relative to a proposed plan or EIS and the nature of their expertise, subject to review by the State Director. In practical terms, there are two key considerations. The claimed expertise must be *demonstrated* (not merely asserted), and it must be *relevant* to the decisions to be made.

**Cooperating Agencies Can Provide Continuity**

Rory Lamp, Nevada Department of Wildlife.

“Personnel at federal agencies turn over so quickly that they frequently don’t have the local knowledge and history that Nevada Department of Wildlife biologists can bring to the table. We can bring a coherent record of what we have done together and knowledge of the history of other activities in the project area that BLM does not have.”

**40 CFR 1508.26 (CEQ)**

“Special expertise” means statutory responsibility, agency mission, or related program experience.

⇒ How is expertise demonstrated?

In most cases, an agency or jurisdiction’s expertise should be demonstrated through staff capabilities and an appropriate program focus. A local government whose staff routinely conducts transportation planning and road maintenance can be assumed to have special expertise on these topics. A transportation planning firm hired in a consultant role may enhance that expertise, but doesn’t create it. A jurisdiction without

regular programmatic responsibilities for air quality or wildlife protection cannot establish special expertise for the CA relationship by hiring an air quality consultant or wildlife biologist. Some expertise, however is based on informal rather than technical knowledge: see the discussion of knowledge of local “custom and culture” by tribal and local government officials, below.

⇒ What are some considerations in determining whether expertise is relevant?

Relevance in this context means not only that the topic of the expertise has importance for the plan or project, but that the jurisdiction claiming the expertise can speak to foreseeable effects on the people, property, or resources for which it has responsibility. One county requested cooperating agency status on the basis of special expertise in air quality modeling. While air quality was a relevant issue and the county had program responsibility and technical skills on this topic, the county was so distant from the project area that it would not be influenced by any project-generated air quality impacts. For this reason the county’s expertise was not relevant to the project and its request for cooperating agency status was denied.

#### Heard from the Field

“Policy is not clear on how to handle repeated requests from agencies that (in our mind) clearly do not have jurisdictional or technical expertise, but insist on being involved based on fear of impacts.”

⇒ Is knowledge of local “custom and culture” a sufficient basis for including local governments as cooperating agencies under the special expertise criterion?

Yes. Leaders of local governments are presumed to possess special expertise concerning the history, institutions, and social and economic conditions of their jurisdictions. This knowledge is often relevant to assessing baseline conditions and potential effects of planning alternatives.

⇒ How should the criterion of *special expertise* be applied to tribes?

Because American Indian tribes have culturally distinctive uses and understandings of land and resources, a tribe’s special expertise may be wide-ranging. Examples include the effects of a proposed planning decision on tribal employment and income, the need for access to ceremonial places, and the medicinal value of certain plant species. Sharing tribal knowledge of “custom and culture” through the cooperating agency role may create special challenges in managing information appropriately, as certain tribal information may not be appropriate for public disclosure.

#### **BLM Native American Consultation Handbook, H-8120-1, § IV.E**

Native Americans may be reluctant to share sensitive information regarding resource locations and values with agency officials. This is partly because agencies have been hindered, until recently, from effectively protecting Native American cultural information from public disclosure under the Freedom of Information Act.

### **5. Informal alternatives to the CA relationship**

⇒ How should the BLM treat governmental partners that wish to be closely involved in a plan or project assessment and are eligible for CA status, but are not willing to sign an MOU?

By Interior Department policy, only entities signing an MOU can serve as cooperating agencies (see 516 DM 2.5 G). When other agencies or local governments are unwilling to sign an MOU,

the manager should maintain informal communication on key issues, relevant information, and the partners' preferred outcomes. In most cases, however, it is inappropriate to provide the same level of involvement in a plan or project assessment for an entity unwilling to formalize its participation as with formal CAs. For example, the MOU should specify how the parties will control the dissemination of predecisional documents, whether prepared by the BLM or one of the CAs (see Section C.3 – Sharing Information). The MOU is intended to protect the interests of all parties, and provides a set of mutually agreeable procedures guiding the collaboration.

**Insert Photo with Caption:**

Bureau of Land Management and Natural Resource Conservation Service employees in Wyoming survey water surface discharge from a pilot coal bed natural gas well in the Powder River Basin area.

### **6. The role of joint lead agency**

⇒ Under what circumstances should a state, local or tribal government entity be invited to serve as a joint lead agency rather than as a cooperating agency?

CEQ regulations (40 CFR 1506.2) encourage a state agency or local government (and by implication, a tribal government) to serve as a joint lead when the non-federal entity must complete an environmental review process comparable to NEPA. In practice, joint lead agency status is primarily applicable to project-level EISs where a state or local government partner must concurrently meet its own NEPA-like (or “little NEPA”) requirements. For an example of a state’s NEPA-like requirement, see the California Environmental Quality Act (California Pub. Res. Code §21000 et seq.).

### **7. Financial support for the CA relationship**

⇒ Will the BLM compensate the CAs for their participation?

The CAs normally assume the costs of their own participation, including salary, travel and other expenses. A field office should reimburse the costs of any studies it specifically requests from a CA within its expertise.

#### **40 CFR 1501.6(b)(5) (CEQ)**

Each cooperating agency shall ... [n]ormally use its own funds. The lead agency shall, to the extent available funds permit, fund those major activities or analyses it requests from cooperating agencies.

### **8. Terminating the CA relationship**

⇒ Under what circumstances may the CA relationship be terminated?

If the BLM and one or more of its CA partners find that they cannot work together toward a common goal, and efforts at dispute resolution have been unsuccessful, it is appropriate to terminate the CA relationship. Factors identified by the CEQ as suggesting the need to consider termination include a CA's unwillingness to accept the lead agency's key decisions; deliberately violating key procedural agreements (such as the

Art Kleinjan, County Commissioner, Blaine County, Montana.

“As a federal agency, BLM isn't familiar with how a county government operates. We feed into the process the economic needs of the county and the interests of the people who live here. That may not conform to what they are trying to do with this RMP, but it is information that needs to be incorporated and that they would not have otherwise.”



restriction of pre-decisional documents); and deliberately misrepresenting the planning and EIS process or its findings.

**Insert Photo with Caption:**

Mohave County, Arizona, is a cooperating agency working with the Bureau of Land Management on the Arizona Strip land use plan. The Grand Canyon–Parashant National Monument is within the County and will be covered by the plan.

### **Factors Supporting Termination of the CA Relationship**

- The cooperating agency cannot accept the lead agency’s final decision-making authority regarding the scope of the analysis, including authority to define the purpose and need for the proposed action.
- The cooperating agency is not able or willing to provide the data and rationale underlying its analyses or assessment of alternatives.
- The cooperating agency releases predecisional information (including working drafts) in a manner that undermines the agreement to work cooperatively before publishing draft or final analyses.
- The cooperating agency consistently misrepresents the process or the findings presented in the analysis and documentation.

This list of factors is not exhaustive. Adapted from: Council on Environmental Quality, Memorandum for Heads of Federal Agencies: Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act, Attachment 1 (2002).

The MOU should include provisions for termination, as well as other ground rules, such as procedures for dispute resolution.

⇒ Is disagreement over substantive matters raised in the planning/EIS process a valid basis for terminating the CA relationship?

No. While the BLM remains the decision maker for matters within its jurisdiction, the CAs are not required to concur in all findings—for example, the effects anticipated from a particular planning alternative. Working through disagreements within the planning team often results in stronger, better justified findings and decisions.

**Heard from the Field**

“Commitment on the part of the CAs is illustrated by signing an MOU, showing up at meetings and reviewing products in a timely manner. How do we exclude CAs that are not pulling their weight?”

## B. QUALIFYING ORGANIZATIONS

### 1. General

⇒ What types of organizations may serve as CAs?

The CA relationship is limited to governmental entities: tribal governments, state agencies, local governments, and other federal agencies.

### 2. Federal agencies

⇒ What discretion do federal agencies have when requested to serve as CAs?

A federal agency eligible on the basis of jurisdiction by law must serve as a CA when so requested. A federal agency eligible on the basis of special expertise, and a tribal, state, or local entity eligible on either basis may choose whether or not to serve as a CA when so requested.

#### **40 CFR 1501.6 (CEQ)**

Upon request of the lead agency, any other Federal agency which has jurisdiction by law *shall* be a cooperating agency. In addition any other Federal agency which has special expertise with respect to any environmental issue, which should be addressed in the statement *may* be a cooperating agency upon request of the lead agency. An agency may request the lead agency to designate it a cooperating agency. (emphasis added)

#### **Seek an Integrated State Response**

Clive Rooney, Montana Department of Natural Resources and Conservation.

“At the beginning of this process [for the Upper Missouri River Breaks National Monument] we established an MOU that assured when providing formal comment on the RMP that we would provide a single consistent state viewpoint, rather than submit separate comments from each of our agencies. That is a clear advantage for BLM, and I think they should encourage it.”

### 3. State agencies

⇒ Can more than one state agency be granted CA status for a given land use plan?

Yes. Because multiple state agencies may have special expertise or jurisdiction by law, there may be instances where more than one state agency assumes CA status. When working with multiple state agencies, it is desirable to have one entity (for example, the Governor’s Office) coordinate all comments and analyses from state CAs to ensure the BLM benefits from a consistent perspective.

#### **Jack Morrow Hills Final Coordinated Activity Plan–FEIS, Chapter 5, July 2004** (Green River RMP Amendment)

The Wyoming Office of Federal Land Policy represents the State of Wyoming, with the following agencies designated as members: 1. Wyoming State Geological Survey, 2. Wyoming Game & Fish Commission, 3. Wyoming DEQ–Water, 4. Wyoming Oil and Gas Commission... (includes 15 agencies).



#### **4. Local governments**

⇒ What is a “local government” for purposes of CA requirements?

A local government is defined in BLM planning regulations as a general purpose unit of government with resource management authority or a political subdivision of a state. Counties (boroughs in Alaska) and incorporated cities clearly qualify. Special-purpose districts (such as conservation districts) will qualify if state law defines them as political subdivisions.

##### **43 CFR 1601.0-5(h) (BLM)**

Local government means any political subdivision of the State and any general purpose unit of local government with resource planning, resource management, zoning, or land use regulation authority.

##### **Wyoming Statutes 16-4-201(a)(iv) (2004)**

“Political subdivision” means every county, city and county, city, incorporated and unincorporated town, school district and special district within the state.

#### **5. Tribal governments**

⇒ Does inviting a tribe’s participation as a cooperating agency satisfy the BLM’s obligation to consult on a government-to-government basis regarding land use planning or other actions?

No. Consultation is particularly important in the BLM’s government-to-government relationship with tribes. Once formal consultation has been initiated, tribal officials may decide to use the cooperating agency role as a convenient way to communicate their views or contribute their expertise, but this is at the tribe’s option, not the BLM’s.

##### **Executive Order 13175: Consultation and Coordination with Indian Tribal Governments**

Our Nation, under the law of the United States, in accordance with treaties, statutes, Executive Orders, and judicial decisions, has recognized the right of Indian tribes to self-government. As domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory. The United States continues to work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, tribal trust resources, and Indian tribal treaty and other rights. (E.O. 13175, Section 2(b), November 6, 2000).

⇒ Must a native group be federally recognized to be eligible to serve as a cooperating agency?

Yes. Only governmental entities can be cooperating agencies. Under federal law, only federally recognized tribes qualify as governments (25 U.S.C. 479a).

While federal agencies must consider the interests of members of the public in general, the agencies’ official interactions with tribes, including consultation, are distinguished by unique legal relationships. The sovereign status of Indian tribes and special provisions of law set Native Americans apart from all other U.S. populations and define a special level of federal agency responsibilities.

⇒ Do reservation lands need to be affected for a tribe to serve as a cooperating agency?

No. The CEQ's NEPA regulations allow tribes to serve as cooperating agencies "when the effects [of a proposed action] are on a reservation" (40 CFR 1508.5). (In its guidance, CEQ has supported extending CA status to federally recognized Alaska Native villages and tribes when the proposed action would affect tribal interests.) The BLM's revised planning regulations, in contrast, use the same eligibility criteria for tribes as for federal, state, and local government entities: jurisdiction by law or special expertise. Some areas with large native populations, notably Alaska, lack reservations almost entirely. In practice, tribes may have aboriginal or historical ties to lands at considerable distance from contemporary centers of tribal settlement.

**BLM Native American Consultation Handbook, H-8120-1, § V.B**

Tribes and groups with historical ties to the lands in question, including those that are no longer locally resident, should be given the same opportunity as resident tribes and groups to identify...their interests in the public lands.

**6. Intergovernmental organizations**

⇒ May an intergovernmental organization serve as a cooperating agency?

No. Many regional intergovernmental associations exist to provide technical assistance or other services to member governments. The terminology varies: the Rogue Valley Council of Governments, the Uintah Basin Association of Governments, and the Genesee–Finger Lakes Regional Planning Council are all intergovernmental associations. Such organizations are not themselves units of government. An intergovernmental association may not, therefore, serve as a cooperating agency. Some regional governmental bodies, such as regional planning authorities, are defined as political subdivisions in state law, and could therefore qualify as CAs.

**Insert Photo with Caption:**

Firefighting and related programs require close cooperation among local, state, tribal, and federal governments and agencies to ensure efficiency and effectiveness when wildfires threaten.

**New Hampshire Revised Statutes, Title 3, 36:49-a**

Regional planning commissions are political subdivisions of the state. However, regional planning commissions have only that power and authority expressly provided for in [New Hampshire Revised Statutes] 36.

⇒ May an intergovernmental organization represent a CA in BLM's planning process?

Yes. An intergovernmental organization may represent one or more CAs, provided that all agencies to be represented are members of that organization and all have formally authorized it to act on their behalf. Such authorizations should be identified in the MOU.

**C. OTHER REQUIREMENTS AND CHALLENGES**

**1. Using the CA relationship for projects**

⇒ What challenges are raised by using the CA relationship in the assessment of proposed projects?

BLM's cooperating agency policy was formulated to improve collaboration in planning, allowing a small number of agencies and governments to discuss the broad policy objectives that should

guide the allocation of lands and resources over a limited planning area. The major challenge in applying the CA policy to projects occurs when the undertaking covers a large area, with many entities—sometimes hundreds—eligible for CA status. Examples include the Oil Shale / Tar Sands Programmatic Environmental Impact Assessment (PEIS) (three states), the Solar Energy PEIS (six states), and the West-Wide Energy Corridor PEIS (eleven states). In addition to programmatic documents, many conventional project EISs, particularly those concerning pipelines, electric transmission lines, and other linear developments, span multiple states.

⇒ On a multistate project, who is responsible for dealing with CAs?

Generally a tiered approach works best. The project manager should take responsibility for drafting key documents, such as letters of invitation and the MOU, to ensure that all agencies and governments receive a consistent message about the nature of the project and their opportunity for signing on as a CA. Correspondence to potential CAs is usually best issued by the appropriate state office over the state director's signature. Managing the administrative record can be particularly challenging on multistate projects. The project manager should ensure that procedures are in place for maintaining a complete administrative record, including correspondence with potential and actual CAs.

⇒ How does the potential role of a CA differ when participating in an EIS for a multistate project than in a resource management plan or a localized project EIS?

The CA role involves a significant commitment of time and resources. Local governments may not find it advantageous to participate as cooperators in large projects which encompass issues that are not specific to their interests. The interest of local governments in a multistate project such as an electric transmission line, for example, may be limited to proposed siting over a few miles of right-of-way that affects their jurisdiction, but not include discussions over endangered species in a distant state.. This type of concern is better addressed by speaking with project staff or the local field manager in a meeting specifically called to address these issues, rather than requesting CA status.

### **Gateway West Transmission Line Project Web Site**

The Bureau of Land Management (BLM) and U.S. Forest Service (USFS) (Caribou-Targhee and Medicine Bow National Forests) are conducting the National Environmental Policy Act (NEPA) process for the proposed Gateway West Transmission Line Project. The BLM is the lead federal agency for the NEPA process. Other cooperating agencies include the National Park Service (National Trails Office, Fossil Butte and Craters of the Moon National Monuments), the Fish and Wildlife Service (Seeds-kadee and Cokeville Meadows National Wildlife Refuges), the Army Corps of Engineers, the States of Idaho and Wyoming, Power and Twin Falls Counties Idaho, and Lincoln and Sweetwater Counties, Wyoming.

## **2. Meeting coordination and consistency requirements**

⇒ What is the scope of BLM's coordination responsibilities in revising resource management plans?

The BLM has a broad responsibility to coordinate with other units of government. To the extent practicable, the BLM will seek to maximize consistency with the plans and policies of other governmental entities. This responsibility applies to all affected governments and agencies, whether or not a CA relationship has been established.

### **Heard from the Field**

“When it comes to programmatic environmental analyses, how do we engage ALL of the potential partners, inviting them to become CAs, and continue to manage the process efficiently?”

### **43 CFR 1610.3-1 (BLM)**

#### **Coordination of planning efforts.**

(a) In addition to the public involvement prescribed by §1610.2, the following coordination is to be accomplished with other Federal agencies, state and local governments, and federally recognized Indian tribes. . . .

- (1) Keep apprised of non-Bureau of Land Management plans;
- (2) Assure that BLM considers those plans that are germane in the development of resource management plans for public lands;
- (3) Assist in resolving, to the extent practicable, inconsistencies between Federal and non-Federal government plans;
- (4) Provide for meaningful public involvement of other Federal agencies, State and local government officials, both elected and appointed, and federally recognized Indian tribes, in the development of resource management plans . . . and
- (5) Where possible and appropriate, develop resource management plans collaboratively with cooperating agencies.

⇒ How does the CA relationship affect BLM's coordination responsibilities?

The CA relationship goes beyond coordination by facilitating a close collaboration in sponsoring public involvement, reviewing resource data, formulating alternatives, and analyzing potential impacts. The CA relationship provides the best opportunity for the detailed coordination of policies.

⇒ To what extent is the BLM obligated to follow local plans and policies in its coordination efforts?

By regulation, the BLM has an obligation to seek consistency with state, local, and tribal resource management plans to the degree that such plans are also consistent with applicable federal law and regulation.

### **43 CFR 1610.3-2 (BLM)**

#### **Consistency requirements.**

(a) Guidance and resource management plans and amendments . . . shall be consistent with officially approved or adopted resource related plans, and the policies and programs contained therein, of other Federal agencies, State and local governments, and Indian tribes, so long as the guidance and resource management plans are also consistent with the purposes, policies, and programs of Federal laws and regulations applicable to public lands....

For example, a county's capital improvement plan might identify a parcel of BLM land for acquisition to build a fire station or a community center. Under the Recreation and Public Purposes Act, such a transfer of land would be consistent with federal law. In revising its resource management plan, the local field office would need to consider this request, weighed against other relevant management objectives, such as the need to protect critical habitat for threatened or endangered species or to minimize conflicts with existing uses, such as a nearby shooting range already permitted by the BLM.

### **Recreation and Public Purposes Act (43 U.S.C. 869 (a))**

The Secretary of the Interior . . . may . . . dispose of any public lands to a State, Territory, county, municipality, or other State, Territorial, or Federal instrumentality or political subdivision for any

public purposes, or to a nonprofit corporation or nonprofit association for any recreational or any public purpose consistent with its articles of incorporation or other creating authority.

⇒ What if a state or local plan is inconsistent with federal law and policy?

In such cases the BLM does not have an obligation to seek consistency. For example, in preparing resource management plans the BLM is required to designate and protect areas of critical environmental concern (ACECs). The BLM could not honor a request from a county government that only ACECs consistent with the county's general plan be designated in the RMP, if this would prevent the BLM from complying with its statutory obligation.

#### **FLPMA, 43 USC 1712 (BLM)**

(c) In the development and revision of land use plans, the Secretary shall... (3) give priority to the designation and protection of areas of critical environmental concern....

⇒ Some local government officials have indicated a preference for “coordinating agency” rather than cooperating agency status. How do these differ?

There is no designation called, “coordinating agency status.” Cooperating Agency Status” is a term of art under NEPA which grants the cooperator certain rights and privileges as it engages in the BLM's planning process. BLM's planning regulations make clear that the *cooperating agency* relationship is intended to facilitate coordination.

#### **43 CFR 1610.3-1 (BLM)**

##### **Coordination of planning efforts.**

(b) When developing or revising resource management plans, BLM State Directors and Field Managers will invite eligible Federal agencies, state and local governments, and federally recognized Indian tribes to participate as cooperating agencies.

⇒ When inconsistencies cannot be resolved, should they be acknowledged in the plan or EIS?

Yes. The CEQ regulations require that inconsistencies between the proposed action and state, local, or tribal land use plans and policies be documented in the EIS. See 40 CFR 1502.16 and 1506.2(d).

#### **40 CFR 1502.16 (CEQ)**

[The environmental consequences section of the EIS] shall include discussions of . . . (c) Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies, and controls for the area concerned.

### **3. Sharing information**

⇒ May the BLM share predecisional planning documents with the CAs?

Yes. Unless constrained by other factors, such as a state public records requirement (see Q3) or the need to protect the confidentiality of proprietary or contractual information, predecisional documents should be freely shared with the

#### **Insert Photo with Caption:**

Representatives from the Bureau of Land Management and the Maryland Department of Natural Resources view the area at Maryland's Douglas Point while assessing resources for land use planning.

CAs. If the field manager does not intend to make predecisional documents publicly available, the MOU establishing the CA relationship should specify that such documents will be kept confidential.

⇒ Are documents provided by the CAs (or to the CAs) subject to disclosure under the Freedom of Information Act (FOIA, 5 U.S.C. 552)?

In most cases, no. The FOIA exempts from release documents involving “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” (FOIA exemption 5, 5 U.S.C. 552(b)(5)). A lead federal agency could assert this exemption to protect from disclosure those documents prepared by cooperating or joint lead agencies that contributed to the development of a plan or EIS. Such documents satisfy both requirements of FOIA exemption 5: they are predecisional and they are part of the lead agency’s deliberative process.

Note that the release of a document by a cooperating agency may be considered a waiver of the lead federal agency’s deliberative process privilege, thus precluding withholding documents under FOIA exemption 5.

**Openness is Crucial**

Jake Rajala, Ely Field Office, BLM-Nevada.

“Keep cooperating agencies informed and engaged. Don’t hide the BLM’s dirty laundry – let the cooperating agencies see how sausages (and RMPs) are made.”

⇒ Are there exceptions to FOIA exemption 5?

Yes. Communications from a CA may not qualify as exempt from release under FOIA exemption 5 where that agency is advancing a competitive position that would be detrimental to another party.

**Limitations on FOIA Exemption 5**

In some circumstances, [FOIA exemption 5] may also apply to documents generated outside of an agency. Documents prepared by outside consultants at the request of the agency and recommendations or advice from Congress or the States can be protected if those documents played a role in the agency’s deliberative process *and the outside parties are not advocating their own interests in seeking a Government benefit at the expense of others.* (Department of the Interior, Freedom of Information Act Handbook (383 DM 15), Section 5.7(A)(2), 2004, emphasis added.)

⇒ How should the BLM work with a CA whose actions are governed by a state open records (“sunshine”) requirement?

This must be decided jointly by the field manager and the CA, and described in the MOU establishing the CA relationship. In the planning process, the main reason to keep predecisional material from public view is to encourage candid discussion among all members of the planning team, including CA representatives.

**Heard from the Field**

“We need information on the FOIA and privacy act and confidentiality issues involved in the CA process.”

**4. Ensuring Federal Advisory Committee Act (FACA) compliance**

⇒ Are meetings between the BLM staff and CAs subject to the requirements of the Federal Advisory Committee Act (FACA, 5 U.S.C.A. App. 2)?



Normally, no. The FACA applies whenever a federal agency official establishes, manages or controls a committee, board or similar group for the purpose of obtaining consensus advice or recommendations on issues or policies within the agency official's responsibility. Meetings among representatives of governmental entities, however, are exempt from the requirements of FACA when they involve intergovernmental activities associated with managing or implementing federal programs (2 U.S.C. 1534(b)). This is a broad exemption. Effectively, any meeting supporting BLM plan- or project-level activities would be exempt if the CAs or representatives of other government entities were providing information, guidance, or analysis related to their responsibilities or expertise.

### **Unfunded Mandates Reform Act (2 U.S.C. 1534(b))**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to actions in support of intergovernmental communications where

(1) meetings are held exclusively between Federal officials and elected officers of State, local, and tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities; and

(2) such meetings are solely for the purposes of exchanging views, information, or advice relating to the management or implementation of Federal programs established pursuant to public law that explicitly or inherently share intergovernmental responsibilities or administration.

#### **Insert Photo with Caption:**

Field trips and on-site meetings are a useful way to foster common perspectives of complex issues among the Bureau of Land Management and its cooperating agencies.

⇒ Who may represent a CA in meetings covered by the intergovernmental exemption?

The intergovernmental exemption to FACA applies to meetings between federal officials and elected state, local, or tribal government officials "or their designated employees with authority to act on their behalf."

⇒ May a CA be represented by a contractor instead of an official or employee?

The cooperating agency relationship is intended to facilitate the exchange of views and expertise between BLM personnel and other governmental officials and staff. Unless state law treats them as employees, a contractor retained by a CA is not covered by the Unfunded Mandates Reform Act's FACA exception. For these reasons, the BLM discourages the use of contractors to represent the CAs. However, BLM recognizes that limited local government staff and potentially heavy time demands of the CA role may make it necessary to designate contractors to participate in some interdisciplinary team or work group meetings, consistent with the requirements of FACA.

Meetings in which a CA is represented by a contractor would not be subject to the requirements of FACA if the meeting is used *solely for purposes of exchanging information*. Contractors should not represent the CAs in meetings where advice or recommendations are sought. This is particularly important at key decision points in a planning or project assessment process, such as the designation of alternatives for analysis or the selection of a preferred alternative.

## 5. Filing protests

⇒ Does participation as a CA prevent that agency from protesting the final decision?

No. A cooperating agency may protest the final decision as long as it meets the requirements of BLM protest procedures. By becoming a cooperating agency, a government entity does not forfeit any rights otherwise available to it, including the right to protest a land use plan.

### 43 CFR 1610.5-2(a) (BLM)

Protest procedures. Any person who participated in the planning process and has an interest that is, or may be, adversely affected by the approval or amendment of a resource management plan may protest such approval or amendment. A protest may raise only those issues that were submitted for the record during the planning process.

#### Insert Photo with Caption:

The Jack Morrow Hills area in western Wyoming is rich in geology, energy, scenery, recreational activities, and wildlife.

Susan Child, Wyoming Office of State Lands and Investments.

#### **Factors for Success in the Jack Morrow Hills Coordinated Activity Plan** (Green River RMP Amendment)

1. Communication was excellent. Cooperators were always kept “in the loop” and informed, even though it was often informal. To keep all parties up to date, and to make them know they are being heard, BLM offices are encouraged to use all modes of communication.
2. Cooperators were allowed to talk directly to resource specialists. This facilitated access to direct knowledge and a sense of shared responsibility. To have access to on-the-ground experts meant that cooperators had a better understanding of specific situations and could better defend them to their constituents.
3. The BLM had good control of its contractors, which is not always the case. There are often times when a contractor has more experience than a BLM field manager or project manager, but contractors should not dictate the relationship between BLM and cooperators.



## Section 4. Preparing Memoranda of Understanding

Key to the cooperating agency relationship is negotiation of an effective memorandum of understanding (MOU) that acknowledges the interests, expertise, and jurisdictional responsibilities of the Bureau of Land Management (BLM) and its cooperating agency (CA) partners and outlines their respective roles and responsibilities in the planning process. DOI policy requires an MOU in order to establish a cooperating agency relationship (see 516 DM 2.5 G). An MOU will also provides for continuity despite changes in priorities and personnel within the BLM and its CA partners.

### Insert Photo with Caption:

The Paria Canyon Wilderness is a popular hiking destination in the Vermilion Cliffs National Monument. Cooperating agencies are working with the BLM to develop a land use plan for the Monument.

Judge Steve E. Grasty, Harney County, Oregon.

“Our relationship with BLM is incredibly important to us, and the cooperating agency tool has benefited that relationship. If there is one area that needs to be improved, it’s the need to spend more time defining our relationship as a cooperating agency with BLM and understanding the roles and responsibilities that each of us have.”

The framework for a cooperating agency relationship is established by an MOU, but its utility is limited if there is not open and honest communication among the parties. An MOU will not transform a difficult relationship into a productive one. It can, however, reduce the chance for friction and misunderstanding by describing in sufficient detail each participant’s goals and expectations and how they will work together. Positive results will come from the willingness of all parties to pursue sound land use planning on America’s public lands.

### Essential Elements of a Cooperating Agency MOU

The BLM should ensure that all cooperators are engaged in drafting the document. There is no single formula for drafting an MOU that engages cooperating agencies, but there are certain essential elements that should be included in all MOUs as a basis for an effective CA relationship. The BLM’s Model MOU provides ample guidance for developing a comprehensive, mutually respectful MOU to guide the cooperating agency relationship. (Remember, it is only a guide. The BLM and cooperating agencies should work together to ensure the MOU reflects your working relationship.)

#### I. Introduction

- Describe the planning–National Environmental Policy Act (NEPA) effort, and the major statutory and regulatory requirements it fulfills.
- Identify the government entities assuming cooperating agency status through the MOU and their qualifications as defined at 40 CFR 1508.15 and 1508.26: jurisdiction by law, special expertise, or both.
- If cooperating agency is a tribal entity, specify government-to-government consultation provision including applicable laws and directives.

#### II. Purpose

- Describe what will be accomplished by the MOU.

1. Designation/identification of specific cooperating agency[ies] in the resource management plan/environment impact statement (RMP/EIS) process.

2. Provide a framework for cooperation and coordination between the BLM and the Cooperator[s] that will ensure successful completion of the RMP/EIS in a timely, efficient, and thorough manner.
3. Recognize that the BLM is the lead agency with responsibility for the completion of the RMP/EIS and the Record of Decision (ROD).
4. Describe the respective responsibilities, jurisdictional authority, and expertise of each of the Parties in the planning process.

### III. Authorities for the MOU

- Identify the principal statutory authorities that authorize the BLM to enter into the MOU.
  1. National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
  2. Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)
  3. Council on Environmental Quality regulations on implementing NEPA (40 CFR Part 1501)
  4. Bureau of Land Management planning regulations (43 CFR 1601 et seq.)
  5. Other authorities
- Identify the principal statutory authorities that authorize the cooperating agencies to enter into the MOU ( i.e. treaties or authorities specific to engaging tribes as cooperating agencies)

### IV. Roles and Responsibilities

- Identify the roles of each party in the planning and NEPA processes.
  1. Describe BLM's responsibility for the content of the planning or NEPA document, including its obligation to consider cooperator input, particularly in those areas where the cooperating agency is deemed to possess jurisdiction by law or special expertise.
  2. Describe those areas where the cooperating agency will provide information, comments, and technical expertise to the BLM regarding those elements of the RMP/EIS, and the data and analyses supporting them, in which it has [they have] jurisdiction or special expertise or for which the BLM requests its [their] assistance.
  3. Specifically address matters of compensation (monetary or in-kind) for cooperating agencies' providing technical analysis or data
- Outline the responsibilities each party will assume.

### V. Other Provisions

The BLM and its CA partners may disagree regarding the validity of data or the soundness of the analyses.

- If appropriate, identify procedures through which the parties may jointly determine the relevant data and appropriate scientific methods to be used in the plan.
- Include standard legal stipulations to indicate, for example, that authorities are not altered and immunities and defenses of both parties are retained (See Model MOU for further guidance).

- Include provisions to address issues such as conflicts of interest and managing and/or documenting disagreements
- Describe procedures for handling confidential and predecisional information, paying particular attention to state sunshine laws, requirements of the freedom of Information Act (FOIA) and other pertinent laws.
- Include provision for conflict resolution, which may include options for facilitation and joint fact finding. The BLM and CAs may consider retaining an independent facilitator to foster clear communication among the parties. The parties may stipulate in the MOU that a facilitator be used for a specific period and agree to review the need for such assistance at designated intervals. A cost-sharing agreement (monetary or in-kind) to pay for the facilitator should be explained in detail in the MOU.
  - If necessary, include detailed provisions for engaging contractors as representatives for the cooperating agencies.
  - Describe the anticipated schedule.
  - Address any other expectations of the parties.

#### VI. Agency representatives [Names may be listed in an attachment]

- Designate a representative and alternate representative for each party to ensure coordination between the Cooperator[s] and the BLM during the planning process.

#### VII. Administration of the MOU

- Describe how the MOU may be amended or modified.
- Describe how and under what circumstances the MOU may be terminated.

#### VIII. Approval

- For the BLM, the MOU shall be signed by the authorized officer in accordance with BLM Manual 1203 and appropriate delegations of authority.
- For cooperating agencies, the MOU shall be signed by a similarly authorized official.

The goal of the CA relationship is to work collaboratively for the public interest. This process can be contentious, but every effort should be made to develop a workable solution when difficulties are encountered. There may be instances where conflict cannot be resolved and the CA relationship must be terminated. The MOU should describe the procedures to be followed for terminating the CA relationship, when necessary. Grounds for termination are discussed in Section 3 (A.7. Terminating the CA Relationship).

Commissioners Michael McKee and Jim Abegglen, Uintah County, Utah.

“Cooperating agency status has been a positive experience for us...we went from an adversarial position to a good working relationship at the local level and even with the State Director.”

- Include provisions for terminating the MOU.

### Heard from the Field

“Help them to understand how to participate.”

## Section 5. Information and Training

Working effectively in the cooperating agency (CA) relationship requires Bureau of Land Management (BLM) and CA staff to understand the relevant organization and policies of their partners. Each can benefit from the lessons learned in other CA relationships—for example, working within the constraints of tight planning schedules, or resolving a disagreement over methods of impact analysis. The CAs will be more effective participants when armed with a sound grasp of planning and National Environmental Policy Act (NEPA) concepts and procedures. Here are some sources of information and training that can help.

### Sources of Information

The BLM’s website for cooperating agency status provides links to land use planning and NEPA regulations, BLM handbooks, a model memorandum of understanding (MOU), and other information useful to BLM staff and their CA colleagues. Find the information at [http://www.blm.gov/wo/st/en/info/nepa/cooperating\\_agencies.html](http://www.blm.gov/wo/st/en/info/nepa/cooperating_agencies.html). **[VERIFY THIS WEBSITE BEFORE PUBLICATION]**

For those without Internet access, key documents helpful for cooperators are available from any BLM state office or field office. These documents include:

- Council on Environmental Quality (CEQ) NEPA regulations (40 CFR parts 1500–1508)
- Forty Most Asked Questions Concerning CEQ’s NEPA regulations (46 FR 18026, question 14a-14d)
- BLM Planning Regulations (43 CFR 1600)
- BLM Land Use Planning Handbook (Section I, part E).
- BLM NEPA Handbook (Chapter 9)

### Ensure Mutual Learning

Gene Piotrowski, Director, Resource Planning Program, Maryland Department of Natural Resources, speaking about the Lower Potomac River Coordinated Management Plan.

“We had constituents who were unfamiliar with BLM laws and participatory procedures, and BLM certainly needed to be educated about our stakeholders’ interests as well. Our close relationship with BLM facilitated the mutual learning that led to an efficient planning process.”

### Training

#### 1. BLM’s National Training Center

The BLM’s National Training Center provides in-person and online courses on planning and NEPA concepts and procedures, collaboration, and alternative dispute resolution. Many of these courses (such as Planning Concepts, Planning Nuts and Bolts, and NEPA Concepts) are open to federal, tribal, state, and local government officials and staff. Contact the BLM’s National Training Center (<http://www.ntc.blm.gov>, 602-906-5500) for further information

#### 2. BLM Cooperating Agency Training

these courses provide an introduction to NEPA and planning processes, and the cooperating agency role and responsibilities. By request, the training is provided in two formats:

- One to two hour workshop overviews for internal & external audiences
- One- to two-day training sessions, offered in various locations for BLM Staff and cooperators

CONTACT: BLM Communications Directorate, Washington, DC,

**Insert Photo with Caption:**

New Mexico Cooperating Agency Training (2009)

### 3. Economic Strategy Workshops

These one-day workshops bring community leaders and BLM staff together to explore regional social and economic conditions, trends, and opportunities relevant to the BLM planning process and community development goals. Appendix D of the BLM Land Use Planning Handbook requires at least one such workshop be conducted at the beginning of each RMP/EIS.

CONTACT: BLM Division of Decision Support, Planning, and NEPA, Washington, DC

### 4. Alternative Dispute Resolution-Based Collaborative Training

Developed through the Alternative Dispute Resolution Advisory Council. Courses include:

- Manager's Symposium on Collaboration and Conflict Prevention: Advanced Strategies for Alternative Dispute Resolution,
- Collaboration and Conflict Prevention: Strategies for Alternative Dispute Resolution (Web-based), and
- Advanced Strategies for Collaboration and Conflict Prevention: A Clinic on Alternative Dispute Resolution.

CONTACT: BLM, Office of Dispute Resolution (202-254-3325), Washington, DC or the BLM National Training Center, Phoenix, AZ (<http://www.ntc.blm.gov>)

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