

# **US Forest Service Requirements to Coordinate and Cooperate with Local Governments**

Revised MAY 2010 – Veritas Research Consulting

**Preface:** This report contains a list and a brief summary of all the federal coordination and cooperation policies (statutes, regulations, presidential executive orders, agency directives handbooks and guides). This compendium of federal coordination, cooperation and consultation requirements was first assembled for the Catron County Comprehensive Land Plan. Stewards of the Range references were added to this original list.

## **1. US Forest Service Coordination and Cooperation Policies:**

**National Forest Management Act (16 USC §1604)**

**Forest and Rangeland Renewable Resources Planning Act § 6 (16 USC 1604(a))**

**Multiple Use Sustained Yield Act of 1960, §3 (16 USC §530)**

**The Healthy Forests Restoration Act of 2003 (Public Law 108-148, 117 Stat. 1887-1915)**

**U.S Forest Service 219 Planning Rule: Coordination with Other Public Planning Efforts (36 CFR §219.7)**

**43 C.F.R. §1610.3-1**

**Travel Management Rule (36 CFR §212.53)**

**National Environmental Policy Act §101(a), 102(c), (42 USC §4331(b)(5) & §4332(2))**

**Joint Planning (40 CFR §1506.2 (b))**

**Cooperating Agencies (40 CFR§1501.6)**

**40 CFR §1501.7**

**40 CFR §1503.1**

**President's Council on Environmental Quality Directive to Federal Agencies regarding Cooperating Agency, Feb. 2002.**

**US Forest Service Manual (FSM) 1921.63(a) and (FSM 1950.2)**

**Integrated Resource Management Process—the Road to Ecosystem Management (USFS Region 3, 4<sup>th</sup> edition, Appendix A)**

**2. Other Federal Coordination and Cooperation that Requires US Forest Service Compliance:**

**Soil and Water Resource Conservation Act (16 USC §2003 & §2008)**

**Regulatory Flexibility Act (5 USC §601-612)**

**Proper Consideration of Small Entities in Agency Rulemaking - Presidential Executive Order 13272**

**Intergovernmental Cooperation Act (§401 and 3 USC §301)**

**Intergovernmental Review of Federal Programs - Presidential Executive Order 12372**

**Facilitation of Cooperative Conservation - Presidential Executive Order 13352**

**Environmental Justice - Presidential Executive Order 12898 §302(d)**

**Resource Conservation Act (16 USC §3451 thru. §3455)**

**Soil Conservation Act (16 UC 590(d))**

**Outdoor Recreation Act (16 USC §4601)**

**National Trails System Act (16 U.S.C. 1241)**

**Presidential Executive Order 13195: Trails for America in the 21<sup>st</sup>. Century**

**Use of Off-Road Vehicles on the Public Lands - Presidential Executive Order 11644**

**Wild & Scenic Rivers Act (16 USC §1271 thru. §1275)**

## **1. US Forest Service Coordination Policies:**

### **National Forest Management Act (16 USC §1604)**

**§ 1604** - National Forest System land and resource management plans: (a) Development, maintenance, and revision by Secretary of Agriculture as part of program; coordination: As a part of the Program provided for by section 1602 of this title, the Secretary of Agriculture shall develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies.

### **Forest and Rangeland Renewable Resources Planning Act (16 USC §1604(a))**

**§1604(a)** - Development, maintenance, and revision by Secretary of Agriculture as part of program; coordination As a part of the Program provided for by section 1602 of this title, the Secretary of Agriculture shall develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies.

### **Multiple Use Sustained Yield Act of 1960 (16 USC §530)**

**§530** - In the effectuation of sections 528 to 531 of this title the Secretary of Agriculture is authorized to cooperate with interested State and local governmental agencies and others in the development and management of the national forests.

### **The Healthy Forests Restoration Act of 2003 (Public Law 108-148, 117 Stat. 1887-1915)**

Healthy Forests Initiative Administrative Improvements At Work Under President Bush's leadership, the federal land management agencies have implemented several administrative initiatives to help expedite projects aimed to restore forest and rangeland health, as called for under the HFI, including:

□ New procedures, provided under the National Environmental Policy Act, to allow priority fuels reduction and forest restoration projects identified through collaboration with state, local and tribal governments and interested parties to move forward more quickly. The

#### **Improved Coordination:**

In 2003, USDA and DOI formed the Interagency Wildland Fire Leadership Council to further implement the National Fire Plan and to combat wildland fires more effectively. The council provides a coordinated, seamless management structure to all aspects of wildland fire policy under the Healthy Forests Initiative and integrates federal fire activities with those of states, tribes and local governments, including land restoration and rehabilitation.

(from: USDA U Forest Service *Fact Sheet Progress Reported on Implementing President Bush's Healthy Forests Initiative*)

### **US Forest Service §219 Forest Planning Rule**

**§219.7** Coordination with other public planning efforts.

(a) The responsible line officer shall coordinate regional and forest planning with the equivalent and related planning efforts of other Federal agencies, State and local governments, and Indian tribes.

(b) The responsible line officer shall give notice of the preparation of a land and resource management plan, along with a general schedule of anticipated planning actions, to the official or agency so designated by the affected State (including the Commonwealth of Puerto Rico). The same notice shall be mailed to all Tribal or Alaska Native leaders whose tribal lands or treaty rights are expected to be impacted and to the heads of units of government for the counties involved. These notices shall be issued simultaneously with the publication of the notice of intent to prepare an environmental impact statement required by NEPA procedures (40 CFR 1501.7).

(c) The responsible line officer shall review the planning and land use policies of other Federal agencies, State and local governments, and Indian tribes. The results of this review shall be displayed in the environmental impact statement for the plan (40 CFR 1502.16(c), 1506.2). The review shall include--

(1) Consideration of the objectives of other Federal, State and local governments, and Indian tribes, as expressed in their plans and policies;

(2) An assessment of the interrelated impacts of these plans and policies;

(3) A determination of how each Forest Service plan should deal with the impacts identified; and,

(4) Where conflicts with Forest Service planning are identified, consideration of alternatives for their resolution.

(d) In developing land and resource management plans, the responsible line officer shall meet with the designated State official (or designee) and representatives of other Federal agencies, local governments, and Indian tribal governments at the beginning of the planning process to develop procedures for coordination. As a minimum, such conferences shall also be held after public issues and management concerns have been identified and prior to recommending the preferred alternative. Such conferences may be held in conjunction with other public participation activities, if the opportunity for government officials to participate in the planning process is not thereby reduced.

(e) In developing the forest plan, the responsible line officer shall seek input from other Federal, State and local governments, and universities to help resolve management concerns in the planning process and to identify areas where additional research is needed. This input should be included in the discussion of the research needs of the designated forest planning area.

(f) A program of monitoring and evaluation shall be conducted that includes consideration of the effects of National Forest management on land, resources, and communities adjacent to or near the National Forest being planned and the effects upon National Forest management of activities on nearby lands managed by other Federal or other government agencies or under the jurisdiction of local governments.

#### **§219.14 Involvement of State and local governments.**

The responsible official must provide early and frequent opportunities for State and local governments to:

(a) Participate in the planning process, including the identification of issues; and

(b) Contribute to the streamlined coordination of resource management plans or programs.

#### **Travel Management Rule (36 CFR 212.53)**

##### **§ 212.53 Coordination with Federal, State, county, and other local governmental entities and tribal governments.**

The responsible official shall coordinate with appropriate Federal, State, county, and other local governmental entities and tribal governments when designating National Forest System roads, National Forest System trails, and areas on National Forest System lands pursuant to this subpart.

### **43 C.F.R. §1610.3-1**

Requires that a notice of intent to prepare, amend or revise a resource plan shall be submitted to Federal agencies, state and local governments and other local government units. This regulation also requires "coordination" with other Federal agencies, state and local governments and Indian tribes to keep appraised of other plans, to give consideration to these plans and to assist in resolving, to the extent practicable, inconsistencies between federal and non-federal plans.

### **Travel Management Rule (36 CFR 212.53)**

#### **§ 212.53 Coordination with Federal, State, county, and other local governmental entities and tribal governments.**

The responsible official shall coordinate with appropriate Federal, State, county, and other local governmental entities and tribal governments when designating National Forest System roads, National Forest System trails, and areas on National Forest System lands pursuant to this subpart.

### **National Environmental Policy Act (42 USC §4331)**

**§101(a)** declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, 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.

**§102(c)** Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of Title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

NEPA directs federal agencies "...to improve and coordinate Federal plans, functions, programs, and resources to... achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities (42 USC § 4331 (b)(5)).

### **Joint Planning (40 CFR 1506.2)**

**§ 1506.2** Elimination of duplication with State and local procedures.

(a) Agencies authorized by law to cooperate with State agencies of statewide jurisdiction pursuant to section 102(2)(D) of the Act may do so.

(b) Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and State and local requirements, unless the agencies are specifically barred from doing so by some other law. Except for cases covered by paragraph (a) of this section, such cooperation shall to the fullest extent possible include:

(1) Joint planning processes.

- (2) Joint environmental research and studies.
- (3) Joint public hearings (except where otherwise provided by statute).
- (4) Joint environmental assessments.
- (c) Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and comparable State and local requirements, unless the agencies are specifically barred from doing so by some other law. Except for cases covered by paragraph (a) of this section, such cooperation shall to the fullest extent possible include joint environmental impact statements. In such cases one or more Federal agencies and one or more State or local agencies shall be joint lead agencies. Where State laws or local ordinances have environmental impact statement requirements in addition to but not in conflict with those in NEPA, Federal agencies shall cooperate in fulfilling these requirements as well as those of Federal laws so that one document will comply with all applicable laws.
- (d) To better integrate environmental impact statements into State or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law.

#### **Cooperating Agencies (40 CFR§1501.6)**

The purpose of this section is to emphasize agency cooperation early in the NEPA process... An agency may request the lead agency to designate it a cooperating agency.

(a) The lead agency shall:

Request the participation of each cooperating agency in the NEPA process at the earliest possible time. 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. Meet with a cooperating agency at the latter's request.

(b) Each cooperating agency shall:

Participate in the NEPA process at the earliest possible time.

Participate in the scoping process (described below in Sec. 1501.7).

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.

Make available staff support at the lead agency's request to enhance the latter's interdisciplinary capability. Normally 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. Potential lead agencies shall include such funding requirements in their budget requests.

#### **40 CFR §1501.7**

(a) As part of the scoping process the lead agency shall:

(1) Invite the participation of affected Federal, State, and local agencies, any affected Indian tribe, the proponent of the action, and other interested persons (including those who might not be in accord with the action on environmental grounds), unless there is a limited exception under §1507.3(c). An agency may give notice in accordance with §1506.6.

(2) Determine the scope (§1508.25) and the significant issues to be analyzed in depth in the environmental impact statement.

(6) Identify other environmental review and consultation requirements so the lead and cooperating agencies may prepare other required analyses and studies concurrently with, and integrated with, the environmental impact statement as provided in §1502.25.

#### **40 CFR §1503.1**

(a) After preparing a draft environmental impact statement and before preparing a final environmental impact statement the agency shall:

(1) Obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved or which is authorized to develop and enforce environmental standards.

(2) Request the comments of:

(i) Appropriate State and local agencies which are authorized to develop and enforce environmental standards;

**Memorandum for Heads of Federal Agencies: Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act,** , from James Connaughton, Chair, January 30, 2002.,states:

...to ensure that all Federal agencies are actively considering designation of Federal and non-federal cooperating agencies in the preparation of analyses and documentation required by the National Environmental Policy Act (NEPA), The CEQ regulations addressing cooperating agencies status (40 C.F.R. §§ 1501.6 & 1508.5) implement the NEPA mandate that Federal agencies responsible for preparing NEPA analyses and documentation do so "in cooperation with State and local governments" and other agencies with jurisdiction by law or special expertise. (42 U.S.C. §§ 4331(a), 4332(2)).

The benefits of enhanced cooperating agency participation in the preparation of NEPA analyses include: disclosing relevant information early in the analytical process; applying available technical expertise and staff support; avoiding duplication with other Federal, State, Tribal and local procedures; and establishing a mechanism for addressing intergovernmental issues. Other benefits of enhanced cooperating agency participation include fostering intra and intergovernmental trust (e.g., partnerships at the community level) and a common understanding and appreciation for various governmental roles in the NEPA process, as well as enhancing agencies' ability to adopt environmental documents.

It is incumbent on Federal agency officials to identify as early as practicable in the environmental planning process those Federal, State, Tribal and local government agencies that have jurisdiction by law and special expertise with respect to all reasonable alternatives or significant environmental, social or economic impacts associated with a proposed action that requires NEPA analysis.

The Federal agency responsible for the NEPA analysis should determine whether such agencies are interested and appear capable of assuming the responsibilities of becoming a cooperating agency under 40 C.F.R. § 1501.6. Whenever invited Federal, State, Tribal and local agencies elect not to become cooperating agencies, they should still be considered for inclusion in interdisciplinary teams engaged in the NEPA process and on distribution lists for review and comment on the NEPA documents.

In order to assure that the NEPA process proceeds efficiently, agencies responsible for NEPA analysis are urged to set time limits, identify milestones, assign responsibilities for analysis and documentation, specify the scope and detail of the cooperating agency's

contribution, and establish other appropriate ground-rules addressing issues such as availability of pre-decisional information. Agencies are encouraged in appropriate cases to consider documenting their expectations, roles and responsibilities (e.g., Memorandum of Agreement or correspondence). Establishing such a relationship neither creates a requirement nor constitutes a presumption that a lead agency provides financial assistance to a cooperating agency.

**Forest Service Manual 1921.63(a):** The Responsible Official shall provide opportunities for coordination with State, local, and other Federal agencies and Tribal governments).

### **US Forest Service Manual 1950.2**

#### 1950.2 - Objectives

In meeting the requirements of the NEPA, the Forest Service seeks to:

1. Fully integrate NEPA requirements into agency planning and decisionmaking (36 CFR 220.4(c)(2));
2. Use a systematic, interdisciplinary approach to fully consider the impacts of Forest Service proposed actions on the physical, biological, social, and economic aspects of the human environment (40 CFR 1507.2(a), 40 CFR 1508.14);
3. Involve interested and affected agencies, State and local governments, Tribes, Alaska Native corporations, organizations, and individuals in planning and decisionmaking (40 CFR 1500.1(b), 40 CFR 1500.2(b) and (d), 40 CFR 1501.7, 40 CFR 1503.1, 40 CFR 1506.6); and
4. Conduct and document environmental analyses and subsequent decisions appropriately, efficiently, and cost effectively.

### **Integrated Resource Management Process—the Road to Ecosystem Management (USFS Region 3, Fourth edition), USDA, US Forest Service, Southwestern Region.**

The Following summarizes requirements for the Forest Service coordination with local government agencies under the implementing regulations for the National Environmental Policy Act (NEPA):

- Cooperate to develop joint planning, research, public hearings, and environmental assessments when there are duplications between NEPA and local requirements to the fullest extent possible.
- In environmental impact statements, discuss any inconsistencies between a proposed action and local plans or policies.
- Prepare joint environmental impact statements whenever possible.
- In environmental assessments discuss any inconsistencies between a proposed action and local plans or policies to the extent effects on local plans and policies have been raised as issues.
- Consult local governments early and invite their participation and comments on all proposed actions.
- Provide notice of public hearings or meetings.
- Consult on significance of preliminary issues with local governments.
- Inform local government of scoping results using personal contacts.
- Discuss possible effects of alternatives with local government.
- Provide copies of FONSI's and environmental documents.

- Consider designating local agencies as joint lead or cooperating agencies for EIS and EA preparation.
- Make monitoring results available.

To comply with all of the NEPA and NFMA requirements Forest Service employees should consider:

- Developing memoranda of understanding to define how joint planning will be carried out.
- Becoming familiar with local government requirements and the issues affecting local communities.
- Inviting local agency participation on all proposed actions in writing early in the process.
- Making an extra effort to keep local agencies informed as planning progresses.
- Recognizing and displaying the conflicts between proposed actions and local agency requirements.

## **2. Other Federal Coordination that Requires US Forest Service Compliance:**

### **Soil and Water Resource Conservation Act (16 USC §2003)**

**§2003(b)** - Full utilization of cooperative arrangements with State agencies

Recognizing that the arrangements under which the Federal Government cooperates with State soil and water conservation agencies and other appropriate State natural resource agencies such as those concerned with forestry and fish and wildlife and, through conservation districts, with other local units of government and land users, have effectively aided in the protection and improvement of the Nation's basic resources, including the restoration and maintenance of resources damaged by improper use, it is declared to be the policy of the United States that these arrangements and similar cooperative arrangements should be utilized to the fullest extent practicable to achieve the purpose of this chapter consistent with the roles and responsibilities of the non-Federal agencies, landowners and land users.

**§2003(c)** Attainment of policies and purposes. The Secretary shall promote the attainment of the policies and purposes expressed in his chapter by (2) developing and updating periodically a program for furthering the conservation, protection, and enhancement of the soil, water, and related resources of the Nation consistent with the roles and program responsibilities of other federal agencies and state and local governments.

**§2008** – Utilization of available information and data: The Secretary shall utilize information and data available from other federal, state and local governments...

### **Regulatory Flexibility Act (5 USC §601-612)**

Requires federal agencies to consider the effects of their regulatory actions on small businesses and other small entities (defined as “small government jurisdiction”).

**§601** – (c) Each agency shall endeavor to provide notice of each regulatory flexibility agenda to small entities or their representatives through direct notification or publication of the agenda in publications likely to be obtained by such small entities and shall invite comments upon each subject area on the agenda. .

**§604 (a)** – Final regulatory flexibility analysis: Each final regulatory flexibility analysis shall contain (5) a description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes...

**§609** – Procedures for gathering comments:

(a) When any rule is promulgated which will have a significant economic impact on a substantial number of small entities (defined as “small government jurisdiction”), the head of the agency promulgating the rule or the official of the agency with statutory responsibility for the promulgation of the rule shall assure that small entities have been given an opportunity to participate in the rulemaking for the rule...

(b) Prior to publication of an initial regulatory flexibility analysis which a covered agency is required to conduct by this chapter: (2) not later than 25 days after the date of receipt of the materials...the Chief Counsel shall identify individuals representative of affected small entities for the purpose of obtaining advice and recommendations from those individuals about the potential impacts of the proposed rule.

(e)(1) In developing a proposed rule, the extent to which the covered agency consulted with individuals representative of affected small entities with respect to the potential impacts of the rule and took such concerns into consideration.

**Proper Consideration of Small Entities in Agency Rulemaking - Presidential Executive Order 13272** – General requirements. Each agency shall establish procedures and policies to promote compliance with the Regulatory Flexibility Act. Agencies shall thoroughly review draft rules to assess and take appropriate account of the potential impact on small businesses, small government...

#### **Intergovernmental Cooperation Act (§401 ( 3 USC §301))**

**§401** - The Intergovernmental Cooperation Act (ICA) requires federal agencies to coordinate and review with state and local governments, federal government programs and project plans:

...provides opportunities for strengthening the consultation and coordination between federal, local and state governments through coordination and review of proposed federal assistance and direct federal development programs.

#### **Intergovernmental Review of Federal Programs - Presidential Executive Order 12372**

Furthermore, the President of the United States issued Executive Order 12372 requires federal agencies to coordinate with state and local governments. The Executive Order states:

Section 1. Federal agencies shall provide opportunities for consultation by elected officials of those state and local governments that would provide the non-federal funds for or that would be directly affected by proposed federal financial assistance or direct federal development.

Section 2 (a)...federal agencies shall to the extent permitted by law: ...determine official views of State and local elected officials.

(b)Communicate with State and local elected officials' as early in the program planning cycle as is reasonably feasible to explain specific plans and actions.

(c)Make efforts to accommodate State and local elected officials' concerns with proposed federal financial assistance and direct federal development...where the concerns cannot be accommodated, federal officials shall explain the bases for their decisions in a timely manner.

#### **Facilitation of Cooperative Conservation - Presidential Executive Order 13352**

Presidential Executive Order 13352, Executive Order Facilitation of Cooperative Conservation  
Section 1. Purpose. The purpose of this order is to ensure that the Departments of the Interior, Agriculture, Commerce, and Defense and the Environmental Protection Agency implement laws relating to the environment and natural resources in a manner that promotes cooperative conservation, with an emphasis on appropriate inclusion of local participation in Federal decisionmaking, in accordance with their respective agency missions, policies, and regulations.

Sec. 3. Federal Activities. To carry out the purpose of this order, the Secretaries of the Interior, Agriculture, Commerce, and Defense and the Administrator of the Environmental Protection Agency shall, to the extent permitted by law and subject to the availability of appropriations and in coordination with each other as appropriate:

(a) carry out the programs, projects, and activities of the agency that they respectively head that implement laws relating to the environment and natural resources in a manner that:

(i) facilitates cooperative conservation;

(ii) takes appropriate account of and respects the interests of persons with ownership or other legally recognized interests in land and other natural resources;

(iii) properly accommodates local participation in Federal decisionmaking; and

(iv) provides that the programs, projects, and activities are consistent with protecting public health and safety;.

### **Federalism - Presidential Executive Order 13132**

**§2** - Policies that have federalism implications' refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on the states[including local governments], on the relationship between the national government and the states [including local governments], or on the distribution of power and responsibilities among various levels of government...The national government should be deferential to the states when taking action that affects the policymaking discretion of the states and should act only in the interest with the greatest caution where state or local governments have identified uncertainties regarding the constitutional or statutory authority of the national government.

**§3(a)** – Before the agency implements any such action, the agency must, to the extent practicable, consult with local officials. If an action limits the policymaking discretion of the states [or the local governments], there must be constitutional and statutory authority for the action...appropriate in light of the presence of problem of national significance.

**§3(c)** - Additionally, if the state or local government is responsible for implementing a federal program, the state and local governments should be given the maximum discretion possible and the agency should avoid intrusive federal oversight.

**§4** – When an agency foresees the possibility of a conflict between state law and federally protected interests within its area of regulatory responsibility, the agency shall consult, to the extent practical, with appropriate state and local officials in an effort to avoid such a conflict.

**§6** – Each agency must have an accountable process to ensure meaningful and timely input from state and local officials in the development of regulatory policies that have federalism implications.

**§6(b)** – Agencies are prohibited from promulgating regulations with federalism implications, not required by statute, that impose substantial direct costs on state and local governments unless (1) there is federal funding for the regulation or (2) the agency consults with state and local officials

**§6(c)** – Agencies are further prohibited, to the extent practicable and permitted by law, from promulgating regulations with federalism implications that preempt state law without consulting with state and local officials.

### **Environmental Justice - Presidential Executive Order 12898**

**§302(b)** – In carrying out the responsibilities in this section, each federal agency, whenever practicable and appropriate, shall share information and eliminate unnecessary duplication of

efforts through the use of existing data systems and cooperative agreements among federal agencies and with state, local and tribal governments.

**§4-102- Guidance.** Federal agencies, whenever practicable and appropriate, shall work in a coordinated manner to publish guidance reflecting the latest scientific information available concerning methods for evaluating the human health risks associated with the consumption of pollutant-bearing fish or wildlife. Agencies shall consider such guidance in developing their policies and rules.

**Environmental Justice Guidance Under the National Environmental Quality Act**

C. Considering Environmental Justice in Specific Phases of the NEPA Process: Agencies should consider enhancing their outreach through the following means including Federal, state, local and tribal governments.

**USDA Departmental Regulation on Environmental Justice (5600-2):** Identifying interagency responsibilities for areas with environmental justice implications and working cooperatively within the Department as well as with other federal departments...and agencies of the state, tribal and local units of government.

**Resource Conservation Act (16 USC §3451 thru. §3455)**

**§3451 - Statement of purpose-**It is the purpose of this subchapter to encourage and improve the capability of State and local units of government and local nonprofit organizations in rural areas to plan, develop, and carry out programs for resource conservation and development.

**§ 3454.** Powers of the Secretary: cooperate with other departments and agencies of the Federal Government, States, local units of government, local Indian tribes, and local nonprofit organizations in conducting surveys and inventories, disseminating information, and developing area plans.

**§3455.** Authority of Secretary: In carrying out the provisions of this subchapter, the Secretary may -

- (1) provide technical assistance to any State, local unit of government, or local nonprofit organization within a designated area to assist in developing and implementing an area plan for that area;
- (2) cooperate with other departments and agencies of the Federal Government, State, and local units of government, and with local nonprofit organizations in conducting surveys and inventories, disseminating information, and developing area plans;
- (3) assist in carrying out an area plan approved by the Secretary for any designated area by providing technical and financial assistance to any State, local unit of government, or local nonprofit organization designated to receive such assistance by the Governor or legislature of the State concerned; and
- (4) enter into agreements with States, local units of government, and local nonprofit organizations, as provided in section [3456](#) of this title.

**Soil Conservation Act (16 USC §590(d))**

**§ 590(d).** Cooperation of governmental agencies; officers and employees, appointment and compensation; expenditures for personal services and supplies

For the purposes of this chapter, the Secretary of Agriculture may— (1) Secure the cooperation of any governmental agency;

**Use of Off-Road Vehicles on the Public Lands - Presidential Executive Order 11644**

Sec. 6. Enforcement: To the extent permitted by law, he[*respective agency head*] may enter into agreements with State or local governmental agencies for cooperative enforcement of laws and regulations relating to off-road vehicle use.

### **Outdoor Recreation Act (16 USC 4601)**

**§4601-** An Act to promote the coordination and development of effective programs relating to outdoor recreation, and for other purposes: *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Congress finds and declares it to be desirable that all American people of present and future generations be assured adequate outdoor recreation resources, and that it is desirable for all levels of government and private interests to take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize such resources for the benefit and enjoyment of the American people.

(c) Nationwide Plan --Formulate and maintain a comprehensive nationwide outdoor recreation plan, taking into consideration the plans of the various Federal agencies, States, and their political subdivisions.

(d) Technical Assistance --Provide technical assistance and advice to and cooperate with States, political subdivisions, and private interests, including nonprofit organizations, with respect to outdoor recreation.

### **National Trails System Act (16 U.S.C. §1241)**

An Act to establish a national trails system, and for other purposes.

**§1241- (a)** The Secretary of the Interior and the Secretary of Agriculture, in consultation with appropriate governmental agencies and public and private organizations, shall establish a uniform marker for the national trails system.

(i) The appropriate Secretary, with the concurrence of the heads of any other Federal agencies administering lands through which a national recreation, national scenic, or national historic trail passes, and after consultation with the States, local governments, and organizations concerned, may issue regulations, which may be revised from time to time, governing the use, protection, management, development, and administration of trails of the national trails system.

#### **Presidential Executive Order 13195: Trails for America in the 21<sup>st</sup>. Century**

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in furtherance of purposes of the National Trails System Act of 1968, to achieve the common goal of better establishing and operating America's national system of trails, it is hereby ordered as follows:

Section 1. Federal Agency Duties. Federal agencies will, to the extent permitted by law and where practicable -- and in cooperation with Tribes, States, local governments, and interested citizen groups -- protect, connect, promote, and assist trails of all types throughout the United States. This will be accomplished by:

(c) Coordinating maps and data for the components of the national trails system and Millennium Trails network to ensure that these trails are connected into a national system and that they benefit from appropriate national programs;

(l) Providing training and information services to provide high-quality information and training opportunities to Federal employees, Tribal, State, and local government agencies, and the other trail partners.

**Wild & Scenic Rivers Act (16 USC §1271 thru. §1275)**

**§1274** - Pertinent federal agencies must prepare a comprehensive management plan for rivers designated on or after January 1, 1986. The plan is to be prepared **after** consultation with State and **local governments** within three fiscal years after designation.

**§1281(e)** Additional opportunity for the involvement of local government is provided in the statutes. The pertinent federal agency administering any component of the national wild and scenic rivers system “may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands.

**§1282 (b)(1)** The spirit of the intended cooperation is further evidenced in the statutes with the following mandate by Congress: (1)The Secretary of the Interior, the Secretary of Agriculture, or the head of any other Federal agency, shall assist, advise, and cooperate with States or their political subdivisions, landowners, private organizations, or individuals to plan, protect, and manage river resources. Such assistance, advice, and cooperation may be through written agreements or otherwise. This authority applies within or outside a federally administered area and applies to rivers which are components of the National Wild and Scenic Rivers System and to other rivers.