

BECOMING A JOINT LEAD OR COOPERATING AGENCY UNDER NEPA

Process

The process is based on the adaptive management model. Utilizing the adaptive management process requires planning, implementing, monitoring, evaluating, and looping back to planning so that adjustments can be made. Knowing how your community works and how to be most productive requires this constant self-review. It does not need to be formal; it just needs to be done.

1. Point/contact/advocate person
 - a. *Can be County Commissioner/ citizen/ agency personnel*

It is critical to have a point person that understands the value of the process and the steps that need to be taken. This person can be any citizen, an elected official, an agency person, or anyone else with an interest in the local economic, social and environmental well-being who has the passion to implement the empowerment process. This is not normally an appointed position (e.g. not an official position); it is an advocacy position.

2. Gather a group of advocates
 - a. *Works to identify resolutions and ordinances*
 - b. *Participates in Natural Resource Advisory Committee (NRAC)*
 - c. *Organizes & advocates local government action*

The above point person needs to gather a group of advocates to help him or her with the process. This group needs to be comprised of people who are influential and knowledgeable about the community and who understand its needs. They should be people who know how to get things done and can communicate well individually and as a group.

The group needs to create a strategy to implement the process in their community. They will need to contact key people (see attached Wallowa County, Oregon example) to determine the level of interest, convey the need, and define the first steps. Key contacts should include decision-makers in the community, including the appropriate decision makers for the tribes and federal and state agencies that will be involved in the group. The steps will include defining the objectives and mission of the process (not necessarily the mission statement etc. as these will be defined by the group, but it may include how encompassing the effort will be). It may include a draft resolution or policy statement defining the proposed activities and who particularly or the different interests generally that will be involved. In essence they will be stating the obvious and selling the concept to the right decision makers. This group will keep the process moving forward until the Board of Commissioners identifies a formal group. This core group of individuals, because of their commitment, will likely be included as members of the formal group.

Steps

The following steps are listed in no particular order. It is not necessary to complete them in the order listed; the order will be determined by needs and priorities. Many communities may be

responding to a particular threat or issue, which will lead to creating a plan that responds to that threat or issue. Then the community may organize to implement the plan. Other communities may recognize the process as useful and begin creating a plan.

1. Create and adopt a resolution or policy statement
 - a) *Announcing action*
 - b) *Identifying actions and intentions*
 - c) *Giving selves permission to proceed*
 - d) *Allowing for redress of grievances*
 - e) *Identifying/Announcing custom, culture, community stability*

The resolution or policy statement adopted by the local government can be one ordinance or a series of ordinances that can be adopted as the process moves forward. The resolution or policy statement announces that the local government is creating an advisory committee and moving forward in implementing the process of community planning. This allows formal public input from the community and a demonstration of the level of support. Adoption of the resolution or policy statement gives permission to proceed and identifies the areas of responsibility for the committee.

At some point you will need to identify the custom, culture and community stability of your county. This may be done in the resolution or policy statement or may incorporate it by reference.

2. Contact, identify, coordinate partners

Make sure that the process is not done in a vacuum. All the necessary partners should be included early in the process so they will have ownership of the outcomes. (see attached Wallowa County example for potential partners)

3. Draft and adopt a resolution to create a natural resource advisory committee (NRAC)
 - a) *Identifying positions and make appointments*
 - b) *Develop roles and responsibilities*

The creation of the NRAC may be done at the same time that the above resolution is passed or it can be done at a later date. (The committee is created to advise the local government in natural resource issues). In developing the responsibilities of the committee it is best to be general to allow the committee to address needs specific to each community as they arise.

In many communities, historically, there have been committees created that are specific to the issues identified, such as a road committee, timber committee, water committee, etc. These types of committees can be foregone and their responsibilities can be covered by the NRAC. The structure of the NRAC can vary but needs to be able to address both policy and technical issues. Some counties have just one committee and create a sub-committee for technical issues. Some counties have separate policy and technical committees. (See attached example of Wallowa County committees.)

In most communities agency people will fill many of the technical positions since that is where the expertise is available. This involvement requires a commitment from the agencies. However, Wallowa County's experience is that the time spent by the technical folks from the agencies is an important investment that actually aids the agencies in accomplishing their jobs.

4. Write a watershed management or similar plan or policy

- a. *Identify, develop, research custom, culture, community stability*
- b. *Identify, develop, research your desired future condition for the physical environment in you county*

The advisory committee writes a watershed or natural resource management plan (a "land-use plan" as defined in federal laws, not to be mistaken with the comprehensive land-use plan and zoning ordinances.) This plan should be written to create a common vision of how watershed or natural resource management and the various issues relating to natural resource management will be implemented locally. The plan should discuss the local government's vision for management of the federal lands although it cannot "zone" federal lands. The process of writing the plan will give the members of the committee an opportunity to learn how the others on the committee work, what their values are, what the common views are, and where differences exist. It will also allow the local government to focus on what the major issues are in the watersheds. It will allow them to identify the condition of the watersheds and other natural resources and agree on priority issues.

The plan does not have to be elaborate, but it does need to be substantial enough to be useful to the local citizens. Identifying problems in the watershed and natural environment and potential solutions should be part of the plan.

5. Notification to partners and creation of MOUs

- a) *Send letter/personal contact/local government communication to federal and state agencies*

Make sure that all the partners are aware that the local government intends to be an active partner in natural resource issues in the local land area. If the federal agencies have been involved and are supportive of the local involvement, a Memorandum of Understanding (MOU) may be useful to clarify when, how, and with whom communication will occur. An MOU between the county and the local tribe(s) (if appropriate) may also be useful to identify the collaboration and communication process. If there is a lack of cooperation with a particular agency or entity, a letter announcing your intention to participate in the NEPA process can be sent to that agency. Examples of a petition or request letter announcing your intention to participate in the NEPA process are included in the appendix.

6. Adopt the watershed or natural resource management plan into local planning document such as the comprehensive land-use management plan and the zoning ordinance

Local government may choose to adopt the watershed management plan into the comprehensive land-use plan and zoning articles. This strengthens the commitment to the watershed plan by formalizing it through local and state process (at least in Oregon). However, be aware that using this step makes part of the watershed or natural resource plan mandatory (any action requiring local government approval through the local planning department), so you want to be sure that the mandates included in your watershed management plan are those that you intend to govern in your individual community. If your watershed or natural resource management plan is to be completely voluntary, do not include this step.

Thoughts/ Philosophy from Wallowa County, Oregon's Experiences

- Keep it simple
 - *Committee*
 - *Minimal organizational "rules" (loosely organized)*

Each community needs to decide how to run their committee meetings. We have found that the less official rules, the better it will work. This allows individuals within the group to participate as much as possible. At minimum, a committee chair and vice-chair, the date of regular meetings, and whether the committee will work by consensus or by vote should be identified. The minutes of the meetings need to be formalized, as you are an official advisory committee of the local government. State and federal laws such as the open public meeting laws must be followed if the advisory committee is appointed pursuant to state law.

- Work by consensus if possible
 - *Have a "majority rules" vote only as necessary*

Work toward consensus as much as possible, but this process can take an inordinate amount of time. If consensus is not accomplished in a reasonable amount of time, table the issue and identify the individuals that could not come to agreement. Request that the identified individuals meet before the next meeting and find a solution that fits all the needs of the committee as well as their own considerations. If an individual is passionate enough to cause a lack of consensus, they should be passionate enough to do the extra work between meetings to work out the differences. When this has been applied a few times folks learn to be creative thinkers in the meeting to move along the discussions quickly without having to table the discussions. If consensus cannot be reached, use a "majority rules" back -up process if necessary to approve action items and keep the group moving forward.

- Process must be based in local government

The laws give significant rights to local government. Having local government as the basis for the process enables a government-to-government relationship among the partners as defined in law. This is critical to the process and has distinct advantages, such as opening doors for all partners to have meaningful input early in the planning process. If the process were not in local

government, significant restrictions occur on what and when government agencies can communicate with individuals or non-government organizations.

- Committee membership should be from within county if possible

The committee is an advisory committee for the local governing body; therefore, all the members of the committee should be citizens of that county. There may be some exceptions, such as when an agency representative is needed but there are no employees from that specific agency that live in county. There are many cases of failed empowerment groups, and generally that failure can be traced to having NRAC positions filled with people that do not reside in the county and therefore do not have ownership in the process. (You may want to consider that position to be adhoc or advisory and not actually having a vote.)

- Private sector must be a large contingent, but also include tribe, federal and state agencies.

The committee should represent the diversity of the community, including private sector, federal, state and tribal representation and local environmental groups (See attached Wallowa County example). The leadership of the committee (chair and vice-chair) should always be kept in the private sector. The economic engine for the community is the private sector. The “way of doing business” or “culture” in the private sector is generally more efficient and less time consuming than the governmental sector. This works well in keeping the meetings short and the discussions focused on outcomes rather than processes. There are many times when the agencies will be the recipient of advice or proposals, so serving in a leadership position could be perceived as a conflict of interest.

- Committee “workings” example from Wallowa County
 - *Hold regular standing and technical committee meetings each month*
 - *Technical committee meetings need to deal strictly with the technical aspects of each project and refrain from wandering into policy, legal, or personal aspects*
 - *Conduct efficient meetings*
 - *Leave ego at the door*
 - *Must be goal oriented (private sector may not stay involved otherwise)*

The Wallowa County NRAC has been meeting officially since its creation in 1996 and unofficially for 3 years prior to that. For successful implementation, consider the following:

1. Establish a regular meeting time and location since access by the public is required.
2. Meetings should not last longer than 2 hours.
3. Committee members should leave their egos at the door. This allows for discussions that are focused on what is best for the community and not on someone’s personal agenda.
4. Technical committee members should represent only their discipline.
5. Standing committee members more often do represent their agency or industry, but they should strive for the betterment of the entire community.
6. Discussions need to be based on outcomes to priority issues or needs, otherwise the private-sector individuals will not see the value in participating.

- Need to choose your committee members based on their
 - *Knowledge of county*
 - *Technical expertise*
 - *Commitment to the process*
 - *Ability to represent county's diversity*
 - *Solution-oriented thinking*
 - *Dedication to follow through*
 - *Cooperative, non-combative spirit*
 - *Trusting and trustworthy character*

The members of the committee need to be people who have excellent knowledge of the county so that the decisions made are based on solid factual information and include local knowledge. This coupled with adequate technical expertise, results in outcomes that are doable: scientifically and economically efficient and compatible to the community. All the members need to be solution oriented and committed to the process.

The membership has to be adequately diverse (See Wallowa County example on page 11) to represent the local population. This does not mean that all entities or factions are represented. However, all or at least most citizens of the county should be able to find at least one member of the committee that they feel comfortable enough with to be able to discuss a situation or policy.

An acid test for efficiency is that all members should be cooperative, not combative. For the committee to be successful, people must have a desire to get along. Spirited debate is encouraged; however, by treating people with respect, listening to each other, and working together to find solutions, working relationships can be built. Last but not least, members must be trusting and trustworthy. This is essential if people are going to fully participate and share their true and honest opinions, knowing that their opinions will be respected. It also means that a member cannot be involved in litigation against the county or the community. Human nature precludes working with someone who is suing the entity that you are advising. Lawsuits are an indication that a member would have trouble participating openly and honestly with the rest of the group and with the various participating agencies.

In conclusion, this process is a lot of work. It involves a large number of people attempting to come together to better their community and environment. It is energizing when you see an honest, diligent effort being made collaboratively toward a common end without sacrificing personal values. It is also encouraging to see people of a community learning to work together for the betterment of that community. For more information contact John Williams¹ at 1-541-426-3143 or 1-888-844-3143. You may also email him at John.Williams.1@oregonstate.edu

¹ John Williams is an Oregon State University Cooperative Extension Agent for Wallowa County, specializing in Natural Resources.

Wallowa County Committee Structure

Board of Commissioners

NRAC

Affiliation	Profession
Nez Perce Tribe	Tribe
County Court (Commission)	Member
Land Management	BLM
Fish & Wildlife (State)	ODF&W Fish biologist
Resource Conservation	NRCS
Range Management	Rancher
Professional	Community College Staff
Landowner	Boise Cascade
Soil Conservation	Rancher/FSA
Forest Management	Oregon Department of Forestry
Water Conservation	SWCD/ Rancher
Logging	Forester/ Timber Co. Management
Industry	Joseph Forest Products
Federal Management	USFS
OSU Extension	OSU Extension
Small Woodlands	Consulting Forester
Water Use	Farmer
Environment	Conservation
Community Forestry	Community Advocate
Business	Chamber of Commerce
Community	Realtor

Technical

Fish Biologist	ODF&W
Soils Engineer	NRCS
Civil Engineer	US Forest Service
Range Management	OSU Extension Service
Forester	RY Timber
Fish Biologist	Nez Perce Tribe
Forester	Oregon State Dept of Forestry
Scenic Waterways	US Forest Service
Soil and Water Conservation	SWCD of Wallowa County

Ad Hoc members of Technical Committee: (encouraged to participate at all times and are requested to attend when expertise is appropriate).

Planning Department	Planning Director
Weed Department	USFS Range Manager
Grande Ronde Model Watershed Program	Director
Wildlife Biologist	ODFW Biologist
Water Monitoring	GRMWP Monitoring Coordinator

Committee Guidance

The overall Natural Resources Advisory Committee meets two to four times per year. The standing committee meets every month on the fourth Tuesday. The technical committee meets each second Tuesday of the month. Each of those meetings will last about two to three hours. The overall committee approves any “large” issue. The standing committee does the overall committee’s work between the larger meetings and sends many recommendations to the court without the actual approval of the overall committee meeting. The overall committee receives the minutes of the standing committee; if there are issues that the overall committee members want to be involved in, they contact a standing committee member. Anyone is always welcome at the standing committee meetings.

The technical committee addresses a wide variety of issues sent to them by many different entities. They deal with issues that the county commissioners feel are important. These issues are referred to them by the:

1. SWCD board,
2. the planning department (as Wallowa County Nez Perce Tribe Salmon Habitat Recovery Plan has been adopted into the local land use plan),
3. grant applications for watershed improvement activities from a private landowner,
4. SWCD,
5. US Forest Service or
6. the Oregon Department of Fish and Wildlife or Department of Forestry.

If the issue has a policy component to it, then it is forwarded to the Standing Committee for further review. If the issue is purely technical, then the standing committee generally does not review it.

You will notice we do not have subcommittees; as we are a small community with limited volunteers that would only burn folks out with more meetings.