

FORWARD

The majority of the locally elected government officials in the United States of America are ordinary local citizens who desire to provide their talents to better the custom, culture, economy and environment of their local area. They have not been schooled or trained to handle the increasingly complex and stressful legal decisions that local governments must make.

Few of these officials understand that because they are the elected persons closest to the citizens of their county, the U.S. Constitution empowers them to use laws to protect their citizens from illegal actions of federal and state agencies.

The goal of the Local Environment and Resource Network (L.E.A.R.N.) project is to stop the loss of rights, livelihoods, jobs and property to an overzealous federal bureaucracy along with misguided environmental organizations that are using environmental regulations and unchecked power to seize control of the natural resources of the United States.

A local land use policy or plan is the best way to enforce the local governments' rights under the constitution and federal laws. A local government's written request, sent by certified mail, to federal and state agencies is a quick method of legally bringing the two groups together. The best method for improving legal status and providing the best protection for local citizens is for each grassroots citizen to ask local elected officials to adopt a resolution or local land use policy or plan for the purpose of coordinating local, state and federal government actions affecting land and natural resource use.

In a court case filed by several environmental groups, the 9th Circuit Court of Appeals in San Francisco upheld the ability of Walla Walla and Columbia Counties of Washington State, to adopt local ordinances. Another federal court in Utah ruled that the Bureau of Land Management must comply with the consistency review requirements with local land use plans.

Strengthening a Nation from Within: Bringing People Together contains a proven model of how local government and federal and state agencies can work together, complete with sample ordinances, models of land-use planning and samples of many documents that can be used by citizens in the U.S.A. The people of Wallowa County, Oregon have healed a bitter relationship among federal and state agencies and county citizens. The agencies, Native American and other county citizens all met, discussed and jointly made the correct decisions for the custom, culture, economy and environment of Wallowa County.

The laws protecting the Native Americans and those protecting the county citizens are similar in concept. Therefore, in order to make the best decisions regarding their way of life, the county citizens should work together with local Native American tribes to preserve the custom, culture, and community stability.

When Wallowa County's grassroots-organization leaders understood how the law gave them the ability to make decisions for their county, the leaders immediately requested their County Commissioners to adopt an ordinance for the purpose of coordinating federal, state and local

agency involvement. Attorney Karen Budd-Falen stresses that the United States Constitution is a whole document and that it must be read as it was first written. There are certain constitutionally protected rights, and there are ways to use the Constitution to protect those rights.

The Constitution guarantees the rights of citizens to participate in federal decision-making processes governing their lives. One of the statutes implementing this right of participation is the National Environmental Policy Act (NEPA). This act allows local government participation when environmental impact statements (EIS) or environmental assessments (EA) are written. Under NEPA, there are five points that the federal government must consider in making its decisions:

1. Consider how the federal action will affect local culture and custom.
2. Consider how the federal decision will have an affect on the physical environment.
3. Consider the economy and the effect on the tax base to the local government.
4. Consider alternatives.
5. Consider mitigation.

A local government can participate with the federal agencies in discussing the five points listed above in numerous ways. For example, a local government can be a joint lead or cooperating agency, entitling the local government to local hearings, joint environmental research studies and consideration of the environment, the tax base and the local custom and culture. Local governments should clarify with the agency whether it is a hearing or a workshop. A hearing is an official meeting that is recorded and names are taken. Generally, a workshop is not recorded and names may or may not be taken. Additionally, the local government can define its own customs and cultures, physical environmental and tax base so that the federal agency does not do that for you. The local government also offers alternatives and mitigation to the federal agency. Forest Service and Bureau of Land Management regulations also require local government involvement. For example, the National Forest Management Act and the Federal Land Policy and Management Act require involvement of local government before any other group.

Attorney Karen Budd-Falen warned not to let the fox (federal/state government) run the chicken coop (county). The county has the right to submit its own alternatives and demand that they be considered and worked out. There are four specifics that should be implemented to help local government officials:

1.	Local citizens should request their elected officials to be involved in federal and state agency actions affecting their county. Citizens can also provide volunteer support for committees and assist with paperwork
2.	The local government must notify the federal/state agencies by certified or registered mail that they want to be involved when actions are contemplated in their county.
3.	The local government should tell the federal/state agency about the county: the county's culture, customs, economy (tax base, census) and land-use plan. This builds a record about the county. If the elected officials cannot attend meetings, they may authorize others to officially represent them.
4.	There must be citizen involvement.

The next step is to prepare local governments to respond to federal or state agencies. Preparing for this action requires a proper sequence of actions by local citizens to empower their local government to **jointly** work and cooperate with the federal and state agencies. The U.S. Constitution gives this power to citizens. Each county must carefully follow the proven guidelines established by other successful counties. The placement of local citizens on committees is **extremely important for the law, joint meetings, and cooperative planning.**

Local governments can create a natural resource advisory committee (NRAC) comprised of local residents, including any federal and state agency employee who may reside in the county. A technical committee may also be established to provide representation of federal and state agency personnel who do not reside locally. Local government is the approving authority for all committee selections. Each elected official must evaluate, comprehend and have a desire to take action to implement this proven method.

Karen Budd-Falon, Attorney
Robert Klicker

