

Writing a Local Natural Resource Strategy

Getting Started

Your committee is appointed, the ground rules are laid and it's time to get started writing the plan that you expect agencies to follow. Your next step is to have the committee meet and use this first meeting for setting the tone for how the process will take place. It is important to develop and agree on all of the working rules of the committee in the beginning; this will save a lot of time and frustration in future meetings. Use this meeting to get to know other committee members, why they want to be a part of this process and what they have to offer the county in the way of expertise and ability. One way break the ice and get some dialogue going is to use this time to define some of the terms that will be important to the plan you are about to write. Terms such as culture, community stability, environment, multiple use, customs, coordination, sound science and cultural resources all will have significant meaning in the plan for the county, and a clear understanding of how you want to use these terms is important before you start using them. Below is a list of some important terms to understand. Rather than use these definitions, your committee should spend time defining these terms according to how they fit into the custom and culture of your county.

Definitions

Culture: Socially transmitted behavior patterns, arts, beliefs, institutions and all other products of human work and thought typical of a population or community; the integrated pattern of human behavior passed to succeeding generations. The historical foundations of the local area; those characteristics that create the basis for how the community is defined.

Cultural Resources: Places composed of districts, sites, buildings, structures and objects significant in American history, architecture, archeology, engineering and culture. Places that meet the criteria established by the state or locality (county) for significant historic and prehistoric value within the jurisdiction of the local government.

Customs: A practice followed as a matter of course among a people, which by common adoption and acquiescence and by long and unvarying habit has become compulsory and has acquired the force of law with respect to the place. How a given practice is carried out; for example, the custom of grazing cattle is to graze the open range during the summer and move the cattle in closer during the winter months, etc.

Community Stability: The constancy, reliability and resistance to change of a group of people with common interests and a common region. The combination of economic stability (tax base), customs and cultures.

Environment: The complex social, cultural and watershed conditions affecting the nature of an individual or community, including the physical environment of water, land, animals, air and plants, and their relationship to local economics, communities, people and culture.

Health & Safety: Relating to the well being of a community. The local government has police power to protect the health and safety of its constituency.

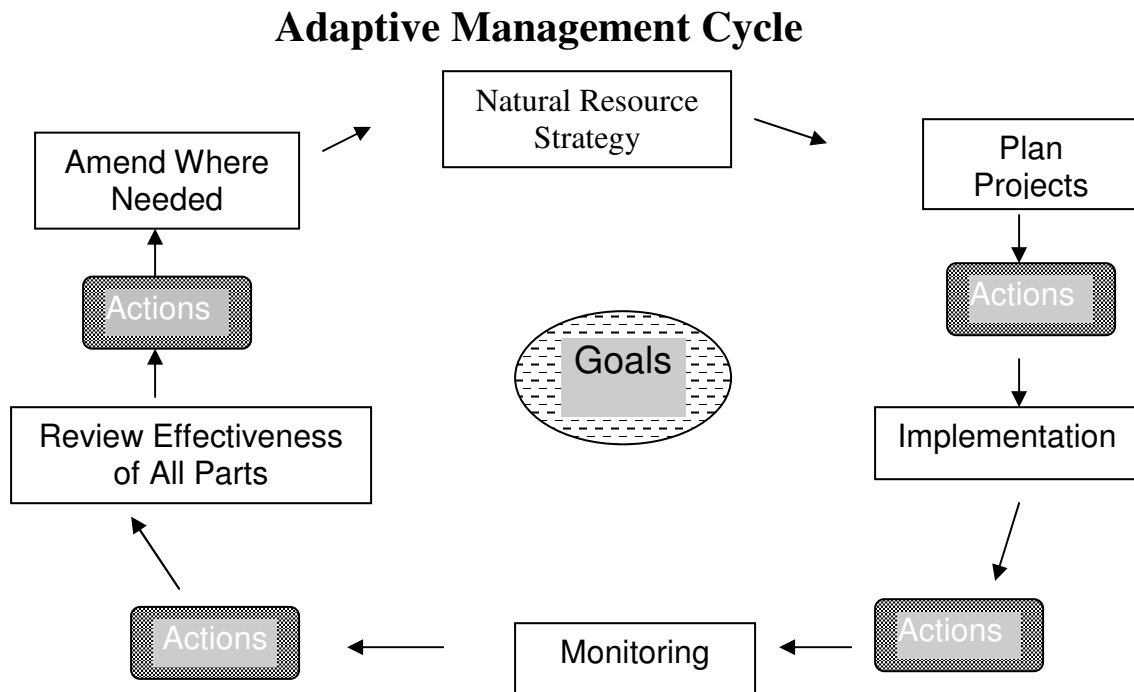
Multiple Use: The management of all the various renewable resources so that they are used in the best combination that will meet the needs of the American people.

Sustained Yield: Achievement and maintenance in perpetuity of a high level or regular periodic output of the various resources without impairment of the productivity of the land.

Coordination: Having equal input value to the process of planning for the purpose of managing resources and coordinating the efforts of government agencies.

Sound Science: Information gathered through practices that are generally accepted by the scientific community, without bias of political or other influence.

This exercise of getting to know one another may take the allotted time for that first meeting, but it will save time in the future. At the next meeting you will want to discuss and establish how the planning process will be described. This process is more than simply writing a plan; it involves a process for implementing and evaluating that plan as well. Below is a schematic of an adaptive management cycle that some counties use. You will notice it is a circle and the process continues to flow around the goals of the plan and the adjustments and evaluations of the action items never ends.



While you may have different means by which to evaluate your progress and effectiveness of the plan, the principle of continually adjusting your actions to meet your goals will be the same. Once you have determined the actions necessary to meet the goals, then you will apply that action, monitor it for effectiveness, review whether the affect was desirable and make adjustments to the action, which starts the process over again.

We all have ideas of what is right and wrong, and often state or federal law dictates which actions we have the authority to take on the local level. Even when we are in compliance with state and federal laws, we may be in conflict with a preexisting county ordinance if we don't take the time to research laws that are on the books. Your first step before beginning any planning process is to check with the county for laws that would affect what you plan to do. The county clerk or maybe the planning department can help guide you to the ordinances you are looking for. In our hi-tech society many local governments are obtaining the necessary means by which to do this research more quickly than ever before, but you still have to learn the system and know how it is organized, for there is no established standard for the county to follow.

Several states have environmental laws similar to NEPA; this gives you one more place to look for laws that give you authority for local planning. These laws may talk about "protecting the human environment," "promoting general welfare of the state," etc., but they will also discuss working in cooperation with federal and local governments. There are currently seventeen states (including the District of Columbia) with their own environmental planning requirements. A list of these states and a direct link to the state law can be found on the Internet at <http://ceq.eh.doe.gov/nepa/regs/states/states.cfm>. From there you can find out what laws governing environmental planning are available in your state.

The next step in the planning process will be to establish guidance for the plan. Identify the issues you want to address with the plan and list them. Once they are listed (this list may change over time), identify the federal, state and local statutes and ordinances that address those specific issues; for example, if you are dealing with timber issues on United States Forest Service land, you may want to reference 36 C.F.R. § 221.3(a)(3) which obligates the Forest Service to consider and provide for "community stability" in its decision-making processes. Providing federal agencies with the opportunity to follow their laws and rules is one of the reasons for local planning in the first place.

Following is an outline to use for guiding your committee through planning guidance and issue identification.

Planning Guidance

General Guidance.

1. Identify each area (issue) to be addressed.
 - a. Land resources
 - b. Water resources

- c. Mineral resources
 - d. Timber resources
 - e. Human resources
 - f. Wildlife resources
 - g. Protection of tax base
 - h. Etc.
2. Identify the state and federal statutes that govern your ability to participate in this planning process.
 - a. Forest Service Regulations 36 C.F.R. § 221.3(a)(3)
 - b. Bureau of Land Management Regulations 43 C.F.R. § 1610.3-1(a)
 - c. National Environmental Policy Act (NEPA) 42 U.S.C. § 4331(b)
 - d. Etc.
 3. Establish guidance for the plan.
 - a. Federal law
 - b. State law
 - c. County ordinance
 - ♣ Zoning laws
 4. Cross-reference other county plans (Comprehensive Zoning Plan) and test for consistency.

REMEMBER: THE PLAN DOES NOT HAVE TO BE ELABORATE, BUT NEEDS TO BE SUBSTANTIAL ENOUGH TO BE USEFUL TO THE LOCAL CITIZENS BY IDENTIFYING PROBLEMS AND POTENTIAL SOLUTIONS.

We have now established what you want to do, how you will evaluate the effectiveness of what you have done and what laws give you the right to plan; now we need to set some goals against which we can gauge our outcome. What is the purpose of your planning process? Do you want to promote healthy streams, protect mineral resources, protect wildlife habitat? These are the types of things that must now be decided by the committee. For each stated goal, a baseline history will need to be established. For instance, to protect a sustainable timber harvest, you will need to determine how the timber harvest has historically been handled and how has it changed over the years with the advent of newer technologies or the change in the variety of trees being harvested. Take into account the economic effects of the timber industry in the county and how the industry influences the local economy as a whole. In other words, for each issue identified, define the custom and culture for how that resource has been managed over time; this will establish a historical baseline for your plan. Establishing this historical information may provide for how you want to deal with a federal agency's decision to close forest roads or apply buffers to streams to protect public resources, such as air and water. Remember that each resource area covered by your plan affects both private and public lands, so you need to identify potential problems and solutions with each resource.

Adoption of the natural resource strategy by the local government may require one or more public hearings to receive input from the public. If these are not required, it is still a good idea to hear from the public on these issues; remember that you are working to give your local elected officials the opportunity to "wear the white hat," meaning they should be presented to the public as concerned for the stability of the community and as doing what is best for their constituents.

This positive approach will also keep the private landowner in a better working relationship with the public. Once hearings have been held and input given, the local government can adopt the plan either by resolution or by ordinance. It can be adopted into the local comprehensive land use plan (zoning plan), but we discourage using this approach depending on the final desire for the use of your new plan. Having it in the zoning laws makes it subject to your local planning department and also subject to mandatory enforcement, whereas a stand alone plan can be made more voluntary if that is the desire.

At this point you may have put several years of hard work into your plan. How are you going to implement it and ensure that it does what you intended it to do? The easiest thing to say is “just do it.” This might involve some of the ground projects, and it will certainly involve identifying community needs and coordinating partners to make use of the plan in place. The community’s needs should have been identified in the “management goals” portion of the plan and the partners are those community members with the ability to help make it happen. Specific projects are a good way to help identify progress over a given period of time; they also provide a mechanism for evaluating that progress.

Education is also an important part of the planning process. When you involve the committee with stakeholders, the public and local government you will serve the needs of the community as a whole and not just one or two segments. Always remember that this is a process of bringing people to the table to discover needs and to fulfill those needs. This is also an opportunity for the local government to establish its role in cooperation with other agencies and citizens and to determine how it will handle enforcement of the new plan.

Responding to federal and state agencies

How do we respond to agencies once we have a plan to follow? The first step is to have the local government write letters to the agencies in question asking the agency to notify them in the event that the agency plans to take action of any kind within the local jurisdiction. These letters should be sent via certified mail with a return receipt. Often agencies will not respond, and you will want to know they received the letter. Once an agency receives a “letter of acknowledgment,” stating that you are aware of what the law says and that you expect them to follow that law, you will then have an opportunity to bring the agency to the table to reconcile any differences that might exist between your plan and the agency’s planned action. Keep in mind that the planning responsibility falls squarely on the shoulders of the local government, not the agency; the agency is only obligated to reconcile differences that may appear. While these letters may be ignored by some agencies, you will find others will welcome the opportunity to work with local individuals to solve problems. In the current year of 2002, the Department of Interior under Secretary Gale Norton has expressed a great desire to work with local governments in the planning process and has directed those agencies under her department to cooperate to the fullest extent possible.

It is very important while writing a natural resource strategy to include as many references to existing laws governing land use as possible, along with any research data that can be used to support your position. If your information is different from the data being used by the agency, they will have to come to the table and reconcile that difference. Once again it is important to our position to be “wearing the white hat” and offering solutions rather than being antagonists.

