

MESA COUNTY LAND USE PLAN PRESENTATION



**MESA
COUNTY**



THE
FALEN LAW OFFICES
L.L.C.
ATTORNEYS FOR THE WEST

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WHY ARE WE HERE?

- This meeting is to draw the public's attention to the draft Resource Management Plan that Mesa County developed.
- The plan will be adopted by Mesa County Board of County Commissioners.
- The goal is to acquire community input regarding the plan before publishing it.
- Public comment for the plan runs until September 17th, 2020

WHAT IS A COUNTY RESOURCE MANAGEMENT PLAN?

- It is not
 - Zoning or regulations that is traditionally seen adopted by counties (examples include ag or residential zoning)
 - A plan that requires federal managers to take specific actions
 - Local governments do not have jurisdiction over the federal government
 - The plan cannot, for example, then dictate to the BLM how many grazing AUMs will be allocated for a given area
- It is
 - A plan ensuring that the federal decisions consider relevant data and information when they make decisions that impact local resources and the economy
 - A tool that informs federal agencies on what issues Mesa County wants to be a cooperating agency for
 - A tool that can be used to influence local federal decisions through consistency review and coordination

WHY ADOPT A RESOURCE MANAGEMENT PLAN?

- Federal statutes give local governments the ability to substantially influence federal decisions and specifically interact with federal agencies beyond those that are available to the general public.
 - The 3 Cs
 - Consistency review
 - Coordination
 - Cooperating agency status
- Understanding and using these processes further the statutory mandates of Colorado counties to protect the health, safety and welfare of their constituents

CONSISTENCY REVIEW

- Consistency review requires a federal agency to review plans, policies, or laws adopted by a local government and explain why there are differences between the federal government's action and the local plan, policy or law.
- Consistency review is a powerful tool to ensure that local voices are heard and considered during the decision-making process

CONSISTENCY REVIEW IN NEPA

- Consistency review is required under the National Environmental Policy Act (NEPA)
 - A federal agency must discuss inconsistencies between the proposed federal action and any approved State or local plan and laws. Where an inconsistency exists, the document should describe the extent to which the agency would reconcile its proposed action with the local plan or law.
 - All major federal actions must undergo NEPA analysis
 - Some courts have said that when the federal government spends any amount of money, and for almost every federal decision requires NEPA compliance

CONSISTENCY REVIEW IN FLPMA

- The Federal Land Management Policy Act (FLPMA) also requires consistency review
 - FLPMA is the federal law that gives the BLM its power
 - BLM land use plans shall be consistent with state and local plans to the maximum extent consistent with federal law and the purposes of this FLPMA.

COOPERATING AGENCY STATUS

- Cooperating agency status gives a local government the ability to participate as part of an agency decision making process
- A cooperating agency must be both
 - A locally elected body
 - Possess special expertise
 - Special expertise is defined as the authority granted to a local governing body by state statute
 - Counties have special expertise regarding hazardous fuel removal and other forest management practices, water development and conservation measures, watershed protection, the protection of air quality, public utilities protection, and private property protection on federal lands within such county's jurisdiction
 - Colo. Rev. Stat. § 30-11-101(k)

BLM COORDINATION

- FLPMA (the BLM's governing law) gives four requirements for coordinating with a local land use plan
 - The BLM must stay apprised of local land use plans
 - The BLM must assure that local land use plans that are relevant to the development of BLM land use plans are given consideration
 - To the extent practical, the BLM must assist in resolving inconsistencies between local and BLM land use plans
 - The BLM must provide for the meaningful involvement of local governments in the development of BLM land use programs regulations and decision
 - Including early notification of proposed decisions that may impact non-federal lands

FOREST SERVICE COORDINATION

- The National Forest Management Act (NFMA) also requires coordination
 - The Forest Service must develop, maintain, and revise land and resource management plans that are coordinated with the land and resource management planning processes of local governments
 - Coordination means more than simply “considering” the plan. The Forest Service must attempt to achieve compatibility between Forest Service plans and local land use plans.

THE MORAL OF THE STORY

- Federal statutes have given local governments a voice in federal decisions that affect local resources.
 - Consistency review is required for all major federal actions
 - Cooperating Agency Status is granted to all local governments who have “special expertise”
 - The BLM and Forest Service are specifically required to coordinate with local land use plans
- Having a natural resource management plan laying out local land use policy is a way to ensure that the county can utilize these federal statutes and guarantee that the county’s voice is heard and considered

PROCESS FOR ADOPTION

■ Authority

- Colorado statute gives the counties the authority to coordinate pursuant to NEPA, FLPMA, and NFMA by developing a management plan
 - Colo. Rev. Stat. § 30-11-101(k)

■ Process

- NRMP initially developed through consolidation of existing policy documents
 - County resolutions
 - Policies
 - Land use plans and codes
 - Comment letters from past NEPA processes
- Developed and vetted through a steering committee
 - Twelve citizens selected by the Board of County Commissioners
 - Seven federal and state agencies
- Public meetings in Gateway, Glade Park, Collbran, and Grand Junction
- Public comment taken throughout the making of the document
- Official public comment period from August 3 to September 17
- The NRMP will then be taken through public hearings by the Planning Commission and the Board of County Commissioners, who ultimately adopted the plan.

NEXT STEPS

- We will now be taking comments regarding the plan until September 17th
- We will then analyze those comments and put them on a spreadsheet with suggested responses and then give to the County to review and make a final decision in a public meeting
- All comments to the plan must be in writing
- Comments may be submitted online via:
<https://www.mesacounty.us/planning/codes-plans--policies/plans/resource-management-plan/>

ANY GENERAL QUESTIONS REGARDING THE PLAN?

- Feel free to direct questions to me

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