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July 12, 2011

Mr. Greg Norton
President and CEO
Regional Council of Rural Counties
1215 K Street, Suite 1650
Sacramento, CA 95814

Re: Draft Memorandum of Agreement Between BLM, USFS, CSAC and RCRC

Dear Mr. Norton:

The County of Plumas is submitting this comment letter in regard to the draft Memorandum of Agreement (MOA) proposed between the Bureau of Land Management, the U.S. Forest Service, the California State Association of Counties (CSAC), and the Regional Council of Rural Counties (RCRC).

Locally, working with the staff of the Plumas and Lassen National Forests, long experience has provided many examples ranging from success to failure in seeking collaborative and broadly supported policies and decisions in the management of our public lands. Recently, the reorganization of the Plumas County Coordinating Council has been met with enthusiasm and support from our two forest supervisors. Both the Forest Service and the County have been working actively to improve our communications and better understand and coordinate each other's policy and management objectives. It is essential that the new MOA support and reinforce these local efforts, which have similar counterparts throughout the Pacific Southwest Region.

We are concerned that the draft MOA fails to address the vital issue of "coordination" and we want to be sure RCRC and CSAC are clearly aware of the background issues that exist in regard to the "the strained relations some California counties had been experiencing with local representatives of USFS Region 5" (as described in the RCRC memo dated June 2, 2011).

The primary cause of our "strained relations" involves the statutory and regulatory requirements for "coordination" and the unwillingness of the Forest Service at the regional and national levels to acknowledge the coordination process as a mandate from Congress. The best recent example is the fact that more than a few counties have cited "Lack of Coordination" as a basis for appealing the Travel Management Project (TMP) decisions issued by various forest supervisors. Additional county boards of supervisors that did not formally appeal a TMP are also supportive of addressing the lack of coordination in those processes.

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"Coordination" entails distinct procedures and standards and stands above other similar-sounding but procedurally and legally vague platitudes such as "collaboration," "cooperation," or "communication." Those non-coordination approaches do not assure that even a document such as the draft MOA will have any meaningful benefit to the counties.

The fatal flaw in the transmittal memo and the draft MOA is that the single most important issue of the need to "coordinate" is not even mentioned in either document.

Although there has apparently been some recent repositioning by the Regional Forester in an attempt to respond to the "strained relations" resulting from the lack of coordination during development of the TMPs, there has been nothing formal in writing that the local forest staff can distribute for consideration by the several counties. Evidence of the real posture of the Forest Service can be found in such places as the recently released Planning Rule, which only seeks to further diminish the coordination requirement.

In 2008, the California Resources Agency was forced to go to court to make the Forest Service comply with the coordination requirements of the National Forest Management Act. Now, multiple lawsuits appear imminent as a result of the travel management decisions and their failure to comply with both NFMA and the coordination requirement contained in the Travel Management Rule. If this new MOA is to have any real effect in avoiding such problems in the future, it must directly address the issue of coordination and establish a détente under which both the Forest Service and the counties can work together.

Sincerely,

Lori Simpson

Lori Simpson
Chair, Board of Supervisors

cc: Paul McIntosh, CSAC