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October 15, 2008

Supervisor Thomas Mayfield
Stanislaus County
1010 10th St, Suite 6500
Modesto, CA 95354

Dear Supervisor Mayfield,

Over the past year, we have been introducing counties, towns and special districts to the "coordination" authority of local governments recognized by Congress and state governments. This authority allows local governments to have equal input into land use planning and policy matters with federal and state agencies. It is a specific authority that gives local governments the ability to insist federal and state plans are consistent with local priorities.

Currently, there are four counties in California actively pursuing coordination: Modoc, Inyo, Tuolumne and Del Norte. In Modoc, the strategy has been in place for 15 years and has saved livestock grazers from restrictions which otherwise would have been placed on grazing by the presence of 7 endangered species of fish in a lake adjoining grazing areas. Most recently, the County successfully ensured that all of the roads the county has identified as user roads remain open in the US Forest Service's Travel Management Plan. This is a plan, which could be called the "Travel Prohibition Plan," and Modoc has won the battle to keep roads open for woodcutting, grazing, timber, water, mining claims and recreation. These and many other successes have occurred because the county requires the state and federal agencies to coordinate their plans, policies, and management activities with Modoc County.

I am writing to invite you to attend a national conference where you and your county officials can learn how to exercise this important coordination authority. "CALL America 2008 - Coordinating America's Local Leaders," November 13th-15th in Austin, Texas has been designed to train local elected officials such as yourself, and your staff, how to successfully use the coordination requirement.

Enclosed is information on the conference, along with registration materials. I invite you also to go to our website at www.stewards.us where you can learn more about the conference, the speakers, and the coordination strategy.

The coordination requirement exists in almost every federal land use act such as the Federal Land Management and Policy Act, National Forest Management Act, and National Environmental Policy Act. It also exists in over 25 places in the California Code. Since the courts and Congress have defined coordination to mean "equal in rank, order, not subordinate," when the Congress or State directs the agency to "coordinate" with local government, they must

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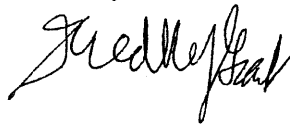
do so in order to comply with the law. But, it is up to the local government officials to insist that the agencies follow the law. For obvious reasons, they don't volunteer to let your local government share their decision developments.

County Counsel Dohn Henion from Del Norte, Supervisor Teri Murrison from Tuolumne, County Administrator Kevin Carunchio from Inyo, and local government representatives from across the nation will be making presentations at the conference, sharing their experiences and successes with you. Our goal is to show how easily you can exercise this authority, and how beneficial it can be to preserving your local economy, the property rights and safety of your citizens. When you leave you will know what your coordination authority is, how you can implement this, and how to develop specific strategies for the issues you face to ensure your county prevails when top down agency planning adversely affects your county's economy.

In my nearly five decades of law work, I have yet to see as meaningful an approach for local governments to assert their authority and ensure the issues which affect them are coordinated in a manner beneficial to the county and to you, the citizen landowners.

I hope that you will look further into this approach, and give your full consideration to attending this conference. You will discover that local governments hold the key to fixing many of the problems our nation faces, by bringing the control back home.

Cordially,



Fred Kelly Grant
President

Enclosure: Tuolumne County Coordination Resolution
CALL America 2008 Registration Brochure



**RESOLUTION
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE**

**RESOLUTION ASSERTING LEGAL STANDING AND FORMALLY REQUESTING
COORDINATION WITH ALL FEDERAL AND STATE AGENCIES MAINTAINING
JURISDICTION OVER LANDS AND/OR RESOURCES LOCATED WITHIN
TUOLUMNE COUNTY**

- WHEREAS,** Tuolumne County is a public unit of local government and a 5-member elected Board of Supervisors serves as its chief governing authority; and
- WHEREAS,** Tuolumne County Board of Supervisors is charged with supervising and protecting the tax base of the county and establishing comprehensive land use plans (including, but not limited to the General Plan) outlining present and future authorized uses for all lands and resources situated within the county; and
- WHEREAS,** Tuolumne County is engaged in the land use planning process for future land uses to serve the welfare of all the citizens of Tuolumne County; and
- WHEREAS,** Tuolumne County is comprised of approximately twenty-five percent (25%) privately-held lands with the balance of lands and/or resources publicly owned, managed, and/or regulated by various federal and state agencies; and
- WHEREAS,** the citizens of Tuolumne County historically earn their livelihood from activities reliant upon natural resources and land which produces natural resources is critical to the economy of Tuolumne County; and
- WHEREAS,** the economic base and stability of Tuolumne County is largely dependent upon commercial and business activities operated on federally and state owned, managed, and/or regulated lands that include, but are not limited to recreation, tourism, timber harvesting, mining, livestock grazing, and other commercial pursuits; and
- WHEREAS,** Tuolumne County desires to assure that federal and state agencies shall inform the Board of Supervisors of all pending or proposed actions affecting local communities and citizens within Tuolumne County and coordinate with the Board of Supervisors in the planning and implementation of those actions; and

- /HEREAS,** coordination of planning and management actions is mandated by federal laws governing land management including the Federal Land Policy and Management Act, 43 US § 1701, and 43 U.S.C. § 1712, regarding the coordinate status of a county engaging in the land use planning process, and requires that the "Secretary of the Interior [Secretary] shall...coordinate the land use inventory, planning, and management activities...with the land use planning, and management programs of other federal departments and agencies and of the state and local governments within which the lands are located"; and
- /HEREAS,** the coordination requirements of Section 1712 provide for special involvement by government officials who are engaged in the land use planning process; and
- /HEREAS,** Section 1712 sets forth the nature of the coordination required with planning efforts by government officials and subsection (f) of Section 1712 sets forth an additional requirement that the Secretary "shall allow an opportunity for public involvement" (including local government without limiting the coordination requirement of Section 1712 allowing land or resource management or regulatory agencies to simply lump local government in with special interest groups of citizens or members of the public in general); and
- /HEREAS,** Section 1712 also provides that the "Secretary shall... assist in resolving, to the extent practical, inconsistencies between federal and non-federal government plans" and gives preference to those counties which are engaging in the planning process over the general public, special interest groups of citizens, and even counties not engaging in a land use planning program; and
- /HEREAS,** the requirement that the Secretary "coordinate" land use inventory, planning, and management activities with local governments, requires the assisting in resolving inconsistencies to mean that the resolution process takes place during the planning cycle instead of at the end of the planning cycle when the draft federal plan or proposed action is released for public review; and
- /HEREAS,** Section 1712 further requires that the "Secretary shall... provide for meaningful public involvement of state and local government officials... in the development of land use programs, land use regulations, and land use decisions for public lands"; and, when read in light of the "coordinate" requirement of Section 1712, reasonably contemplates "meaningful involvement" as referring to on-going consultations and involvement throughout the planning cycle, not merely at the end of the planning cycle; and
- /HEREAS,** Section 1712 further provides that the Secretary must assure that the federal agency's land use plan be "consistent with state and local plans" to the maximum extent possible under federal law and the purposes of the Federal Land Policy and Management Act and distinguishes local government officials from members of the general public or special interest groups of citizens; and
- /HEREAS,** the Environmental Protection Agency, charged with administration and implementation of the National Environmental Policy Act (NEPA), has issued regulations which require that federal agencies consider the economic impact of their actions and plans on local government such as Tuolumne County; and
- /HEREAS,** NEPA requires federal agencies to consider the impact of their actions on the customs of the people as shown by their beliefs, social forms, and "material traits," it reasonably follows that NEPA requires federal agencies to consider the impact of their actions on the rural, land and resource-oriented citizens of Tuolumne County who depend on the "material traits" including recreation, tourism, timber harvesting, mining, livestock grazing, and other commercial pursuits for their economic livelihoods; and

- WHEREAS**, NEPA requires federal agencies to consider the impact of their actions on the customs, beliefs, and social forms, as well as the "material traits" of the people; and
- WHEREAS**, it is reasonable to interpret NEPA as requiring federal agencies to consider the impacts of their actions on those traditional and historical and economic practices, including commercial and business activities, which are performed or operated on federally and state managed lands (including, but not limited to recreation, tourism, timber harvesting, mining, livestock grazing, and other commercial pursuits); and
- WHEREAS**, 42 U.S.C. § 4331 places upon federal agencies the "continuing responsibility... to use all practicable means, consistent with other considerations of national policy to... preserve important historic, culture, and natural aspects of our national heritage"; and
- WHEREAS**, Webster's New Collegiate Dictionary (at 277, 1975) defines "culture" as "customary beliefs, social forms, and material traits of a group; the integrated pattern of human behavior passed to succeeding generations"; and
- WHEREAS**, in 16 U.S.C. § 1604, the National Forest Management Act, requires the Forest Service to coordinate its planning processes with local government units such as Tuolumne County; and
- WHEREAS**, federal agencies implementing the Endangered Species Act, the Clean Water Act, the Clean Air Act, and the Outdoor Recreation Coordination Act (16 U.S.C. § 460I-1(c) and (d)) are required by Congress to consider local plans and to coordinate and cooperate directly with plans of local government such as Tuolumne County; and
- WHEREAS**, the coordinating provisions referred in the resolution require the Secretary of Interior to work directly with local government to resolve water resource issues and with regard to recreation uses of the federal lands; and
- WHEREAS**, the regulations issued by the federal agencies in this resolution are consistent with statutory requirements of coordination and direct cooperation and provide implementation processes for such coordination and direct consideration and communication; and
- WHEREAS**, the California Constitution has recognized Tuolumne County's authority to exercise its local, police and sanitary powers, and the California legislature has recognized and mandated exercise of certain of those powers in specific statutes; and
- WHEREAS**, the California legislature has mandated in Government Code § 65300 that each county shall prepare a comprehensive plan, and stated legislative intent in Section 65300.9 that the county planning shall be coordinated with federal and state program activities, and has mandated in Section 65103 that county local plans and programs must be coordinated with plans and programs of other agencies; and
- WHEREAS**, the California legislature has stated its intent in Section 65070 that preparation of state and regional transportation plans be performed in a cooperative process involving local government; and
- WHEREAS**, the California legislature has mandated in Section 65040 that the State Office of Planning and Research shall "coordinate, in conjunction with...local agencies: with regard to matters relating to the environmental quality of the state"; and

