



CROOK COUNTY BOARD OF COMMISSIONERS

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February 3, 2010

Forest Service Planning NOI
c/o Bear West Company
172 E 500 S
Bountiful UT 84010

RE: Comments on Notice of Intent to Rewrite FS Planning Rules

To Whom It May Concern:

Crook County strongly recommends that an alternative for analysis in the Environmental Impact Statement for rewriting the planning rules be developed that specifically strengthens and clarifies the requirement that the Forest Service has to coordinate its decision-making process with state and local governments. The mandate for such coordination is contained in the National Environmental Policy Act and the National Forest Management Act, and the **1998 Land Use Plan for Crook County was established and adopted based on those coordination requirements.**

Since Crook County adopted its 1998 plan, the county has coordinated in good faith with the Forest Service on numerous planning efforts. It is of paramount importance that such coordination continues to be required, because so many proposed actions by the Forest Service directly impact the custom, culture and economy of the Crook County.

The drafters of the 1982 rule understood how vital the federal/local planning requirement is to our local rural communities. Section 219.7 of the 1982 rule provided a basis for local government involvement at every stage of the forest planning process. The succeeding versions of the planning rules (2000, 2005, 2008) continued to require the coordination mandate, but removed the step-by-step implementation process described so well by the 1982 rules.

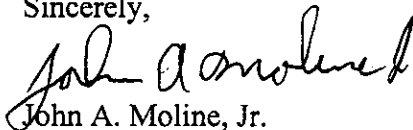
This elimination has started to cause problems. Many newer Forest Service personnel do not know what is required of them in order to comply with their coordination obligation. This has created confusion, and in some cases, hostilities between forest staff and local government. This lead directly to *California Resources Agency v. US Department of Agriculture* in which California sued for failure to coordinate the development of four forest plans with the state. In the decision issued by the Northern District of California Federal District Court in September 2009, the court found that the Forest Service had failed to coordinate as described in the 1982 rules.

Joint coordinated planning under the 1982 rules was extremely beneficial to the federal agencies (Bureau of Land Management has clearly defined requirements for coordination) and the participating local governments. The quality of the decision documents was substantially improved, working relationships were strengthened and the number of appeals significantly reduced.

We strongly urge you to display an alternative in the EIS that expresses precisely how the Forest Service must coordinate. We suggest you use the existing 1982 rules that have worked so well in the past. In addition, the coordination with state and local government section must continue to be separate and distinct from the section describing collaboration with the general public.

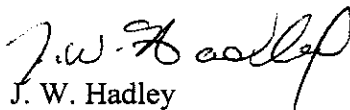
Numerous federal laws and regulations require the U.S. Forest Service to consider the economic and social impacts on local communities from plans and decisions they make. These requirements are rarely followed nor adequately analyzed or considered. Any new planning rule should fully reflect these requirements in law and mandate that USFS personnel follow these laws and regulations.

Sincerely,



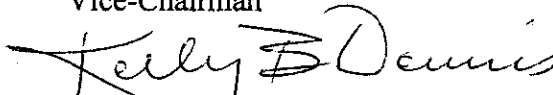
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Member