

# **RESOLUTION 2011.01.11.A**

OF THE BOARD OF SUPERVISORS OF  
PIMA NATURAL RESOURCE CONSERVATION DISTRICT

**ASSERTING LEGAL STANDING AND FORMALLY  
ASSERTING COORDINATION STATUS WITH ALL FEDERAL AND STATE  
AGENCIES MAINTAINING JURISDICTION OVER LANDS  
AND/OR RESOURCES LOCATED WITHIN  
PIMA NATURAL RESOURCE CONSERVATION DISTRICT**

**WHEREAS,** Pima Natural Resource Conservation District (“NRCD”) is a public unit of the State of Arizona and a 5 member board serves as its chief governing authority; and

**WHEREAS,** the Pima Natural Resource Conservation District (NRCD) is organized under Chapter 6, Arizona Revised Statutes Title 37, Public Lands. Locally elected and appointed officials govern the Pima Natural Resource Conservation District and evaluate the conservation needs of their respective areas;

**WHEREAS,** the citizens of Pima Natural Resource Conservation District historically earn their livelihood from activities reliant upon natural resources on land and waters which produce natural resources and those activities are critical to the economy and protection of the environment, natural and human, of Pima Natural Resource Conservation District; and

**WHEREAS,** the economic base and stability of Pima Natural Resource Conservation District is significantly 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, mining, livestock, grazing, and other commercial pursuits; and

**WHEREAS,** as state and federal management policies not only impact the economic base and stability of Pima Natural Resource Conservation District but also the health of the environment that supports a sound natural resource base for the Pima NRCD; and

**WHEREAS,** Pima Natural Resource Conservation District desires to assure that federal and state agencies shall inform the NRCD Board of Supervisors of all pending or proposed actions affecting local communities and Citizens within Pima Natural Resource

Conservation District and coordinate with the Board of Supervisors in the planning and implementation of those actions; and

**WHEREAS**, the National Environmental Policy Act (NEPA), is intended to ensure that Federal agencies effectively and consistently coordinate with the NRCDs in the NEPA processes. The CEQ regulations also require the agencies to involve local governments such as Pima NRCD early in the NEPA planning process;

**WHEREAS**, The Intergovernmental Cooperation Act contains specific coordinated planning requirements for local, state and federal agencies. Presidential Executive Order 12372 requires federal agencies to coordinate actions and projects with local governments so that local impacts arising from federal projects may be identified; and

**WHEREAS**, Title 36 of the Code of Federal Regulations, sets forth the administration of the Forest Transportation System. The Transportation Plan set out at 36 C.F.R. § 212.53 requires the responsible official to “coordinate with appropriate ...District, and other local government entities when designating National Forest System roads...”. 36 CFR § 212.6(a) provides that National Forest System Roads shall grant appropriate access across National Forest and other lands for ingress and egress to assure effective utilization of lands administered by the Forest Service and intermingled and adjacent private and public lands, and for the use and development of the resources upon which communities within or adjacent to the National Forests are dependent. Sub§ (c) provides that “roads and trails shall be permitted for all proper and lawful purposes subject to compliance with rules and regulations governing the lands and the roads or trails to be used.”

**WHEREAS**, 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 District 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

**WHEREAS**, the coordination requirements of 43 USC, Section 1712 provide for special involvement by government officials who are engaged in the land use planning process; and

**WHEREAS**, Section 1712 makes it clear that the coordination requirements set local governments apart from the regular public involvement provisions, establishing a higher duty for federal agencies to coordinate with local elected and appointed officials as opposed to simply accepting public comments from the general public; and

**WHEREAS**, 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 reengaging 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

**WHEREAS**, 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

**WHEREAS**, 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

**WHEREAS**, 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

**WHEREAS**, 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 as well as impacts on the environment, human and natural; 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 and grazing of livestock; 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. § 460l-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 Pima Natural Resource Conservation District

**NOW THEREFORE BE IT RESOLVED** that the Pima Natural Resource Conservation District Board of Supervisors does hereby assert legal standing and formally asserts coordination status with all federal, state and municipal agencies maintaining jurisdiction over lands and/or resources located within Pima Natural Resource Conservation District;

BE IT FURTHER RESOLVED that the Clerk of the Board shall cause a copy of this Resolution to be transmitted to local, regional, state, and/or national offices of all federal and state agencies maintaining jurisdiction of lands and/or resources located within Pima Natural Resource Conservation District and to all federal and state elected representatives serving Pima Natural Resource Conservation District.

BE IT FURTHER RESOLVED that the Clerk of the Board is authorized and hereby directed to publish a copy of this Resolution in the *Arizona Daily Star*, a newspaper of general circulation printed and published in the District of Pima Natural Resource Conservation District, State of Arizona.

PASSED AND ADOPTED this 11th day of January 2011 by the Board of Supervisors of the Pima Natural Resource Conservation District by the following polled vote:

AYES: Stu Bengson, Cindy Copping, John King, James Chilton, Supervisors

NOES: None

ABSENT: None

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Andrew McGibbon, Chairman, Pima NRCD Board of Supervisors  
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