



BOARD OF SUPERVISORS
COUNTY OF BUTTE, STATE OF CALIFORNIA

Resolution No. 19-253

**RESOLUTION TO SUPERCEDE AND REPLACE RESOLUTION NO. 10-002 AND RESOLUTION NO. 14-043
ADOPTING AND IMPLEMENTING COORDINATED AGENCY STATUS
IN ACCORDANCE WITH FEDERAL AND STATE LAWS**

WHEREAS, the County of Butte is a legal subdivision of the State of California and may exercise its powers only through the Board of Supervisors or through agents and officers acting under authority of the Board or authority conferred by law; and

WHEREAS, the Board of Supervisors adopted Resolution No. 10-002 establishing the Federal/State Land Use Coordinating Committee on January 12, 2010, appointing three permanent members to the Committee, and Resolution No. 14-043 adopted on April 22, 2014, which appointed an additional member to the Committee.

WHEREAS, the Board desires to supersede Resolution No. 10-002 and Resolution No. 14-043 and replace them with a Resolution reaffirming Coordinated Agency Status and designating the permanent members and direction of the Federal/State Land Use Coordinating Committee; and

WHEREAS, the County of Butte has various authorities over the use and management of private lands and natural resources within its jurisdiction and is charged with exercising such authorities to protect and enhance natural resources, maintain economic stability, and protect public health and safety; and

WHEREAS, the federal and state governments own a portion of the lands in Butte County and are responsible for managing these lands for parks, recreation, wildlife habitat, and the production and protection of natural resources, including water, timber, minerals, and grasslands; and

WHEREAS, private lands are interspersed with public lands throughout Butte County, and plans and management actions for public lands and private lands must be coordinated to ensure effective and consistent protection and enhancement of property and natural resources; and

WHEREAS, the citizens of Butte County have historically earned their livelihoods from activities reliant upon management of natural resources on public lands and the continuation of those activities is critical to the economic health of Butte County; and

WHEREAS, the County of Butte desires to assure that federal and state agencies shall inform the Board of Supervisors of all pending or proposed actions affecting management of the environment, local communities and citizens within Butte County and coordinate with the Board of Supervisors through the Butte County Federal/State Land Use Coordinating Committee in the planning and implementation of those actions; and

WHEREAS, the National Forest Management Act at 16 USC 1604 requires federal agencies to coordinate its planning processes with local government units such as the County of Butte; and

WHEREAS, the Federal Land Policy and Management Act at 43 USC 1701, and 43 USC 1712 requires coordination of planning and management actions, regarding the coordinated agency 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

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

WHEREAS, Section 1712 sets forth the nature of the coordination required with planning efforts by government officials and subsections (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

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 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

WHEREAS, the requirement that the Secretary "coordinate" land use inventory, planning, and management activities with local governments, including assisting in resolving inconsistencies, means 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, Federal agencies implementing the Endangered Species Act, the Clean Water Act, the Clean Air Act, and the Outdoor Recreation Coordination Act 16 USC 4601-1 [c] and [d] are required by Congress to consider local plans and to coordinate and cooperate directly with plans of local government such as Butte County; and

WHEREAS, the Intergovernmental Cooperation Act and Presidential Executive Order 12372 set forth coordinated planning requirements for the federal, state, and local governments; and

WHEREAS, California Water Code sections 8125 to 8129 give a county Board of Supervisors authority to address flooding caused by non-navigable streams and such flood planning requires coordination with natural resource planning processes of federal and state agencies; and

WHEREAS, California Public Resources Code section 5099.3 requires coordination by the State of California with the County of Butte in matters involving the planning, development, and maintenance of outdoor recreation resources and facilities; and

WHEREAS, the California Streets and Highways Code §§940-941.2 makes county governments responsible for the general supervision, management, and control of county roads and highways and planning and actions with regard to such roads by any federal or state agency must be coordinated with the county; and

WHEREAS, it is the intent of the Board of Supervisors to promote the consistency of federal and state agency plans and actions with revised and adopted local plans.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Butte, State of California, that:

1. Upon adoption, this Resolution will supersede and replace Resolution No. 10-002 and Resolution No. 14-043.
2. The County of Butte hereby reaffirms Coordinated Agency Status with all federal and state agencies maintaining jurisdiction over lands or resources located with Butte County.
3. The Butte County Federal/State Land Use Coordinating Committee, established on January 12, 2010, is hereby directed that the following Butte County officials, or their designee, are designated as permanent members of the Committee:

Director, Department of Development Services
Director, Department of Public Works
Director, Water and Resource Conservation Department
Chief Administrative Officer

4. The Board of Supervisors may appoint additional representatives to the Butte County Federal/State Land Use Coordinating Committee from time to time, including themselves. Committee members shall serve at the pleasure of the Board of Supervisors and may be removed from the Committee at any time by the Board of Supervisors.
5. The Butte County Federal/State Land Use Coordinating Committee shall represent the County of Butte in coordinating the management plans and actions of federal and state agencies to ensure consistency with local land use plans, and provide a key component of any General Plan revisions that must consider land outside the County boundaries that bear relation to county planning, especially for matters related to fire prevention, watersheds, land use, natural resources, recreation, economic development and other related issues to ensure consistency.
6. The Butte County Federal/State Land Use Coordinating Committee shall make recommendations to the Board of Supervisor's when appropriate and as needed, or when the Board requests the Committee to provide recommendations; and

BE IT FURTHER RESOLVED that this resolution constitutes notification to all Federal and State agencies maintaining jurisdiction over lands and/or resources located within the County of Butte of the intent and expectation that Federal and State agency actions shall be made consistent with all county land use plans, and other management plans affecting the natural environment, economic stability, or the public health and safety of the citizens of Butte County, and that agencies will notify and confer with the County.

PASSED AND ADOPTED by the Butte County Board of Supervisors this 10th day of September, 2019 by the following vote:

AYES: Supervisors Connelly, Lucero, Ritter, Teeter, and Chair Lambert

NOES:

ABSENT:

NOT VOTING:



Steve Lambert, Chair
Butte County Board of Supervisors

ATTEST:

Shari McCracken, Chief Administrative Officer
and Clerk of the Board of Supervisors

By: 

Deputy