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 06/20/2012 02:33:50 PM Jean Alberico  
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STATE OF COLORADO )  
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 COUNTY OF GARFIELD )

At a regular meeting of the Board of County Commissioners for Garfield County, Colorado, held at the County Administration Building in Glenwood Springs on Monday, the 18th day of June, 2012, there were present:

Tom Jankovsky, Commissioner  
Mike Samson, Commissioner  
John Martin, Commissioner Chairman  
Andrew Gorgey, County Manager  
Carey Gagnon, Acting County Attorney  
Jean Alberico, Clerk to the Board

when the following proceedings, among others were had and done, to-wit:

**RESOLUTION NO. 12- 51**

**RESOLUTION ASSERTING COORDINATION REGARDING THE GREATER SAGE GROUSE WITH ALL FEDERAL AND STATE AGENCIES MAINTAINING JURISDICTION OVER LANDS AND/OR RESOURCES LOCATED WITHIN GARFIELD COUNTY, COLORADO**

**WHEREAS**, Garfield County, Colorado is the legal and political subdivision of the state of Colorado for which the Board of County Commissioners is authorized to act; and

**WHEREAS**, the Board of County Commissioners of Garfield County (BOCC) is charged with establishing comprehensive land use plans outlining present and future authorized uses for all lands and resources situated within the County; and

**WHEREAS**, the Colorado legislature has stated that “[e]ach local government within its respective jurisdiction has the authority to plan for and regulate the use of land by . . . protecting lands from activities which would cause immediate or foreseeable material danger to significant wildlife habitat and would endanger a wildlife species . . . regulating the use of land on the basis of the impact thereof on the community or surrounding areas . . . (and) planning for and regulating the use of land so as to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights.” C.R.S. § 29-20-104(1)(b), (g) and (h); and

**WHEREAS**, the BOCC is engaged in the land use planning process for future land uses to serve the welfare of all the citizens of Garfield County; and

**WHEREAS**, approximately 60% of the land in Garfield County is federally owned, with the Bureau of Land Management comprising the largest holding of 608,486 acres; and

**WHEREAS**, the citizens of Garfield County historically earn their livelihood from activities reliant upon the land and natural resources within the county making such activities critical to the economy of the County; and

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**WHEREAS**, the economic base and stability of Garfield County is largely dependent upon energy development, tourism, ranching and farming, activities that depend on the continued multiple use of the federal lands as mandated and provided for by Congress at 43 U.S. § 1701(a)(7) and (12); and

**WHEREAS**, Garfield County will be irreparably harmed if federal and state agencies fail to: 1) inform the BOCC of all pending or proposed actions affecting local communities and citizens within Garfield County and; 2) coordinate with the BOCC in the planning and implementation of those actions; and

**WHEREAS**, coordination of planning and management actions is mandated by federal laws governing land management, including the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. § 1701 *et seq.* Specifically at 43 U.S.C. § 1712, regarding coordination with a county engaging in the land use planning process, FLPMA requires that the “Secretary of the Interior 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 of FLPMA provide for special involvement by government officials who are engaged in the land use planning process; and

**WHEREAS**, FLPMA, at 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, and resolve inconsistencies implies that the resolution process take place at the beginning of the planning cycle and 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**, the Bureau of Land Management regulations provide that “in addition to the public involvement” the BLM must assure “coordination” with local government and sets forth the specific elements of coordination (*see* 43 C.F.R. § 1610.3-1); and

**WHEREAS**, the National Environmental Policy Act of 1969 (“NEPA”), 42 U.S.C. § 4321 *et seq.* mandates the “coordination” process with Garfield County. 42 U.S.C. § 4331 provides that the “continuing policy of Federal government” is to enter into “cooperation with State and local governments.” Congress provides that in carrying out this national policy of “cooperation” the agencies shall “coordinate” with state and local governments: “it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources;” and

**WHEREAS**, NEPA also requires that the federal agency study, develop and describe appropriate alternatives for any proposal which involves unresolved conflicts concerning alternative uses of available resources (42 U.S.C. § 4332(E)); and

**WHEREAS**, the Council on Environmental Quality (CEQ) regulations (40 C.F.R. § 1501(c)) implementing NEPA require federal agencies to discuss any inconsistency of a proposed action with state and local plans or policies and, where an inconsistency exists, describe how the agency will reconcile its position with the state or local plan's position; and

**WHEREAS**, the Endangered Species Act (ESA) requires that the Secretary of Interior shall not make any determinations until "after taking into account those efforts, if any, being made by ... any political subdivision of a State ... to protect such species, whether by predator control, protection of habitat and food supply, or other conservation practices, within any area under its jurisdiction" (16 U.S.C. § 1531(c)(2)); and

**WHEREAS**, Garfield County is a signatory to, and has been actively involved in developing the Parachute-Piceance-Roan Greater Sage-Grouse Plan.

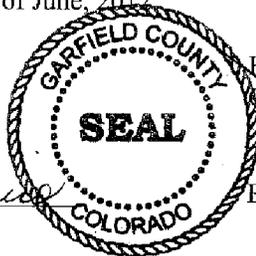
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Garfield County, State of Colorado, as follows:

1. That the Garfield County Board of County Commissioners does hereby assert legal standing to coordinate regarding the Greater Sage Grouse with all federal and state agencies maintaining jurisdiction of lands and/or resources located within Garfield County, Colorado.

DATED this 18th day of June, 2012

ATTEST:

*Jean M Alberico*  
Clerk to the Board



BOARD OF COUNTY COMMISSIONERS OF  
GARFIELD COUNTY, STATE OF COLORADO

By: *[Signature]*  
Chairperson

Upon motion duly made and seconded the foregoing Resolution was adopted by the following vote:

Tom Jankovsky - Aye  
Mike Samson - Aye  
John Martin - Aye  
Commissioners

