



Taking L.E.A.R.N. a Step Further – The Coordination Process

“Powerful Weapon that Requires State Agencies to Coordinate With You...the Local Government!”

Using Coordination to Obligate Agencies to Be Consistent With Your Local Plan

Show 6-1 – Second Freedom 21 Radio Series (July 16, 2007)
WSAU (5.50 AM) News Radio, “55 Feedback”, Wausau, Wisconsin

Dr. Michael Coffman – President, Environmental Perspectives, Inc.

Attorney Fred Kelly Grant – Stewards of the Range

Marilyn Hayman (Special Appearance) – Past Chairman of Citizens for Responsible
Zoning and Landowner Rights, Inc. (CRZLR)

Pat Snyder – Radio Co-Host

Tom King – Radio Co-Host

Comments [added/unintelligible]. Interjections/pauses removed. Emphasis not added.

-----Beginning of Show -----

Pat – Welcome to “55 Feedback” everyone! [] We are going to continue our series about the comprehensive planning and “Smart Growth”. [] We are going to be talking about the L.E.A.R.N. program that we got an overview of from last week.

First of all though we have an announcement. Marilyn Hayman joins us with an announcement on a particular site that helps educate people on what we’re talking about. Marilyn...

Announcing TakeBackWisconsin.info and “55 Feedback” Show Transcripts

Marilyn – Yes, good morning Pat and Tom, and thanks for taking my call. I’ve been asked to announce to the WSAU listeners a new website called www.TakeBackWisconsin.info. TakeBackWisconsin.info was created to provide information to contribute toward the promotion, protection, and restoration of our founding freedoms here in Wisconsin. The information will be provided by posting transcripts of selected radio shows broadcast on “55 Feedback”. The website is not affiliated with WSAU, but is dedicated to supporting WSAU and its listeners with transcripts of shows that deal with issues considered critical to the well being of Wisconsin’s families and communities. Transcripts currently posted deal with marriage and children, leadership in the workplace, and terrorism. Other important discussions on “55 Feedback” will be turned into transcripts in the future. Of particular note, transcripts will be posted for every show in this series on comprehensive planning, along with supplemental information. To be well informed just remember: “55 Feedback”, transcripts, and TakeBackWisconsin.info.

Pat – All right! (Marilyn -- Thank you so much Pat and Tom.) Thank you Marilyn for calling in. (Marilyn – You bet. Bye bye.)

Introduction of Guests: Dr. Michael Coffman and Attorney Fred Grant

All right. [] On the phone with us here yet is Dr. Michael Coffman who’s been on a few times with us. He has received his Bachelor of Science in Forestry, and also a Master of Science in Biology at Northern Arizona University, [and also a Ph.D. in Forest Science at the University of Idaho]. He is also very active in this whole comprehensive planning, and [] L.E.A.R.N., which we

learned that a little bit about last week. That is the Local Environment and Resource Network. And I'm also trying to connect with Fred Kelly Grant, and I'll try to get...oh, there he is.

Okay, and Fred is on now. Fred, good morning. (Fred Grant – Good morning! How are we doing this morning?) Good! And Michael, good morning to you! (Doctor Coffman -- Well good morning. Glad to be back with you.) I should say that Fred is a native of Nampa, Idaho. And he has a BA from the College of Idaho in 1958, majoring in history with a specialization in Constitutional History and Law. And he is instrumental now in Idaho [] as an expert in land use issues, and is part of Stewards of the Range. You can learn a little bit more about that on that website www.stewardsoftherange.org. But let's first of all set this up as we get moving gentlemen. With Michael, give us an overview again of L.E.A.R.N. for those not listening last week...what the L.E.A.R.N. process is when we bring it into focus with comprehensive planning and "Smart Growth".

Brief L.E.A.R.N. Overview

Doctor – Well, very briefly again...Fred is the real expert on this, and I want to defer to him. But nonetheless L.E.A.R.N. or the concept of cooperative planning either with the state or the federal government (whatever federal agencies you have in your particular county) is an opportunity of using the NEPA process (the National Environmental Policy Act) to be able to actually say what kind of planning and what kind of activities are going to be permitted in your particular local area. And so there are two concepts of L.E.A.R.N.: one of course is with the federal government, and one is with the state.

L.E.A.R.N. (and Attorney Fred Grant) Available to Assist By Using Federal and State Laws

We talked a lot about our interactions with the U.S. Forest Service. You have the Chequamegon National Forest and the Nicolet National Forest, and the counties that are involved in those two national forests. But you also have the state level, and this is where I think Fred can really be very helpful. If there is a federal nexus, if the state has ever taken any federal money for any of the planning programs that we're talking about right now in comprehensive planning – then you can use NEPA as an inroad in doing that. And Fred I'm going to defer to you at this point and time, because I understand that you just lead a workshop in Nebraska, in which you can actually use state law in most cases, or many cases... assuming what the state law is... to do the same thing based at the state level. Is that correct?

Agencies Must Coordinate With Local Government

Attorney Fred Grant – That's right Mike. We... In almost all states... Well, let me put it this way: every state that I've looked at (I hope the noise isn't too bad. I'm on the way to Owyhee County for a hearing this morning (Pat – Okay.) so I'm on my cell phone.), there is a comprehensive planning act. Most... In every state that I've looked at, there is a statute either called a comprehensive planning act, or the local land-use planning act, or local planning. And invariably those statutes have in them some kind of language that requires the state agencies to coordinate with the local government. And the important word here is "coordinate"!

Coordinate Means More Than Just Cooperate

Because the federal agencies (e.g. such as the Forest Service. I understand there's forest where we're talking about)... The national Forest act says that the Forest Service "shall coordinate" with local government. And because of case decisions we are now back to the 1982 forest regulations which very specifically requires Forest Service to coordinate. And that term is defined in FLPMA (the Federal Land Policy Management Act) as meaning far more than just cooperating with you. It means that the local government is to get information before it happens. They have to make the local government aware what they're management actions are going to be beforehand.

State/Federal Agencies Make Their Plans Consistent With Local Government Plans

And if the local government has a plan for its forests (which it can't impose by supremacy...but if they have a plan), then the Forest Service has the obligation to make their plan consistent. And that same kind of thing can be used with the state agencies under the state statute.

Requirement to Coordinate is Powerful Weapon for Locals

It's a powerful weapon in that it requires these agencies to sit at the table with you, involve local government, consider local economy, and consider all of the social impacts of the local economy. In the rural areas where we normally are working, everybody depends upon the land owners for volunteer fireman, teachers, coaches. And that whole social interaction then becomes part of that coordination.

Pat – So now Fred, what are you doing down in Nebraska, because you don't think much of trees and forestry in Nebraska?

Helping Nebraska and South Dakota Counties Understand Laws Available to Them

Fred – Well Nebraska... We were working almost specifically on... Well of course they have the grasslands, and they are regulated by the Forest Service. There are some critical areas in Nebraska that are under Forest Service regulation. And they've had major problems with prairie dog invasions. And as a matter of fact, one of the counties in South Dakota which borders Nebraska (this county does), they adopted two or three years ago a local plan like I'm talking about. They were able to force the Forest Service to back up and amend its forest plan to take into account the economic damage done by the prairie dogs. But this last meeting was basically designed to show them how their state statute helped them with the state agencies.

Important Provision in Endangered Species Act

Plus two other things: one is the Endangered Species Act. The Endangered Species Act has a provision that requires the Secretary of the Interior ...before he makes any decision about a species, to not only directly contact local government but to consult local government about any plan they may have that's in place to protect that species, or to mitigate damage to it. And that is a powerful position to have with the Fish and Wildlife Service.

What Kind of Results Have You Seen From L.E.A.R.N.?

Pat – Okay. There's probably a lot of confusion out there, maybe not total understanding (Fred – Yeah.) of exactly what we're focusing on...talking about for the average listener out there who might not be... have timberland of their own, or have property. How does that affect... like in Idaho, when you got started in this and took part in this L.E.A.R.N. process, what was it before and after?

L.E.A.R.N. Process is Simply a Local Government Coordination Plan

Fred – Well, L.E.A.R.N. first of all is a new thing that had come a long. We don't have a name to ours, because we rely on the federal statutes. And it's a coordination...it's a local government coordination plan. And that's the way we started it about 13...14 years ago. The way I do it, the way I train counties is I don't have a model, I don't have a model plan because it doesn't work that way. You have to look... in my mind the counties that have made it very successful have to analyze their issues, they have to decide where the threat is to them.

L.E.A.R.N. Process Kept 78 Ranchers in Business

In Owyhee County in Idaho for example, we had 78 ranchers who were threatened with going out of business in less than a year under a Bureau of Land Management plan. And the county commissioners in Owyhee County called me and asked me if I could come at and help them. I took a look at the federal statutes and said, "No, there's no way. If the federal government decides to put you out of business, they're going to put you out." And they made a couple of more pleas to me, so I took the weekend and went to the law library and started studying the statutes. And I decided there was a way. And we put in Owyhee County (which is a desert, a

high desert county, where livestock grazing is the center of the economy)... we put a planning process in place. We put into that plan the fact that grazing had to continue for economic reasons. We managed to put off that BLM plan for 8 years, and not one of the ranchers in 13 years has gone out of business! (Pat – Hmm!)

Modoc County Helped in Dealing with Federal Agencies

In Modoc County in Northern California, they were faced with the same thing from the Forest Service. And they followed our suit with my help and they still are in place, and in solid place now with the federal agencies.

Citizens in Two California Counties Successfully Stood Up to Planners (And For Good Reason)

I'm working now with counties in southern California which don't have any relationship with the Federal Land Management agencies... San Luis Obispo County and Sonoma County where their real threat is from their counties, and county planning! (Pat – Hmm.) And I'm demonstrating to them how they can put this same process into place as citizens, and go in and politically try to stop some of these things! In Sonoma County we were able to organize the folks to the point where they went in and stopped the planning and zoning commission from imposing obligatory trails across any piece of property that wanted a permit of any kind.

Process Works at Local, State, and Federal Levels

So the process works! The organizational process works whether you're dealing with county zoning, or whether you can get your county support in dealing with state agencies, or federal.

Plain Old Communication

Pat – Boy, it sounds like it just comes down to communication, or at least understanding from the citizens... It's like everyone's working on their own, and what you've done is bring everyone together!

Operating Within the Law

Fred – That's... It couldn't be said better! We're not operating outside the law. We're operating within the federal statutes, the state statutes. On the zoning issues we're operating within the county ordinances. It's just a matter as you said of...

Find Fellow Victims and Organize

One of the things I say in my workshops is that if you have a problem that's being caused to you by either a federal agency or the county government, you know you're not the only one. So you have to first look and see who the other victims are, and start to organize.

Can L.E.A.R.N. Help Paper Mills and Lumber Companies?

Pat – Well, here in the northern half of Wisconsin and throughout Wisconsin we have paper mills. And they've suffered from this "Smart Growth" through the environmental rules which limit the expansion and how they manage forest/timber. Can this L.E.A.R.N. process help businesses like paper mills or lumber companies that are being hurt by this "Smart Growth"? Or do they need other tactics?

L.E.A.R.N. Process Uses Local Government to Help

Fred – No, absolutely! I haven't found a case yet where we couldn't help in some way. Sometimes major help, sometimes just enough to get them by until they can get a different political atmosphere. (Pat – Hmm.) And if they can get their local government (I would assume that they're an important part of the economy.) (Pat – Oh yeah!) And if they are, then you get your county government or city government (it doesn't even have to be the county). And if the city government will undertake to speak up for these businesses, then they have the standing under the statutes that the agencies have to deal with. The agencies don't have to deal with the public. All they have to do with the general public is just let them come to meetings and make comments – which are ignored. But when local government is involved in the process, they have

to pay attention to them, and they have to come and consult with them, and they have to try to work out their plans consistently with them. And that's where we get the real impact!

Two Types of Legislators

Pat – We have a state though, like you've run across I'm sure Fred, like I almost want to say two mentalities. We have the Madison or Milwaukee mentality with a lot of legislators. Then we have the legislators like Don Friske and folks to the north who realize there is another part of Wisconsin. And unfortunately sometimes the people that legislate are thinking about the big cities!

Fred – And we have that in Idaho believe it or not! Boise is now a metropolitan area. It'll be near a million people in 10 years. And yet Owyhee County, which is only 60 miles away, has less than 10,000 residents. So it's the same thing, we have the same thing here. We don't count on the Legislature to help us. We count on the process that is set up under those statutes to help.

Air Force Saw the Value of the L.E.A.R.N. Process

Let me just give you one quick example. (Pat – Okay.) A few years ago the Mountain Home Air Force Base (the United States Air Force) wanted to expand their training base. And that training base was going to be expanded into grazing country and into Owyhee County. The governor had set up a task force to work with the Air Force, and he didn't bother to include Owyhee County officials on that. So having put our plan into place, I called the Air Force Commandant. And I explained to him that when they got their settlement agreed to, the Bureau of Land Management was going to be involved in that because it was grazing lands. And I said at that point they're going to have to coordinate with us, and you are going to run into a real roadblock. It would be far better if you got that coordination going now.

And Idaho's Governor Heard About It

The next day the governor's office called and said, "By the way, by some oversight we've left Owyhee County off this task force and we sure would like your commissioners to name somebody to it." And we got somebody on that committee, and as a result our ranchers get treated fairly. The Air Force from that day on has worked very closely with our county because even though the military isn't subject to this coordination, they understand it. And they understand that wherever they deal domestically, they're going to have to deal with one of these federal agencies. So they're one of the easiest ways to get the coordination established.

Prairies, Prairie Dogs, and Grazing...But What About Our Homes?

Pat -- These are stories that seem a little bit new to us because here in Wisconsin we have rivers and waterways...that we can't build a certain house...if we're this close to the water. We're given explicit rules. It seems like we can't hardly make any improvements to our home or expand! And here it makes it sound like if we know the right type of agencies or where to go, we can maybe change that!

Never Give Up: Start Early If Possible, But Don't Quit

Fred – Well, one of the things you can do is you can get into position to make sure they don't get any more strict, and then that gives you time to start looking at how you can make inroads to them. One of the things that I tell people politically, is that when these comprehensive plans start to go in, you got to fight them right at the beginning. Because it's easier to politically load the meeting room with voters, and convince the elected officials not to put these restrictive plans in then it is to get them set aside later. If they're in place, I don't quit there. There are ways. I was a criminal lawyer through most of my career, and I learned the hard way that there are ways through any problem no matter how big it seems!

Can Communities Pull Out of Comprehensive Planning Contracts?

Pat – Well with our comprehensive planning that's been going across the state here ...cities, townships, villages come up with a plan... And in doing that will get money from the state or from the county. (Fred – Right.) And that kind of like locks them into this contract. And then they

might learn more about it and they might change their mind. Can they change their mind and pull out?

How It Worked for Boise, Idaho

Fred – Absolutely! Those plans are not law, and even if they were, they can be changed. I'll give you a quick other example (I know I'm eating up your time here, but): in Boise, Boise has a comprehensive plan probably as restrictive as any that you've seen. They bought off on the Sonoran Institute [www.sonoran.org] type planning, which is control of land, control of water. Their comprehensive plan provided that multi-story buildings would only be in the downtown portion of Boise. But then a developer with plenty of money bought a vacant lot, and wanted to put a 10 story building on it which was right within one block of an older, single-residents dwelling division that had been there for years. And two of the people in there came to me and wanted to hire me to represent them in court to try to stop this. And I said, "Well, I'd be glad to take your money but it's futile. You can beat it politically if you go to work right now." And they did.

Developed and Used a Political Strategy

And I outlined a strategy for them. They ended up holding a little pizza party where they get all the neighbors to come and read what was going to happen. And at this party they had gone out and gotten four small helium balloons. And they have raised those to the height of this 10 foot building so that there was one at each corner where the building would be so that people could see just exactly how that building would affect them. On the night of the hearing they ended up with 150 people filling all of the seats in the meeting room. And on the first reading of this thing a month before it had come within one vote of passing. And when these folks got through with their testimony that night, it was unanimously defeated.

Organize, Show Up, and Send a Message

So you can politically in these local plans, if you organize enough voters, they can show the elected officials that this is not the way to go. And one of the advantages of doing that is that if elected officials see 150, 165 voters in front of them, they know that each of those people is going to be committed to vote. And they know that those people can go out and get 10 or 15 more. In a local election that means something to have that kind of block there showing that they don't want something.

Pat – What happens if one side thinks one thing or believes in one thing, but the other... but the government side is telling a whole different story and saying that the citizens' side is wrong?

Use What Works, Work the System, and State the Facts

Fred – Well that's exactly what we faced in Boise! And that's why they had to organize, and they had to get there, and they had to state the facts. I showed them how normally you go to these hearings and you get like two minutes [to talk]. I showed them how we've done it in other counties where you get the 10 people there (that you want to sign up) in order, and each of them in two minutes tells part of the story of a particular issue. So you get the whole issue discussed. They did that on three issues that made this obvious that this was going to destroy the comprehensive plan, and the commissioners listened.

Pat – Interesting. Almost sounds like they were going to call your...the citizens' bluff, and they did, and so they had to buckle. (Fred – That's exactly right. That's exactly right!) So Fred, folks that one to learn a little bit more about your...or maybe want your help, how do they reach you?

Can Contact Attorney Fred Grant at Stewards of the Range

Fred – They can reach me through the website [www.stewardsoftherange.org]. There's an e-mail...stewards@stewards.us. [Related information available at the website].

Pat – Stewards of the Range website. All right. Well, you're a busy guy and doing a lot Fred. I appreciate your coming on the first portion of the show!

Persevere and Reap the Benefits

Fred – Well, thank you very much. I'm on my way to Owyhee County this morning. We have a meeting with the federal government this morning. These are meetings that are now set up every month where they come out and tell us what they are going to do the next month, if it's all right, if we can work it out. These never happened before! Now we have a meeting once a month with the Bureau of Land Management, Fish and Wildlife Service, Idaho Fish and Game, and any other state or federal agency that the commissioners say they want to meet with... out they come!

Pat – All right. Well Fred hopefully you got some inspiration here for these folks, and thanks for being on!

Fred – Michael, it's good to talk with you again! (Doctor – Yes, hopefully we'll meet again shortly...) []

Next Show Shifts From L.E.A.R.N. to Lumber

Pat – Well hold on Michael, we'll keep you here. We'll get to our studio guests after this quick newsbreak with Tom King. Also we'll get one other person on the phone, another Assembly person – Representative Barbara Gronemus will be joining us. And we'll talk about the timber industry, the forestry industry, and the impact of "Smart Growth" right after this.

----- End of Program on L.E.A.R.N. -----

In cooperation with WSAU News Radio this radio series, program, and transcript were produced and provided by VFF21 -- Veterans and Friends for Freedom 21. © VFF21 - All Rights Reserved. Additional copies of the transcript are available at TakeBackWisconsin.info, and by e-mail at revereradio@vff21.info. VFF21 and TakeBackWisconsin.info are not affiliated with WSAU.

WSAU Information

WSAU News Radio (AM 550)
557 Scott St.
P.O. Box 5595
Wausau, WI 54403, USA

Phone: 715.842.1672 or Call-in to 715.845.2155
Fax: 715.848.3158
E-mail: wsau@wsau.com
Web Site: www.wsau.com

Biography of WSAU "55 Feedback" Guests

Dr. Michael Coffman

Dr. Michael S. Coffman received his BS in Forestry and MS in Biology at Northern Arizona University at Flagstaff, and his Ph.D. in Forest Science at the University of Idaho at Moscow. Since then he has become a respected scientist and ecologist who has been involved in ecosystem research for over twenty years in both academia and industry. He has lead a multimillion dollar research effort in the effects of acid rain and global warming on ecosystems in the US, and became intimately involved in subjects such as wetlands, cumulative effects and biological diversity. He has authored several books on environmentalism and the global agenda and played a key role in stopping the ratification of the Convention on Biological Diversity in the U.S. Senate.

It was while leading the multimillion dollar research program on acid rain and global climate change that he became aware of an international agenda that was using false environmental scares to justify laws that seriously eroded the civil liberties of all Americans, especially those of private property rights. He left his research position in 1992 to start his own education group, Environmental Perspectives, Inc., that warned citizens of this agenda and how to protect our environment without harming people. He has since become an expert in [private property rights](#), written several books, and helped expose several harmful treaties and plans such as the Biodiversity Treaty and Sustainable Development.

When Dr. Coffman heard about what was to become the L.E.A.R.N. program he immediately realized that this is the best, perhaps the only interim solution to protect the environment *and* local citizens. It is a win-win solution where everyone benefits---the environment, property owners, government officials and environmentalists. Ultimately, the long-term solution is to guide the nation back to constitutional protection of private property rights. Until then he is totally committed to helping people help themselves through the LEARN program.

6 Heather Road
Bangor Maine 04401
Office phone, 207/945-9878
Hours are from 9:00am to 5:00pm Eastern time
www.learn-us.org
LEARN@learn-us.org

Attorney Fred Kelly Grant

Fred Grant currently serves as the Public Policy Director and Litigation Chairman for Stewards of the Range, a property rights organization dedicated to restoring critical protections for property rights that are necessary for maintaining our great nation as a free society. This is done by focusing on precedent setting cases, monitoring public policy, and educating America's land owners. Fred writes many of the organization's articles and reports, teaches the in-house seminar programs and helps guide Stewards' members through their property rights battles.

He attained his B.A. from the College of Idaho in 1958, majoring in History; with specialization in Constitutional History and Law. He went on to attend the University of Chicago School of Law. In the years since, Mr. Grant has practiced in many different facets of the law, working first as an associate at Lord, Bissell, and Brook; a Chicago law firm representing Lloyd's of London. He continued to practice law in the District of Maryland, where he was an Assistant United States Attorney. He later became Assistant State Attorney of Baltimore, and then Chief of the Organized Crime Unit, State's Attorney of Baltimore. He spent his remaining time in Baltimore involved in criminal defense.

He is the owner of Fred Kelly Grant Ltd., providing consulting services in personnel and land use, and legal research. He is also consultant to Owyhee County Land Use Planning Committee and to the Board of County Commissioners regarding Land Use Planning for the federally managed lands in the county. Fred is a native of Nampa, Idaho.

stewards@stewards.us
(208) 855-0707