

Comment from Todd Devlin in response to Request for Information for *Consultation with State, Local, and Tribal Governments in Regulatory Policymaking*

January 15, 2025

What has been your experience regarding consultations with a Federal agency engaging in regulatory policymaking? Very sporadic. Sometimes good and sometimes bad. For example, if you are (or were) a State, local, or Tribal government official, was any portion of the process especially easy or particularly difficult? Never should a federal employee use acronyms! Do you have specific suggestions for increasing the effectiveness of consultations in regulatory policymaking? Have some type of workshops to educate about (for example the NEPA process). Consultations have no merit locally because I don't think anybody listens to local concerns. No matter what input is received locally by government or federal agencies, it becomes political once it hits DC. Example: BLM coal leases

2. If you have been involved in a consultation, how often are (or were) you contacted by Federal agencies to consult on a particular regulatory policy? Rarely by the federal agency but monthly by our hired county representative. How often do (or did) you contact Federal agencies to request a consultation on a given regulatory policy? Frequently. What was your experience with requesting a consultation? Line management unsure of themselves. Educate federal staff. What tasks do (or did) you undertake as part of the consultation effort? Hiring a cooperator. At what stage in the regulatory policymaking process were you consulted by a Federal agency?

Variable..... From scoping until after alternative selection. In your experience, was that consultation timed too early, appropriately, or too late? All over the board.

3. If you have been involved in a consultation, how did you feel your feedback during the consultation process was used by Federal agencies? Gets very political and personal .

Were you satisfied with how your input was used? Variable Why or why not? Executive branch has become too political instead of following existing policy. Do you recall whether the Federal agency explained to you how they incorporated your feedback into the regulatory policymaking process? No, but our hired cooperator tried. Do you have specific suggestions for incorporating feedback into the regulatory policymaking process? Required frequent report and end of each step of process.

4. In your experience, are there certain types of information that may be useful to share during consultation but which you may not want to disclose, for example confidential or culturally sensitive information? No not really. Except when it comes to law enforcement If so, do you have any specific recommendations for how Federal Government agencies can best manage this information as it considers a regulatory policy that may have federalism or Tribal implications? Work closely with local law enforcement

5. In your experience, how easy or difficult was it to locate the appropriate agency official with responsibility for State, local, or Tribal government

matters when seeking to or engaging in

consultation efforts? BLM used to have all contact information on their website. Not anymore . Difficult to contact. How, if at all, did this impact consultation efforts? Do you

have any specific recommendations to

facilitate communication among Federal, State, local, and Tribal government officials for consultations on regulatory policymaking? Make “hard copy” address book and share with tribal, local, and State gov...

6. If you are familiar with agency

policies on State, local, or Tribal

government consultation, what are your

thoughts on such policies? Great policy but Bureau of Land Management and other land management agencies have a hard time following

7. In your experience, what makes a

consultation successful? Early and honest. What makes a consultation unsuccessful? Late and unprepared. Do you have any specific recommendations on reducing barriers to effective and meaningful consultation among and between Federal, State, local, and Tribal government officials? Upper line management threatening employees for speaking out.

8. In your opinion, what role can

State, local, and government officials

play to facilitate consultation, and how should Federal Government agencies encourage such actions, if at all? Welcoming and INVOLVED. AND IT'S ALL ABOUT RELATIONSHIPS