WIR President, Commissioner Walter called the meeting to order, and welcomed the Board to Portland, OR. [1:15]

Commissioner Walter called the roll. Members present were: [1:16]

- **Alaska:**
  - Hon. Jerome Selby, Kodiak Island Borough
- **Arizona:**
  - Hon. Mark Herrington, Supervisor, Graham County, AZ
- **California:**
  - Hon. Brian Dahle, Supervisor, Lassen County
  - Hon. David Finigan, Supervisor, Del Norte County
- **Colorado:**
  - Hon. John Martin, Commissioner, Garfield County
  - Hon. George Wilkinson, Commissioner, Alamosa County
- **Hawaii:**
- **Idaho:**
  - Hon. R. E. Cope, Commissioner, Lemhi County
  - Hon. Gordon Cruickshank, Commissioner, Valley County
- **Montana:**
  - Hon. Lesley Robinson, Commissioner, Phillips County
  - Hon. Mike Murray, Commissioner, Lewis and Clark County
- **Nevada:**
  - Hon. Tom Fransway, Commissioner, Humboldt County
- **New Mexico:**
  - Hon. Walter Armijo, Commissioner, Sierra County
- **North Dakota:**
- **Oregon:**
  - Hon. Tim Josi, Commissioner, Tillamook County
  - Hon. Dan Joyce, Commissioner, Malheur County
- **South Dakota:**
  - Hon. Clint Farlee, Commissioner, Ziebach County
- **Utah:**
  - Hon. Alan Gardner, Commissioner, Washington County
  - Hon. Daron Smith, Commissioner, Millard County
- **Washington:**
  - Hon. Ron Walter, Commissioner, Chelan County
- **Wyoming:**
  - Hon. Doug Thompson, Commissioner, Fremont County
  - Hon. Joel Bousman, Commissioner, Sublette County

Ex officio board members, and staff present were: Mr. Brent Gardner, Utah Association of Counties, Mr. Daniel Chadwick, Idaho Association of Counties; Mr. Eric Johnson, Washington State Association of Counties; Harold Blattie, Montana Association of Counties; Paul Gutierrez, New Mexico Association of Counties; Nicole Stickler, AZ Association of Counties; Craig Sullivan, County Supervisors Association of Arizona; and Ryan Yates, NACo.

Commissioner Doug Thompson (Fremont County, WY) offered a prayer [1:16]
NACo Forest Service Liaison Randy Phillips introduced Lenise Lago, USDA Forest Service Deputy Regional Forester (Region 6) [1:17]

Mr. Phillips announced that Ms. Lago will be transferring to the Washington, DC office and will serve as the Deputy Chief for Operations beginning next week.

Introductions and approval of minutes from the Spring WIR Board of Directors meeting in Chelan County Tim Josi and Gordon Cruickshank offered two technical corrections and moved approval [1:20]

NACO Finance Director David Keene presented the current financial statements for the Board [1:22] John Martin and Jerome Selby moved approval

Amy Duffy with the Western Regional Partnership [1:27]

- WRP was established to create a regional senior policy level partnership among the Department of Defense, other Federal agencies, and State and Tribal executive leadership in the states of Arizona, California, Nevada, New Mexico and Utah

- **WRP Mission** WRP provides a proactive and collaborative framework for senior-policy level Federal, State and Tribal leadership to identify common goals and emerging issues in the states of Arizona, California, Nevada, New Mexico and Utah and to develop solutions that support WRP Partners and protect natural resources, while promoting sustainability, homeland security and military readiness.

- **WRP Vision** WRP will be a significant resource to proactively address common goals, identify emerging issues and develop solutions that support WRP Partners and protect natural resources, while promoting sustainability, homeland security and military readiness.

- The goals of the WRP are to:
  - Promote improved regional coordination and serve as a catalyst for open, positive dialogue among Partners
  - Address common goals, identify and solve potential conflicts and develop solutions that protect our natural resources, while promoting sustainability and mission effectiveness
  - Work towards making the West a more sustainable region
  - Serve as a resource to formulate recommendations that support the WRP mission
  - Develop a GIS Sustainability Decision Support Tool that integrates appropriate federal, tribal, state, and other available data sources for use in regional planning by the WRP and others when requested
  - Operate through consensus

Derek Rapier (Greenlee County Attorney) – State Coordination Legislation [1:40]

- Coordination is a continuation of the struggle to balance Decision Making authority between Fed., State and Local Governments.

- All of these efforts have sought to increase the ability of local governments to influence Federal Land Mgmt decisions. All assert to some degree, that local input is equal or superior to all other influences

- All Federal Land Management Statutes as well as many other Federal Statutes contain mandates on the Federal Government to try to blend Federal Planning with State and Local Planning.

- American Stewards of Liberty claim “Federal courts have held that if Congress defines a word in one statute, and uses the same word in a sister statute, then they intended the same definition to equally apply to all similar statutes.”

- ASL claims “Coordination” makes local gov’t EQUAL, not Subordinate, to Fed. Agencies in the planning process and claim that Counties are in Charge of the Planning Process

- What if:
  - Fed Chooses Not to Engage in Your Process
  - Adverse Group gets more influence
  - You Start Late and Fed Ag. doesn’t let you Participate in the Manner you want
  - Analyze Co. Position but discount it
  - Bad Substantive Decision
  - You’re gonna to have to sue em!

- Issues with the cost of Coordination include:
  - Dollar Cost -- Must Decide how often you can afford to fight
- Must Pick your Battles and Join with Others
- Must Do Cost/Benefit Analysis
- Must Decide what else will be Sacrificed to Engage in Litigation

- Greenlee County, AZ has more successful model:
  - Cultivate Relationships with Fed. Land Mgmt
  - Participate in as many ways as possible (committees, panels, written input, public meetings, etc.)
  - Use Constituents and Experts
  - Establish Credibility
  - Pick Fights Carefully (RS 2477 Roads)
  - Coalesce with other Counties (9th/10th cir.)
  - Law Suits
  - Have not yet used ASL Coordination Model

- Conclude:
  - Coordination IS something Fed. Agencies are required to do. And it IS something Counties should be doing
  - Select a Model or Method that works best for your County
  - Manage your Expectations and Engage in rigorous Cost/Benefit Analysis

Harold Blattie offered copy of state coordination statutes. There is a concerted effort to bring the legislation to every western state legislature. Please read the bill. The authors talk about coordination, but the bill is not about coordination. The bill is simply about intimidation which could lead to a situation where if a county does not “coordinate”, the public will beat up on the county officials – not the Feds or state agencies. [2:23]

Linda Langston addressed the board and discussed his candidacy for NACo 2nd Vice President. [2:27]

Ron Walter introduced Tony Barber, Director, Oregon Operations Office, EPA

- Waters of the US Guidance
  - Protections of the CWA apply only to “waters of the United States”.
  - Definition of what “waters of the U.S.” has been disputed both in court and out for years
  - Often confusing to both regulators and regulated.
  - The EPA and Corps of Engineers drafted new guidance to help in the case-by-case determinations that must be made in order to apply the Clean Water Act.
  - This guidance would replace previous guidance to reaffirm protection for critical waters.
  - It also will provide clearer, more predictable guidelines for determining which water bodies are protected by the Clean Water Act.
  - At the same time, we’re maintaining all of the existing statutory and regulatory exemptions.
  - And a number of specific areas still won’t be subject to the Clean Water Act under this guidance – areas like artificial lakes and ponds, and types of drainage and irrigation ditches.

- Timing: The new draft was released for public comment at the beginning of May:
  - Original 60-day public comment period ended 7/1
  - Now extended 30 days in response to stakeholders including NACo.

- Waterbodies may be considered “TNW,” and subject to CWA protections, with different evidence than called for under previous guidance.

- Clarification that interstate waters are protected.
- Clarification of how Rapanos affects waters that fall under the “other waters” category of regulations. The guidance divides these waters into two categories, those that are physically proximate to other jurisdictional waters and those that are not, and discusses how each category should be evaluated.

- Stormwater Rulemaking:
  - Generally, EPA is considering ways to protect water bodies and restore impaired waters by:
Establishing performance standards for discharges from newly developed and redeveloped sites of a certain size; the standard could require stormwater controls to be integrated into the design of a site.

- Reducing impacts from discharges from existing development, not through a site specific standard, but through a municipal wide program requiring certain regulated MS4s to adopt a flexible, adaptive approach.
- Expanding the protection of the MS4 program to include MS4s with high amounts of impervious cover and those MS4s in rapidly developing areas.
- Draft rule to be released late 2011. Final rule expected to be published late 2012.

- Silvacultural Rule:
  - Historic CWA Approach
  - Point sources = permits
  - Nonpoint sources = best management practices (BMPs)
  - Implement BMPs, monitor, adapt BMPs
  - Nonpoint sources primary cause of WQ impairment
  - Litigation blurs distinction between Point and Nonpoint sources
  - TMDLs, CAFOs
  - Pesticide NPDES & Registration/ESA consultation
  - Stormwater NPDES
  - NEDC v. Brown, August 17, 2010
    - 9th Circ. Court of Appeals – Operation of logging roads is an industrial activity
    - Logging roads and ditches that collect and discharge stormwater into streams are point sources that require a NPDES permit
    - EPA exceeded authority when it used silvacultural exemption for logging roads
    - Motion to stay denied; mandate issued 6/15/11. Appeal to Supreme Court likely

- Particulate / Ozone Standards
  - Clean Air Act requires National Ambient Air Quality Standards (NAAQS) for six criteria pollutants - primary standards for public health; secondary standards for public welfare
  - CAA requires periodic (5 year) reviews of the standards and supporting science. Before establishing new standards, policy decisions are reviewed by the scientific community, industry, public interest groups, the general public and the Clean Air Scientific Advisory Committee (CASAC).
  - The EPA is in the process of routinely reviewing the PM standard. It may be appropriate for the EPA to consider either:
    - Retaining the current PM-10 standard, or
    - Revising the PM-10 standard to change the form
  - Still under review. No proposal to modify standard has been made.
  - Notice of proposed rulemaking is expected this month (July 2011), followed by a public comment period.
  - Final rulemaking notice in early 2012.

- Boiler Rule
  - Following April 2010 proposals, the EPA received > 4,800 comments
  - May 16, 2011, EPA announced a stay of the effective date of those standards, except for boilers located at area sources of air toxic emissions.
  - Stay is in place until reconsideration of proposed standards is completed by end of October 2011.
  - Final standards to be issued by end of April 2012.

- Lead Rule for Public Buildings
  - TSCA Section 402(c)(3) requires EPA to regulate renovation or remodeling activities in most pre-1978 housing and public buildings, and commercial buildings that create lead-based paint hazards.
EPA’s April 2008 lead-based paint rule established requirements training, certification, accreditation, work practices, and recordkeeping for most pre-1978 housing and child-occupied public and commercial facilities.

- The proposed new rule will address activities in non-child-occupied buildings covered by TSCA section 402(c)(3)
- Renovators and remodelers must use lead-safe work practices: (i.e. Contain the work area Minimize dust; Clean up thoroughly)

Q: Mike Murray: What is a logging road VS a skid trail?
A: EPA is still trying to figure out how to determine

Q: John Martin: Ancient sea water only produced after drilling as a by-product – is it regulated? Is it considered subsurface?
A: EPA will get back to you.

Randy Phillips – USDA Forest Service Liaison [3:00]
- The Forest Service believes in maintaining a partnership with NACo and will maintain the liaison position.
- Plan to have cooperating agency training in Colorado
- Fire website: inciweb.org
- Forest restoration grants
  - CFRP – 10 projects this year
  - Call Randy for more information

Cynthia Moses-Nedd – Department of the Interior Liaison [3:10]
- Cooperating agency training in Vail, CO
- Four new renewable energy development projects announced by Secretary Salazar
- Look to accommodate wild horses – bids open for 5 year proposal
  - 800-5000 horse proposal
- LCCs – should have local government at the table. If you have not been involved, please call Cynthia.
- AGO – reconnect with public with public lands
  - AGO may have matching funds for local county projects. Go to AGO website for project proposals

Ron Walter announced fall board meeting in Lihue, Kauai. October 6-7, 2011. [3:15]

Ryan Yates discussed plans for Fall NACo PILT Fly-in.
- Budgeted for 20 county representatives
- Plan to target key leadership and House Freshman Class

Commissioner Paul Pearce and Ryan Yates – discuss update on SRS reauthorization [3:25]
- House Resources Committee hearing this week
- Two county officials testified

Robert Cope discussed Cohesive Strategy and WFLC [3:30]
- Ryan Yates will send out email after meeting requesting input from counties in western strategy

Mike McGinley asked a question about the status of the Refuge Revenue sharing program
- Yates and / or DOI will get back to you.

Tom Fransway – As many of the members may have known Mark Walsh (WCA), all should know that he passed away recently. Thoughts and prayers are with his family.

WIR President, Commissioner Walter, adjourned the meeting. [3:45]