PUBLIC LANDS

STATEMENT OF BASIC PHILOSOPHY
NACo, its Western Interstate Region, state associations of counties, and individual county governments have a critical role in policy development, planning, and management of federal land.

The federal government has long recognized and accepted that federal land holdings are a burden on local governments, and that funding is necessary for local governments to provide the types of services needed to access and use those lands.

NACo believes that environmental and socioeconomic values must be balanced and supports a philosophy of management that allows diversity of activities on public lands and local economies. Federal agencies must coordinate their management of public lands consistent with local land use plans or management policies.

FEDERAL LAND MANAGEMENT
A. Federal Land Ownership: Federal real property holdings should be appropriately managed. Congress should provide adequate and appropriate funding to support staffing, maintenance, research, and operational needs of the federal land management agencies. Acquisition of new land by any federal agency should be subject to consultation with the county in which the land is located. Extension of jurisdiction outside established management area boundaries such as integral vistas or buffer zones should meet the same criteria.

Criteria for the transfer, sale or acquisition of public lands shall include consideration of fair market value, consultation with appropriate counties and jurisdictions, and public values.

Counties should be fully involved as affected partners in any process to consider the disposal, transfer or purchase of public lands or acquisition of private lands to become public within a county’s jurisdiction, and counties should be given the opportunity to participate in the development of terms and conditions of any such proposal before it is carried out. Additionally, NACo requests that federal land management agencies adopt policies that provide real and substantial consideration of historic uses in project plans and environmental documentation, and commit project developers to providing mitigation for their loss.

B. Special Use Designations: Congress and federal agencies shall consult and confer with affected counties as early as possible when considering special land use designations that impact the use and status of public lands. Counties should be fully involved in the drafting and development of any bills pertaining to wilderness designation within any affected county’s jurisdiction. Public hearings must be held in the counties affected by the proposed designation. There must be compliance with the requirements of the National Environmental Policy Act (NEPA).

NACo opposes legislative efforts to require inventoried roadless areas (USDA Forest Service) to be managed in accordance with the 2001 Roadless Area Rule (January 12, 2001). NACo opposes federal land management agency actions that limit access and multiple use of lands that otherwise would be available to the public (i.e. de facto wilderness). NACo opposes Executive Branch efforts to designate de facto wilderness, or federal restrictions not explicitly enacted on use of public or private lands in proximity to a designated wilderness or a Wilderness Study Area without congressional approval. NACo also supports amending the Antiquities Act to provide transparency and accountability in the designation of national monuments. Federal consultation with state, county, and tribal government should be required prior to the development and designation of any national monument.

C. Access: NACo supports maintaining and enhancing public access to public lands; and opposes road closures, road decommissioning, moratoria against road building and other limiting policies and practices without coordination and consistency with county land use plans or management policies.
NACo recognizes the importance of the system of roads and rights-of-way across federal lands established under R.S. 2477. The current Administration does not have authority to make binding administrative determinations about county R.S. 2477 rights. Instead, the Administration should work cooperatively with local officials to obtain Judicial or Congressional recognition of county 2477 rights-of-way claims on federal land. This road recognition process should be clear and consistent and give high priority to public safety, private property, and public access. We oppose any federal action designed to change or diminish the scope of these rights.

D. Water: NACo believes in state primacy in water resources administration, management, and allocation. Before any decision is made to continue drawdowns, removal or breaching of dams, a full review of all the relevant scientific and socioeconomic implications of such actions should be made and affected counties consulted.

NACo supports changes in current federal policy to provide the option to use mechanized equipment for maintenance of dams within designated Wilderness areas and Wilderness Study Areas (WSA).

NACo urges the U.S. government to acknowledge the importance of adopting definitive Arctic policies in order to protect national security and to further U.S. commerce.

E. Domestic Livestock Grazing: NACo supports the enhancement of a viable rangeland livestock industry as an essential component of our country’s economy and as vital to affected communities. Good grazing practices are beneficial to maintaining rangeland health and assist in reducing potential fire danger by keeping fuel loading to a manageable level.

NACo supports the development and implementation of alternative grazing allotment management procedures including categorical exclusions for “no change of use permit” renewals on transfers to streamline the process and reduce cost to the taxpayer associated with rangeland management decisions.

NACo expresses disapproval of certain civil actions brought against the livestock industry and federal land management agencies that are intended solely to prevent livestock grazing on public lands when final decisions are made by the appropriate federal agency regarding grazing allotments after cooperative efforts to determine best land-use practices have been made.

NACo opposes legislative efforts to allow for the permanent retirement of grazing permits through the buy out of grazing permits by non-ranching third parties.

F. Wild Horse and Burro Management: NACo urges support for the Bureau of Land Management (BLM) in its management of wild horse and burro populations to achieve appropriate management levels (AML) as authorized by the Wild Free-Roaming Horses and Burros Act of 1971 (as amended). Further, NACo supports the sale, adoption or humane slaughter of excess animals as viable options to achieve populations consistent with established appropriate management levels.

G. Mineral, Oil, and Gas Development: NACo supports comprehensive mineral, gas, and oil development laws that address the needs of the extraction industries, the affected counties, and the environment. NACo recognizes that U.S. independence from foreign oil also requires expanded alternative and renewable resources. Federal agencies shall issue permits for mineral, oil, gas, and alternative/renewable energy development on federal land in a timely fashion.

NACo supports the development and implementation of a comprehensive national energy policy, which includes conservation, efficiency, exploration, and research and provides for the domestic production of traditional and alternative/renewable energy sources. Every effort shall be made by land management agencies to reduce road blocks that require years to get an application to drill, mine or extract minerals from federal land.
H. Forest and Rangeland Health: NACo supports forest health initiatives to address the threat of catastrophic events to our public forest and rangeland resources. Federal land management agencies shall utilize an appropriate mix of management practices, and increased private, local, and state contracts and partnerships for pre-fire management, effective fire suppression, and restoration of federal forest and rangelands.

I. Noxious Weeds: NACo calls for a coordinated, integrated weed management effort by federal land agencies, states, and counties.

J. Military Installations: Recognizing the value counties and military installations bring to each other and their complex and sometimes competing needs, NACo supports establishment of open, consistent and long-term joint planning processes to help both communities co-exist and continue to thrive together. Early engagement, close cooperation, and joint coordination of community and military development plans are essential to minimize potential impacts. Affected counties shall be entitled to cooperating agency status for military initiatives under NEPA, while counties shall seek similar input from military installations.

FEDERAL LAND PAYMENTS
A. Payment in Lieu of Taxes (PILT): NACo supports the full funding of the PILT program at its yearly authorized level and supports legislative and/or administrative efforts to modify the program to make payments to counties on a basis equitable to both the federal and local taxpayer that are non-discriminatory in nature.

Because this program does not compensate counties for military lands that are also exempt from local taxes, a new and separate system of payments-in-lieu-of-taxes should be created for such facilities to compensate the affected counties.

B. Resource Revenue Sharing Payments: Counties must share in the benefits of economic activity on public lands through statutory formulas, which guarantee a percentage of all gross receipts to be returned to the counties where the activity occurs. NACo opposes any attempts to lessen the revenue sharing receipts.

NACo supports amending the Federal Mineral Leasing Act so that an additional five percent from the federal portion (50 percent) of mineral lease revenue is returned to the county from where the mineral was extracted, and the historic balance of the 50/50 split is restored.

NACo supports the sharing of federal leasing and rights-of-way revenues from renewable energy development (wind, solar, and geothermal) and federal Stewardship Contracts on federal lands with county governments where that development and contracts occurs. Any revenue sharing program should not negatively impact the PILT program.

C. Secure Rural Schools and Community Self-Determination Act: NACo supports the reauthorization and enhancement of the Secure Rural Schools program (PL 110-343). Reauthorization should maintain coupling between payments to counties and active natural resource management; and the connection between sustainable natural resource management and the stability and well-being of forest counties and communities.

D. Compensation to Counties by Concessionaires Operating on Federal Lands: NACo supports federal policies that direct federal land management agencies to provide that all concessionaires, or enhanced-use-lease lessees who operate businesses on federally owned land, compensate local taxing jurisdictions equal to the property taxes that are otherwise paid by any other commercial business in the county.

FEDERAL LAND USE PLANNING
A. Community-Based Land Management: NACo supports community-based conservation initiatives and calls on the agencies to implement such initiatives. Federal land management agencies should use broad-based vegetation management practices, in conjunction with community-based partnerships for ecosystem management, to enhance the health of the public lands.
B. **Endangered Species Act:** NACo recognizes the importance of the Endangered Species Act (ESA) as an essential safeguard for America’s fish, wildlife and plants and therefore supports updating and improving it to better achieve its goals.

NACo supports reforming the ESA to mandate that the federal government treat state and county governments as cooperating agencies with full rights of coordination, consultation, and consistency to decide jointly with appropriate federal agencies when and how to list species, designate habitat, and plan and manage for species recovery and de-listing.

C. **National Environmental Policy Act (NEPA) Improvement:** NACo supports the revision of NEPA to strengthen the involvement of local government in the federal decision-making process, to increase public involvement for local communities, expedite project analysis, and make those decisions in a timely but effective manner. NACo supports requiring federal agencies offer to coordinate with and offer cooperating agency status to local governments, and negotiate mutually agreeable MOUs.

D. **Gateway Communities:** NACo recognizes counties as gateway communities to our nation’s federal lands and that the economies and ecologies of county, state, and federal governments in gateway regions are interwoven. NACo believes that diverse recreation and tourism opportunities are critical to counties and their communities. Furthermore, NACo recognizes that federal policies frequently drive significant impacts to gateway communities and the services they provide to visitors to ensure their pleasure, safety and comfort.

E. **Current Future Federal Land Management Agency Land Management Plan Revisions:** Federal Land Management Agencies should coordinate with local government officials and maintain maximum consistency with local plans and policies when undergoing current and future revisions of Resource Management Plans (RMPs) and Forest Management Plans. Counties should be full cooperating agencies in such processes and be provided meaningful opportunity for involvement in the revision process from start to finish. Once land management agency plans are approved management practices or policies, new agency actions should not contradict those plans.

Plans should provide for economic and social sustainability, emphasize multiple use management and commodity production, and require federal decisions be made at the most local level of the federal agency.
Adopted July 17, 2012

**PUBLIC LANDS RESOLUTIONS**

**Resolution Opposing any ESA Listing of Greater Sage Grouse Due to Inaccurate Historic Data**

Issue: U.S. Fish and Wildlife Service (FWS) consideration to list the Greater Sage Grouse under the ESA when there is no legitimate threat.

Adopted Policy: NACo strongly opposes any additional protection of the Greater Sage Grouse under the ESA, and forced enhancement and/or protection of their habitat that is justified by using historic man-made data concerning the species in question.

Ongoing sage grouse management efforts of state and local governments, stakeholder working groups, and BLM RMPs throughout the eleven western states are protecting and restoring sage grouse habitats and reviving sage grouse populations. Therefore, NACo opposes listing the Greater Sage Grouse as a T&E species at this time. NACo encourages federal agencies to work collaboratively with state and local governments in the development of their sage grouse plans.
Adopted July 17, 2012
Resolution Calling for Membership on Landscape Conservation Cooperatives Steering Committees to Include County Elected Officials

**Issue:** County membership on Landscape Conservation Cooperatives (LCC).

**Adopted Policy:** NACo supports the expansion of LCC Steering Committees to include at least one elected county official or approved regional official representing local governmental interests on each Steering Committee, and preferably one from each state in those eco-regions which are multi-state.

Adopted July 17, 2012

Resolution on Counting ESA-Protected Utah Prairie Dogs on Private Lands

**Issue:** Counting Utah prairie dogs protected under the ESA on private lands.

**Adopted Policy:** NACo urges the FWS to modify its policies to permit the counting of Utah prairie dogs on private as well as public land for the purpose of determining species recovery and readiness for delisting.

Adopted July 17, 2012

Resolution Opposing the BLM’s Recent Proposed Rule to Regulate Hydraulic Fracturing in Public Lands Oil and Gas Drilling

**Issue:** Regulation of hydraulic fracturing in public lands oil and gas drilling.

**Adopted Policy:** NACo opposes the BLM’s recent proposed rule to regulate hydraulic fracturing in public lands oil and gas drilling activities. NACo supports continuation of current state by state regulation hydraulic fracturing.

Adopted July 17, 2012

Resolution Urging Congress to Expedite a Commercial Oil Shale Leasing Program and Urging the BLM to Make All 2008 Approved Lands Available for Oil Shale Leasing and Development in the Green River Formation

**Issue:** Oil shale leasing program in the Green River Formation.

**Adopted Policy:** NACo urges Congress to provide an expedited commercial oil shale leasing program at the earliest possible date, and urges the BLM to not reduce the acreage of lands already approved in 2008 for oil shale and leasing in the Green River Formation, in order to facilitate a functioning, environmentally-responsible commercial oil shale leasing program there.

Adopted July 17, 2012

Resolution to Rescind the BLM’s “Master Leasing Plan” Oil and Gas Leasing Reform

**Issue:** Rescind the BLM’s Master Leasing Plan Instruction Memorandum and Related Guidance.

**Adopted Policy:** NACo strongly urges the Department of Interior (DOI) Secretary and the BLM Director to immediately rescind BLM’s Instruction Memorandum No. 2010-117 and all related guidance, because they attempt to implement so-called “Master Leasing Plan” reforms that unlawfully override duly established BLM RMPs without local government input.

Adopted July 17, 2012

Resolution Supporting Uranium Activities

**Issue:** On January 9, 2012, the Secretary of the Interior, using faulty information, withdrew one million acres of the nation’s highest grade uranium ores from mineral entry in Northern Arizona.

**Adopted Policy:** NACo believes that the January 12, 2012 withdrawal for Northern Arizona should be overturned, or revoked, and the lands returned to multiple use status, and under the terms of the 1984 Arizona Wilderness Act, release of lands not suitable for wilderness (except in Coconino County), as long as operators...
continue to abide by existing state and federal environmental laws, regulations, and standards, including reclamation.
Adopted July 17, 2012

Resolution in Support of Changing Forest Service Employee Supervision

Issue: Chain of command for U.S. Forest Service (USFS) law enforcement personnel.
Adopted Policy: NACo supports a change in USFS personnel organization to place law enforcement officers under the direction of Forest Supervisors.
Adopted July 17, 2012

Resolution on Local Law Enforcement on Public Lands

Issue: Local law enforcement on public lands.
Adopted Policy: NACo urges all federal land management agencies to recognize and respect sheriffs (or the chief local law enforcement officer) in public lands counties as the primary and chief law enforcement officer of the entire county. Federal agencies should execute cooperative agreements with counties to ensure fair and prompt federal payment of compensation for additional local law enforcement activities desired of the sheriffs, and federal agencies submit their agents for deputization and accountability under local sheriff authority and control.
Adopted July 17, 2012

Resolution on Hazardous Fuels Emergency

Issue: Accumulation of biomass.
Adopted Policy: NACo calls on Congress to grant a governor authority to declare a state of emergency when the severity of fire danger from fuels on identified federal lands within that state poses a significant threat to public health and safety.
Adopted July 17, 2012

Resolution to Promote Healthy Forest Ecosystems Through Active Management of the Nation’s Forests

Issue: Active forest management.
Adopted Policy: NACo urges Congress to enact legislation to direct and enable federal forest management agencies to reduce Fire Regime Condition Class (FRCC) 3 to the standard of FRCC 1 in all federal forests by the year 2030, and to reduce FRCC 2 to the standard of FRCC 1 in all federal forests by the year 2050, through the means of active landscape scale management, fuels reduction, and immediate post-fire restoration.
Adopted July 17, 2012

Resolution to Revise Contract Cancellation Policy for USFS Stewardship Contracts

Issue: Forest stewardship projects.
Adopted Policy: NACo urges Congress to amend P.L. 108-7 to direct the USFS to maintain a single source contract cancellation liability contingency fund within the agency of appropriations not obligated as opposed to current policy, which requires such a contingency as a component of each stewardship contract awarded.
Adopted July 17, 2012

Resolution on Utilization of Federal Timber after Domestic Declaration of Disaster

Issue: Supporting federal law changes to increase the flow of federal timber for domestic reconstruction purposes (after the declaration of emergency) improves economies and community sustainability.
Adopted Policy: The Robert T. Stafford Disaster Relief and Emergency Assistance Act should be amended to include provisions to require that reconstruction materials originate from federal forest lands, specifically sections 307, 315, 316, 323, 421, and 683. When federal dollars are allocated for disaster relief, changes to these sections would benefit schools and roads in counties with federal forest lands.
Adopted July 17, 2012

Resolution Urging Congress to Establish Community Forest Trust Pilot Programs

Issue: Revenues for counties with USFS land.
Adopted Policy: NACo supports the creation of a community forest trust pilot program that:
• Designates specific USFS land, or natural resources on specific USFS land, outside of wilderness designations to be managed by the states on behalf of counties and schools according to state land management practices and federal and state laws as they apply to state land;
• Allocates revenues generated from the management of these designated lands to all forest counties with the participating state using a mutually agreed upon formula;
• Establishes a management board of county commissioners submitted by a state association of counties (or comparable), and appointed by the governor for each participating state; and
• Allows the USFS to maintain ownership and fire management responsibility of the land.
Adopted July 17, 2012

Resolution to Support the Community Forestry Conservation Act of 2011 and the Use of Community Forestry Bonds

Issue: Authorizing the use of municipal debt (Community Forestry Bonds) as a tool to help keep working forests in communities across the nation.
Adopted Policy: NACo supports the passage of The Community Forestry Conservation Act of 2011 and calls on Congress to approve this legislation during the 2nd Session of the 112th Congress.
Adopted July 17, 2012

Resolution on the Federal Definition of Woody Biomass

Issue: Federal legislation needs to establish that renewable biomass from both federal and non-federal lands can be applied towards the existing renewable fuels standard and any renewable electricity standard.
Adopted Policy: NACo supports the definition of biomass from Titles I & III of the 2008 Farm Act (Farm Bill), which states that renewable biomass is:
• For Federal Lands: Materials that are byproducts of preventive treatments (e.g., trees, wood) that are removed to reduce hazardous fuels, to reduce or contain disease or insect infestation, or to restore ecosystem health; would not otherwise be used for higher value products; and are harvested from National Forest System land or public lands in accordance with public laws, land management plans, and requirements for old-growth maintenance.
• For Non-Federal Lands: Any organic matter that is available on a renewable or recurring basis from non-federal land or land belonging to Indian tribes, including renewable plant materials (feed grains, other agricultural commodities, other plants and trees, algae), waste material (crop residue, other vegetative waste material including wood waste and wood residue), animal waste and byproducts (fats, oils, greases, and manure), construction waste, and food waste/yard waste.
Furthermore, the Environmental Protection Agency (EPA) should encourage the development of renewable biomass energy by not regulating greenhouse gas emissions from biomass energy under the Clean Air Act, specific to the EPA Tailoring Rule and Boiler MACT.
Adopted July 17, 2012
Resolution on Mitigation for Historic and Recognized Federal Land Multiple Uses When Renewable Energy Projects are Developed on Federal Land

**Issue:** Allowing continued and new multiple use activities on federal lands.
**Adopted Policy:** NACo requests that the BLM and the USFS adopt policies that provide real and substantial consideration of historic uses in the project plans and environmental documentation, and require all energy project developers to provide mitigation for the loss of historic uses.
Adopted July 17, 2012

Resolution on Acquisition of Private Land for Wildlife Mitigation Associated with Renewable Energy Development with Subsequent Transfer to Federal Agencies

**Issue:** Acquisition of private land for wildlife mitigation associated with renewable energy development.
**Adopted Policy:** NACo requests that land and wildlife management agencies adopt procedures that provide for project mitigation other than through land transfer from private to public ownership, unless such transfer has county support. When such transfers are deemed the only appropriate mitigation, and offsetting PILT will not occur, then agencies must provide that project developer would continue to pay the property tax on the transferred land, or fees in lieu of taxes, in perpetuity, unless the land is restored to private ownership at a future date.
Adopted July 17, 2012

Resolution Supporting Amendment to the Antiquities Act to Require Congressional Approval and NEPA Review Before a Presidential National Monument Proclamation Becomes Effective

**Issue:** National Environmental Policy Act (NEPA) review and congressional approval prior to establishment of a national monument.
**Adopted Policy:** NACo supports Congressional revision of the Antiquities Act of 1906 to require that any Presidential National Monument proclamation be subject to NEPA review and Congressional approval before becoming effective.
Adopted July 17, 2012

Resolution Supporting the Government Litigation Savings Act

**Issue:** Accountability and transparency regarding payments made under the Equal Access to Justice Act (EAJA).
**Adopted Policy:** NACo supports the Government Litigation Savings Act (S.1061/H.R.1996) as the passage of these bills would:
- Continue to provide a mechanism to assure fair and equal access to public funds for individuals, small businesses, and non-profit organizations with limited financial resources to assure their ability to participate in the justice system of these United States;
- Help restore accountability and transparency on how federal funds are being spent by reestablishing a provision for reporting to Congress on expenditures under the EAJA;
- Restrict the amount of EAJA dollars that can be used to reimburse successful individual and small entities for legal expenses in actions brought against the federal government;
- Restrict the eligibility to apply for reimbursement of legal expenses for those individuals and entities without the assets necessary to bring legal action against the federal government; and
- Urge Congress to adopt an asset limit for applicants consistent with the congressional intent of the EAJA.
Adopted July 17, 2012

Resolution Supporting a Collaborative Process Allowing for the Review and Release of Wilderness Study Areas that do not Qualify as Wilderness

**Issue:** The continuation of restrictive management of Wilderness Study Areas (WSAs) that the federal land management agencies have determined that do not qualify as wilderness but have not been released by Congress.
Adopted Policy: NACo urges Congress to release Wilderness Study Areas based on the recommendations of groups of local stakeholders similar to that of the Pine Forest Working Group of Humboldt County, Nevada. Adopted July 17, 2012

Resolution Requesting State Approval Prior to the Designation of Wilderness Areas and National Monuments

Issue: Designation of wilderness areas and national monuments without local approval.
Adopted Policy: NACo urges Congress to make all necessary rules and laws requiring that all Wilderness Area and National Monument designations must be approved by any state and county that will, in any part, be within its boundaries.
Adopted July 17, 2012

Resolution on Supporting the Transfer of Certain Federal Lands to State Ownership

Issue: State acquisition of federal land.
Adopted Policy: NACo supports the transfer of specifically identified federal land to states through an application process, coordinated by a formal gubernatorial petition process.
Adopted July 17, 2012

Resolution Calling for the Membership of the Wild Horse and Burro Advisory Board to be Expanded to Include a County Elected Official

Issue: The Wild Horse and Burro Advisory Board does not have a county elected official as a member.
Adopted Policy: NACo supports the expansion of the membership of the Wild Horse and Burro Advisory Board to include an elected county official from a county directly impacted by the policies governing the management of wild horses and burros on public lands.
Adopted July 17, 2012

Resolution Supporting Funding for our National Parks

Issue: Federal funding for the National Park Service (NPS).
Adopted Policy: NACo calls on Congress to preserve funding for America’s national parks. NACo supports maintaining funding for the National Park Service (NPS), recognizing that national parks provide recreation, economic and tourism opportunities for counties, and gateway communities. NACo also urges Congress to increase funding for the NPS to address the dire backlog of maintenance projects, now totaling $11 billion, which includes critically needed road access and bridge maintenance projects.
Potential funding sources include utilizing some eligible, but unfunded off-shore gas and oil lease monies that are dedicated to LWCF for support of maintenance and operations for NPS.
Adopted July 17, 2012

Resolution Supporting Change of Administration of the Pittman-Robertson and Dingell-Johnson Funds

Issue: The FWS has too much administrative power over the Federal Aid in Sport Fish Restoration Act and the Federal Aid in Wildlife Restoration Act.
Adopted Policy: NACo supports reducing the administrative fee allowance to .1% (one tenth of one percent) or $1,000,000 whichever is greater for administrative costs from the Pittman-Robertson and Dingell-Johnson Funds. If additional administrative fees are required by the FWS, then Congressional approval would be required.
Adopted July 17, 2012