Environment, Energy and Land Use Steering Committee

Proposed Platform Changes
1. Proposed Platform Change – Federal Stormwater Regulations
2. Proposed Platform Change – Good Samaritan Environmental Laws
3. Proposed Platform Change – Pesticide Use in County Ditches
4. Proposed Platform Change – Funding for Maintenance of Dam Infrastructure
5. Proposed Platform Change – Oil Pollution Act and Sharing of CWA Penalty Fines
6. Proposed Platform Change – Cap and Trade/Carbon Tax
7. Proposed Platform Change – Property Assessed Clean Energy Program (PACE)
8. Proposed Platform Change – Changes to Electric Utility Restructuring
9. Proposed Platform Change – DOD’s Readiness and Environmental Protection Initiative

Proposed Resolutions:
1. Proposed Resolution on Good Samaritan Environmental Laws
2. Proposed Resolution on the U.S. Army Corps of Engineers Levee Vegetation Policy
3. Proposed Resolution on U.S. Army Corps of Engineers Section 404 Program
4. Proposed Resolution on the Reduction and Cleanup of Marine Debris
5. Resolution on Exempting Renewable Biomass Emissions from the EPA’s Tailoring Rule
6. Proposed Resolution Supporting County Divestment from Fossil Fuels
7. Proposed Resolution on the Keystone XL Pipeline
8. Proposed Resolution Opposing Delay in Issuance of Oil and Gas Drilling Permits
Environment, Energy and Land Use Steering Committee
Proposed Platform Change - Federal Stormwater Regulations

Under WATER QUALITY – Section A). Clean Water Act (EELU section of the American County Platform), Amendment by Jack Hilbert, Commissioner, Douglas County, Colo.

2. Stormwater Runoff: NACo supports revisions to the CWA and development of a federal stormwater program, which would achieve the following outcomes:

• Incorporate public, state and local governments comments and/or suggestions into promulgation and/or expansion of existing federal stormwater rules;
• Flexibility for local governments to consider the site-specific nature of stormwater (including geographically-specific information) and determine the most cost-effective and technologically feasible means of reducing pollutants to meet CWA objectives;
• Consolidation of Phase I (over 100,000 population) and Phase II (under 100,000 population) stormwater regulatory programs for local governments into a simplified, workable and effective program;
• Development by local governments of local stormwater management programs consistent with state stormwater program goals and EPA guidance;
• Federal funding of a comprehensive stormwater research program to determine the impact of stormwater on overall water quality. This study should also include a comprehensive cost benefit analysis;
• An exemption from regulation for local governments that do not contribute to stormwater pollution problems or have implemented stormwater management programs that are shown to be successful in addressing local water quality concerns; and
• Logging roads should be excluded as a “point source” under CWA rules and regulations (pertaining to stormwater discharges).

Environment, Energy and Land Use Steering Committee
Proposed Platform Change - Good Samaritan Environmental Laws

Under WATER QUALITY – Section: A). Clean Water Act; New section #4 (EELU section of the American County Platform) - Amendment offered by Lynn Padgett, Commissioner, Ouray County, Colo.

3. Sewer Overflows: NACo supports a Combined Sewer Overflow (CSO) program which is based on cost-benefit analyses and allows for a variety of control techniques. EPA's CSO policy should accommodate water quality standards that encompass stormwater discharges and their impact in CSO systems.

NACo believes that a significant national environmental or public health problem requiring federal regulation from Sanitary Sewer Overflows (SSO) has not been demonstrated. NACo calls on the EPA to review SSO regulations to ensure flexibility for local communities to adequately address this challenge.
4. **Good Samaritans for Abandoned Mine Sites** - NACo supports legislation and/or policy that will immediately limit liability for "Good Samaritans" performing voluntary, cooperative mitigation efforts on water discharging from abandoned mine sites which measurably improves water quality that has been impacted by mining activity where there is no financially responsible party.

Environment, Energy and Land Use Steering Committee
Proposed Platform Change – Pesticide Use in County Ditches

Under WATER QUALITY - Section D). Wetlands Permitting and Navigable Waters (EELU section of American County Platform) *Amendment proposed by Robert Cope, Commissioner, Lemhi County, Idaho*

D. **Wetlands Permitting and Navigable Waters:** NACo supports the national policy goal of net gain/no net loss of wetlands and encourages a management approach that avoids wetlands, minimizes wetland loss, and mitigates as the final alternative. NACo supports additional federal funding for local governments to implement the national policy goal.

NACo supports a requirement to offset unavoidable wetland loss by mitigating, restoring through enhancement of existing wetlands, or creating new wetlands, when public need requires that public facilities, utilities, or improvements be developed over sensitive ecological areas. NACo supports clarification of federal law to permit the proper maintenance of drainage systems according to the original intent and design of the law and to federal and state regulations established prior to 1985. Land designated as agricultural land prior to 1985 should not require restoration to conditions prior to agricultural use.

NACo supports keeping the terms navigable and/or navigable waters in the Clean Water Act to protect intrastate waters, including wetland habitats, rivers, and streams within the United States and to protect the basic, fundamental principles of local land use control in accordance with the goals of the CWA. NACo will oppose any effort to remove the term “navigable” from the CWA.

NACo calls on the federal government to clarify that local streets, gutters, and human-made ditches are excluded from the definition of "waters of the United States." Further, NACo urges the federal government to recognize that the flow volume of stormwater from development and regulation of impervious surfaces are local land use issues, and are not subject to federal regulation.

NACo supports using pesticides in accordance with the instructions on the label, and supports strong penalties for those who misuse pesticides in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). NACo opposes any legislation that expands the Environmental Protection Agency’s (EPA) jurisdiction in regard to pesticide use in (and around) county-owned and operated streets, gutters, and ditches.
E. Funding and Security for Water Infrastructure: NACo recognizes the threat posed to the health and safety of our nation as it faces a crucial time of aging and crumbling water and wastewater infrastructure and an increased risk for both natural and human-made disasters. NACo calls for a reliable, long-term, and substantially increased federal investment in water infrastructure, watershed protection, and the protection of water resources and facilities from physical and chemical security threats. The broad range of local needs to achieve national clean water goals and objectives that would be funded by this investment include the construction, repair and replacement of treatment works, collection and distribution systems, compliance with federal regulatory mandates, investments in decentralized wastewater systems, voluntary non-point source pollution abatement, source water protection, and improvements in the security of water resources and facilities, consistent with local land-use plans.

NACo recognizes the critical role dams and levees play in local flood control, and that failure of unsafe or deficient dams and levees can lead to significant property destruction and immeasurable loss of human life. Like other critical infrastructure, these man-made structures deteriorate and ongoing investment is necessary to ensure the safety of such structures. NACo supports increased federal commitment to fund the repair and rehabilitation of America’s non-federal, publicly-owned dams and levees, including those constructed through agreements between counties and the National Resource Conservation Service, with priority funding given to structures presenting the highest risk of failure and which present the highest risk to homes, schools, businesses or important infrastructure in the event of failure. Federal funding should be made available through grants, loans, and federal cost-share programs designed to assure that unsafe or deficient dams and levees are brought into compliance with national minimum safety standards and to assure that necessary maintenance and upgrades can be conducted to meet these standards on an ongoing basis. Moreover, NACo urges federal and state governments to consult with, and include, counties in the decision-making process when undertaking the rehabilitation of unsafe or deficient dams and levees located within the jurisdiction of the county.
H. Oceans and Coastal: NACo supports federal funding for continued education and scientific study of ocean acidification.

NACo supports focused dialogue and collaboration between counties and the U.S. military to continue to improve maritime practices and to mitigate sonar impacts to marine mammals, fisheries, local economies, and natural resources.

I. Oil Pollution Act: NACo supports federal legislation and policies to strengthen local government involvement under the Oil Pollution Act (OPA). NACo supports requiring federal agencies who oversee OPA to consult and coordinate with local governments in environmental protection, oil spill contingency planning, training and implementation of OPA processes.

NACo supports sharing CWA penalty oil spill fines with impacted communities. NACo supports using the 2012 RESTORE Act (Resources and Ecosystems Sustainability, Tourism Opportunities and Revived Economy of the Gulf Coast Act) provisions as a model for future pollution incidents throughout the country.

Environment, Energy and Land Use Steering Committee
Proposed Platform Change – Cap and Trade/Carbon Tax

Under AIR – Section J. Greenhouse Gases (EELU section of American County Platform), Amendment proposed by Alan Gardner, Commissioner, Washington County, Utah; Robert Cope, Commissioner, Lemhi County, Idaho; John Prinkki, Commissioner, Carbon County, Mont.

J. Greenhouse Gases: NACo urges Congress to address global warming, regardless of its source. NACo urges Congress to aggressively pursue national and international programs to develop carbon-neutral energy sources and reduce greenhouse gas emissions. Federal funding of sensible and cost-effective technologies to reduce greenhouse gases should be continued. However, NACo opposes any legislative or regulatory proposals, such as a cap and trade system or carbon tax, that would pass on direct and indirect costs and/or taxes onto counties, consumers, and businesses.

NACo urges Congress to provide financial and technical assistance to local governments to help develop and implement local climate change adaption and mitigation plans and projects, including smart growth initiatives, mass transit development, renewable energy deployment, acquisition of high efficiency fleet vehicles and protection of water supplies.
NACo supports active county participation in climate legislative initiatives. These initiatives must be balanced and equitable, and benefit counties by providing revenue to communities for creating economic growth, sustainable businesses, community development, energy efficiency, conserving parks and open spaces, and develop natural resources that increase quality jobs, business productivity, and competitiveness.

Environment, Energy and Land Use Steering Committee
Proposed Platform Change – Property Assessed Clean Energy Program

Under ENERGY – Section C. Energy Conservation (EELU section of American County Platform)
Amendment proposed by Sonoma County, CA

A. Energy Conservation: NACo supports federal funding and other incentives to promote nationwide energy conservation efforts. To facilitate decentralized energy conservation activities, the federal government should seek input from local government on implementation and continue to adequately fund all conservation and fuel assistance programs, such as: the State Energy Conservation Program; Energy Extension Service; Institutional Conservation Program; Weatherization Assistance Program; Low Income Housing Energy Assistance Program; and the Energy STAR Program. NACo believes the federal government should work with local governments in the research, development, and implementation of energy efficient building standards.

NACo believes the federal government should encourage local governments to develop partnerships with utilities and private industry to develop energy efficiency and conservation programs which will result in cost savings for local businesses and a stronger local economy.

NACo supports full funding for the Energy Efficiency and Conservation Block Grant (EECBG) Program in FY 2010 and thereafter. Additionally, NACo supports including city populations in the overall county population numbers and urges the DOE to allow all “eligible” counties in all states to apply for the direct formula funding.

NACo supports funding for Property Assessed Clean Energy (PACE) programs and supports their treatment by federal regulators as a traditional tax assessment program with priority lien status.

Environment, Energy and Land Use Steering Committee
Proposed Platform Change – Changes to Electric Utility Restructuring

Under ENERGY – Section H. Electric Utility Restructuring (EELU section of American County Platform) Amendment proposed by Helen Holton, Council Member, Baltimore City Council, Md.; Christian Leinbach, Commissioner, Berks County, Pa.; Douglas E. Hill, Executive Director, County Commissioners Association of PA; Lisa Schaefer, Government Relations Manager, County Commissioners Association of PA
H. Electric Utility Restructuring: NACo supports the following principles of reliability, equitable benefits, social and environmental impacts, and stranded costs in any attempts to restructure the delivery of electricity:

- The federal government should work in partnership with state and local governments if it plans to restructure the nation's electric industry;
- Whether or not restructuring is pursued, the foremost consideration is to develop and enforce a common goal and supporting policies that maintain and improve the system, including upgrading and replacing aging and outdated infrastructure with particular attention to our older communities and regions, incorporating newest technologies and anticipating technological improvements, and ensuring reliability and affordability of service with particular attention to resilience in the face of natural and other hazards.
- Any transition to a competitive generation market should provide sufficient time, in line with the magnitude of the change, for counties to adapt to the new structure, avoid disruption of service to the public, and adjust to potential changes in tax revenues;
- Any restructuring must acknowledge and not abridge the existing power and authority of counties to operate county utilities or the ability of counties to form such utilities in the future, providing the utilities do not result in a cost-shifting to other counties;
- Under any restructuring, counties, either individually or on a regional basis, should have the opportunity to consider combining the electric loads of various users and negotiate the purchase of electricity on behalf of those consumers;
- Any restructuring should include a transition period during which legitimate stranded costs can be recovered in a just and reasonable manner as determined by state law;
- Counties should continue to have the authority to issue franchises and/or taxes and no federal or state action should preempt or interfere with county revenue authority;
- Counties should retain full authority over its own right-of-ways and recovery costs for their use;
- Customers should be allowed to choose their own electric power supplier as determined by state legislation, not federal law, and be given a written disclosure prior to selecting a provider on the overall cost of service;
- Recognition of electrical, geographic and institutional differences such as the western and eastern electrical grids having different features and challenges; and
- DOE and state utility commissions continuing their important role in ensuring that all consumers can count on the long-term integrity, safety, and reliability of their electricity service.

Environment, Energy and Land Use Steering Committee
Proposed Platform Change – DOD’s Readiness and Environmental Protection Initiative

Under LAND USE – Section E). Federal Installations and Weapon Sites (EELU section of American County Platform) Amendment proposed by Jean E. Powell, Hoke County Commissioner, NC
E. Cleanup of Federal Installations, and Weapon Sites—Military Testing and Training Ranges

1. NACo urges federal recognition that funding to cleanup former and existing federal military and other federal complexes is a federal responsibility. To protect human health and the environment, NACo believes the federal government should:
   - Approve full federal funding for environmental cleanup activities at existing and former military, nuclear weapons, and other federal complexes;
   - Make a commitment to complete environmental cleanup at its facilities within a reasonable and justifiable timeframe;
   - Strive to not only comply with environmental laws, but also be a leader in the field of environmental cleanup to address public health concerns, ecological restoration, and waste management; and
   - Consult with local governments regarding transportation and timing of cleanup materials.

2. NACo supports continued funding and commitment for Department of Defense’s (DOD) Readiness and Environmental Protection Initiative (REPI). The REPI program enables DOD to enter into cost-sharing partnerships, authorized by Congress, with private conservation groups, local and state governments to protect military test and training capabilities and conserve land. These partnerships acquire easements or other interests in land from willing sellers to preserve compatible land uses and sustain wildlife habitat near installations and ranges where the military operates, tests, and trains.

ENVIRONMENT, ENERGY AND LAND USE STEERING COMMITTEE

Proposed Resolution on Good Samaritan Environmental Laws

ISSUE: Liability for environmental clean-up around abandoned mine land sites.

PROPOSED POLICY: NACo supports legislation and/or policy that will immediately limit liability for "Good Samaritans" performing voluntary, cooperative mitigation efforts on water discharging from abandoned mine sites which measurably improves water quality that has been impacted by mining activity where there is no financially responsible party.

BACKGROUND: Over the past couple decades several different pieces of federal legislation have been introduced in the House and the Senate designed to address the CERCLA and Clean Water Act liability for existing conditions at AML sites. The concept is to provide appropriate liability relief to bona fide "Good Samaritans" that voluntarily clean up acid mine drainage at abandoned hard rock mines and mitigate environmental hazards rather than just physical hazards.

There are hundreds of thousands of abandoned mines in the United States with acid drainage issues that are degrading water quality, making it more expensive to provide potable water, damaging potential fisheries, causing environmental degradation, and making it impossible for even small, modern, appropriate mining to take place because a discharge permit cannot be obtained by mining operations that would operate in compliance with current laws, standards,
and best management practices in waterways designated as impaired. Due to the vintage of these abandoned mines, many well over 50-100 years old, there is no Financially Responsible Party and the owner of the property is not the party that caused the mine or drainage. The presence of impaired waters increases costs for providing potable drinking water in headwaters communities, and causes loss of economic benefits from reduced agricultural activities, loss of economic benefits from appropriate modern mining operations not being able to get discharge permits, and loss of economic benefits from reduced or lack of fisheries that allow for recreational opportunities.

Some of these abandoned mine sites may have been identified as a priority for cleanup under the Environmental Protection Agency (EPA) Superfund program, however this program for many reasons cannot quickly address the issue that local Good Samaritans know intimately. For example, one study suggests that 70% of acid drainage and metal loading in the Uncompahgre River comes from just 3 abandoned mine portals. Even if there is natural acid drainage from the inherent geology of this San Juan Mountains area, improving the water quality through clean-up of these abandoned mine portals could open up important economic opportunities for new small and medium scale hard rock mines, more productive agricultural operations, improved outdoor recreation, and less expense of procuring potable municipal water for residents downstream. All of these outcomes will contribute to diversification of the economy, provide new quality jobs, and lessen the burden on taxpayers. Local Good Samaritans exist and are ready to clean up these abandoned mines when threat of liability is removed.

Counties need resolution of this issue immediately, and it may be possible for the issue to be resolved administratively rather than legislatively. No matter how providing bona fide "Good Samaritans" protection from liabilities is achieved, this needs to be accomplished immediately because it will allow impacted/impaired areas to realize important economic benefits in areas having limited opportunities.

FISCAL/RURAL/URBAN IMPACT: This resolution does not encourage any new program or requirement for mandating any county expenditure. When acid drainage from abandoned mines is mitigated there will be positive economic benefits through opportunities for enhance agricultural operations, enhanced or new fisheries, increased outdoor recreation and tourism, opportunities for permitting new mines, and decreased cost of acquiring potable water for municipal use.

SPONSOR(S): Lynn Padgett, Ouray County, Colorado; Peter McKay, San Juan County, Colorado, Colorado; Art Goodtimes, San Miguel County, Colorado.
ENVIRONMENT, ENERGY AND LAND USE STEERING COMMITTEE

Proposed Resolution on U.S. Army Corps of Engineers’ Levee Vegetation Removal Policy

**Issue:** U.S. Army Corps of Engineers’ (Corps) levee vegetation management policy

**Proposed Policy:** NACo supports modifying the U.S. Army Corps of Engineers' levee vegetation policy to address significant local government implementation challenges, including H.R. 399, the Levee Vegetation Review Act of 2013 and Section 2020 of S. 601, the Water Resources Development Act (WRDA) of 2013.

**Background:** Following extensive flooding in New Orleans from Hurricane Katrina, the Corps began reassessing its levee safety standards, including enforcing its vegetation policy more rigorously. The Corps' policy requires all vegetation, except grass, to be removed from levees in order to allow for easier inspections and to reduce any potential weakening of levees through root growth. Levees that the Corps deems to be out of compliance with its vegetation policy will be ineligible for federal disaster assistance. Notably, the Corps' own initial research on the topic indicates that minimal data exists on the scientific relationship between vegetation and levees.

The Corps' vegetation requirement creates considerable challenges for local governments and flood control agencies. For starters, implementing the directive will cost localities billions of dollars nationwide. In California alone, the Department of Water Resources estimates that the minimum cost of complying with the vegetation removal policy will total roughly $7.5 billion.

It should be noted that the Corps allows local agencies to apply for an exemption from its vegetation policy, called a "variance." However, the timeline and costs associated with the variance submittal process represents a significant burden on local levee sponsors. One estimate puts the cost of preparing a variance request at $450,000 per levee mile.

Additionally, the Corps’ policy is often in direct conflict with federal and/or state laws and regulations that prohibit the removal of vegetation on or next to levees, particularly when the vegetation provides habitat for endangered or threatened species. Accordingly, county officials can be put in the untenable position of choosing between removing vegetation - and therefore potentially violating environmental laws - or leaving vegetation in place and foregoing eligibility for federal relief to conduct post-disaster levee repairs.

On January 23, Representative Doris Matsui (D-CA) introduced legislation to address these significant challenges. The bipartisan bill (H.R. 399) would require the Secretary of the Army to conduct a comprehensive review of the Corps’ current “one-size-fits-all” national standard. Additionally, the legislation would require the Corps to provide a process for approving regional or watershed variances, while seeking input from state and local entities. The Senate-approved WRDA bill (S. 601) includes similar provisions in Section 2020.
**Fiscal/Urban/Rural Impact:** It is estimated that the Corps' levee vegetation policy will cost county governments billions of dollars nationwide as county public works departments, flood control districts and agencies work to remove valuable riparian habitat from thousands of miles of levees. Additionally, limited local resources spent on implementing the Corps' policy will divert funding from other critically needed local flood-control projects.

**Sponsor(s):** California State Association of Counties

**ENVIRONMENT, ENERGY AND LAND USE STEERING COMMITTEE**

**Proposed Resolution on U.S. Army Corps of Engineers Section 404 Permit Program**

**Issue:** Administration of Clean Water Act (CWA) §404 Permit Program for routine maintenance.

**Proposed policy:** NACo urges the Federal government to improve the CWA §404 permit process by U. S. Army Corps of Engineers (Corps); remove routine maintenance of public flood protection facilities from the §404 permit process when no endangered species habitat present; and extend the (CWA) general permit term for routine maintenance from five to ten years. This proposal does not apply when endangered species are present in the maintenance area.

**Background:** The CWA has had a positive impact on the health of many of the nation’s rivers. However, unintended consequences in implementation have impacted flood safety and maintenance costs.

The CWA §404(f)(1)(B) indicates Congress’ intent to exempt certain routine maintenance from permitting, but Corps regional offices have narrowly interpreted that the exemption does not apply to routine maintenance of sediment, debris, and vegetation in flood protection facilities.

This narrow interpretation creates a dragnet capturing almost all routine flood maintenance work into permitting; increases Corps’ workload; and causes significant permit backlog, thwarting counties’ ability to perform flood maintenance. Permit approvals can take up to three years and §404 General Permits are limited to five year terms—counties are in a constant costly cycle of permitting. Meanwhile, vegetation continues to grow and becomes habitat, triggering additional permits, mitigation and further delays.

A Nationwide §404 permit to maintain San Diego Creek Channel in Orange County, CA required three years for approval, while flood protection was reduced to a ten-year protection level. Clearing 13 acres of vegetation cost $700,000 but required 20 acres of mitigation at a cost of $2.8 million. The mitigation cost was four times the maintenance cost.

Furthermore, inability to maintain flood facilities results in liability to counties. In *Arreola v Monterey*, 99 Cal. App. 4th 722 (2002), the Fourth District Court of Appeals held the County of Monterey liable for not maintaining a levee that failed due to overgrowth of vegetation, even as the County argued that the permit process did not allow for timely approvals.
Ultimately, permitting delays magnify simple maintenance into complex and costly projects. Clarifying existing §404 maintenance exemptions would improve flood protection; save tax payer funds; and allow regulators to focus on significant impacts instead of minor maintenance.

**Fiscal/Urban/Rural Impact:** Provide fiscal and regulatory relief and flood safety to counties.

**Sponsor(s):** California State Association of Counties (CSAC); County of Orange, California

**ENVIRONMENT, ENERGY AND LAND USE STEERING COMMITTEE**

**Proposed Resolution on the Reduction and Cleanup of Marine Debris**

**Issue:** Encourage clean-up of marine debris.

**Proposed Policy:** To address the exponentially increasing problem of marine debris, NACo:

- Supports continued reauthorization of the Marine Debris Research, Prevention, and Reduction Act (MDRPRA) and/or similar legislation;
- Supports increased funding to the National Oceanic and Atmospheric Administration (NOAA) to provide additional resources for:
  - Grants to coastal counties for beach cleanup efforts;
  - Funding for derelict fishing gear removal; and
  - Research on the effectiveness of off-shore clean-up methods; and
- Supports federal policies that encourage states and localities to educate small business communities and consumers about the significant environmental harm of single-use plastic bags/bottles and the benefits of associated county-wide bans and additionally encouraging reuse/recycle policies at the local level.

**Background:** On December 20, 2012, President Obama signed the Marine Debris Act Amendments of 2012 to re-authorize and amend the MDRPRA to address the adverse impacts of marine debris on the United States economy, the marine environment, and navigation safety. It is vitally important that these programs, and others like it, are maintained.

The oceans are drowning in debris, much of it plastic. The amount of plastic garbage in the North Pacific Ocean has risen a hundredfold since the 1970’s. It is estimated that there are 46,000 pieces of plastic litter floating in every square mile of ocean. The recent Japanese tsunami is exacerbating the problem and bringing it to the public’s attention.

Marine debris is any persistent solid material that is manufactured or processed and directly or indirectly, intentionally or unintentionally, disposed of or abandoned in the marine environment or the Great Lakes. Marine debris causes a significant amount of environmental and economic harm to coastal states and counties. Each year, approximately 52 metric tons of marine debris from domestic and foreign sources wash ashore and snag on reefs in the Northwestern Hawaiian Islands alone.
Counties across the country are facing increased costs to clean up the debris or to prevent it from reaching the ocean. Marine debris also impacts a county’s tourism and fishing economies.

Marine debris wash-up events on New Jersey beaches during two summer seasons caused between $728M and $3.07B (2010 USD) in losses to the tourism sector. Los Angeles County’s 31 miles of beaches cost $4.2M to clean in 1994. A survey in Oregon revealed that nearly 60% of fishermen had experienced equipment damage due to marine debris, costing thousands of dollars in repairs.

The Government of Japan has estimated that the tsunami swept about 5 million tons of debris into the Pacific Ocean and that about 70% sank right away, leaving 1.5 million tons floating off the coast of Japan. American oceanographers believe that 100 million tons of debris was created, and expect one-quarter of that to make landfall, possibly in volumes large enough to clog ports. The Japanese tsunami is likely to deliver unprecedented amounts of debris to HI, AK, WA, OR and CA over the next several years.

One type of marine debris is derelict fishing gear, which is lost or abandoned commercial and recreation fishing nets, lines, pot, and traps that sit on the seafloor, get caught on rocky and coral reefs, or float on the ocean surface. As the majority of fishing gear is made of synthetic materials, it:

- Remains in the marine environment for decades
- Entangles and traps marine organisms
- Poses navigational hazards for mariners
- Endangers humans, especially divers
- Reduces the available catch to commercial and recreational fishers.

The average American uses 350 plastic bags every year. The elimination of single use plastic bags has been identified as the single most important change that can be made to reduce ongoing marine debris. With a population of 4 million -- and using an estimated 2.7 billion plastic bags each year -- Los Angeles recently became the largest city in the U.S. to enact a ban and joins 47 other cities in California alone. Every county in the State of Hawaii has banned single-use plastic bags.

**Fiscal Urban/Rural Impact:** There are 672 coastal counties in the United States (285 in the Atlantic, 142 in the Gulf of Mexico, 87 in the Pacific, and 158 in the Great Lakes). In 1990, these counties accounted for almost 54 percent of the Nation’s population.

This would result in both direct and indirect cost savings to counties and economic benefits to fishing and tourism industries in coastal counties.

**Sponsor(s):** Michael Victorino, Council Member, Maui County, HI; Dave Somers, Council Member, Snohomish County, WA; Salud Carbajal, Supervisor, Santa Barbara County, CA
ENVIRONMENT, ENERGY AND LAND USE STEERING COMMITTEE

Resolution on Exempting Renewable Biomass Emissions from the EPA’s Tailoring Rule

Issue: Renewable Biomass Emissions and the Greenhouse Gas Tailoring Rule

Proposed Policy: NACo supports the permanent exemption of emissions from renewable biomass combustion from the Environmental Protection Agency’s "Greenhouse Gas Tailoring Rule" and supports policy that recognizes the full carbon benefits of biomass combustion for energy consistent with established and well-supported science.

Background: During the summer of 2010, the Environmental Protection Agency released a Title V Greenhouse Gas Tailoring Rule that would essentially consider emissions from biomass combustion the same as emissions from fossil fuels.

Scientists and other experts have consistently labeled sustainable biomass energy as "carbon neutral" and “renewable” because forests that produce biomass energy recycle carbon from atmosphere when new trees grow. As the EPA continues the efforts on the Tailoring Rule, counties are concerned that they may reverse a long-standing policy of labeling renewable biomass energy as "carbon neutral" such that the new policy would wrongly treat renewable, carbon-neutral biomass like coal and other traditional fossil fuels. It is important that policy reflect the full benefits of biomass utilization for energy that is consistent with well-supported science.

In January 2011, the EPA decided to postpone rulemaking for 3 years so EPA can gather data and better reflect science on biomass emissions. While counties see the importance of postponing the rulemaking, we recognize that there is now prolonged uncertainty on how biomass emissions will be regulated. This uncertainty will likely deter developers and new investments from making long-term investments in the industry. Furthermore, the outcome of the rulemaking will have an impact on all aspects of the biomass industry (from biomass collection to energy production) which will impact economic growth and opportunity in counties throughout the country. The EPA must recognize the importance of the biomass industry and the critical role it plays in improving the environment, job creation, and allowing our country to reduce its dependence on fossil fuels.

Fiscal Urban/Rural Impact: The construction and operation of biomass plants will provide a means to address forest health. Over the long-term, thinning operations and reduction of combustible materials will reduce fire danger, lower firefighting costs, and help restore forests. New biomass facilities and an increase in biomass demand will boost both job creation and property tax revenues for counties. The size of the impact will depend upon the number and location of biomass facilities.

Sponsor: The Association of Oregon Counties
Environment, Energy and Land Use Steering Committee
Proposed Resolution Supporting County Divestment from Fossil Fuels

**Issue:** The climate crisis is a serious threat to current and future generations in every one of our counties and around the world.

**Proposed Policy:** NACo urges counties to make a commitment to divest from existing holdings in fossil fuel companies or commingled assets that include holdings in fossil fuel companies, and to not make any new investments in fossil fuel companies or in commingled assets that include holdings in fossil fuel companies. For the purposes of this resolution, a "fossil fuel company" shall be defined as any of the 200 publicly-traded companies with the largest coal, oil, and gas reserves as measured by the gigatons of carbon dioxide that would be emitted if those reserves were extracted and burned, as listed by the Carbon Tracker Initiative in its "Unburnable Carbon" report.

**Background:** Across the U.S. and the world counties increasingly are making commitments to improve the sustainability of their operations, management, and policymaking, and working to adopt policies and take actions to plan for and address climate change mitigation and adaptation as a critical element their sustainability efforts.

In 2007, the International Panel on Climate Change (IPCC) found that global warming was real, primarily caused by human activities, posed significant risks and is already causing costly disruption of human and natural systems throughout the world including the melting of Arctic ice, the ocean's rise in acidity, flooding and drought.

In 2009, 167 countries endorsed the non-binding Copenhagen Accord which, as drafted by the United States, China, India and Brazil, states that any warming above a 2°C (3.6°F) rise would be unsafe, and humans can only emit about 565 more gigatons of carbon dioxide into the atmosphere to maintain this limit. Climate experts, scientific organizations representing every major discipline, and dozens of national academies of science overwhelmingly agree with IPCC findings.

If all the known reserves of coal, oil, and gas in 2010 were burned, they would emit 2,795 gigatons of CO2, or roughly five times the amount we can safely release to maintain a 2°C limit of planetary warming. Counties have a responsibility to protect the health, safety, and welfare of their inhabitants from the threats of climate change and to ensure resilient and vibrant communities for the future. County investments should support this responsibility and commitment.

**Fiscal/Urban/Rural Impact:** Fiscal impacts will differ depending on the specific investments of individual counties. Divestment will help counties start an important discussion in the market about the long-term viability of fossil fuels and the need to transition to a clean energy economy.

**Sponsor:** Kyle Richmond, Dane County Supervisor District 4, Dane County, Wisconsin
ENVIRONMENT, ENERGY AND LAND USE STEERING COMMITTEE

Proposed Resolution on the Keystone XL Pipeline

**Issue:** Allowing construction of the Keystone XL Pipeline

**Proposed Policy:** NACo urges the Department of State and the Administration to expedite the comprehensive review and submission for the approval process, the Presidential Permit for the Keystone XL Pipeline and other petroleum pipeline projects.

**Background:** A pipeline project that could create thousands of American construction jobs and lessen the country’s dependence on foreign oil is essential to ensure a strong U.S. economy. The Keystone XL Pipeline project has this potential. By green-lighting the project, counties become winners through job growth and an increased property tax base where the pipeline runs.

The Keystone XL pipeline would transport 830,000 barrels of crude oil day from the oil sands region of Alberta, Canada to refineries in the U.S. TransCanada, a Canadian pipeline company, filed an application with the U.S. Department of State to build the pipeline. The proposed pipeline would bring oil sands from Canada, and an on-ramp at Baker Montana will allow 100,000 barrels of Bakken Oil to be transported all of the way to Gulf Coast refineries.

The United States and Canada are major trading partners. The development of Northern American energy, like Canadian oil sands will create and preserve thousands of jobs and strongly benefit US energy security and our nation’s economy. It is likely that if the U.S. declines the project, Canada will look to export the oil to other less environmentally conscious countries.

**Fiscal Urban/Rural Impact:** Approving this pipeline would be a boon for counties, leading to increased jobs and a stronger tax base, in these tight fiscal times.

The 20,000 American jobs Keystone XL would create include 13,000 construction jobs—work for pipefitters, welders, electricians, heavy equipment operators and more. And 7,000 manufacturing jobs – from the pipe being manufactured in Arkansas, pump motors made in Ohio and transformers built in Pennsylvania, workers in almost every state in the US would benefit from Keystone.

**Sponsor:** Richard Dunbar, Commissioner, Phillips County, MT
ENVIRONMENT, ENERGY AND LAND USE STEERING COMMITTEE

Proposed Resolution Opposing Delay in Issuance of Oil and Gas Drilling Permits

**Issue:** Issuance of drilling permits

**Proposed Policy:** NACo strongly supports domestic energy production and recognizes that U.S. independence from foreign oil also requires expanded alternative and renewable resources. NACo urges the Administration to safely and thoughtfully grant oil and gas drilling permits in a timely fashion.

**Background:** The Bureau of Land Management (BLM) under the current administration is taking an unreasonably long amount of time to process oil and gas drilling permits. These long delays, often times on the order of several months if not over a year, are discouraging various energy companies to the point they are withdrawing from operations on public lands and transferring their attention and activities to exploration and development ventures on private lands in other parts of the country. These energy companies are not receiving fair value for the leases they purchased on these BLM lands, because their drilling permits are so unreasonably delayed, often for no apparent reason.

**Fiscal/Urban/Rural Impact:** There will be significant and unwarranted impacts to energy uses if the BLM does not safely and thoughtfully grant oil and gas drilling permits in a timely fashion.

**Sponsors:** Commissioner Mike McKee, Uintah County, UT; Commissioner John Jones, Carbon County, UT.