

# PUBLIC LANDS

## STATEMENT OF BASIC PHILOSOPHY

Public lands are a defining feature of the United States, particularly in the West. 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 through the coordination process mandated by federal law (16 U.S.C. 1604 (a) and 43 U.S.C. 1712 (b)). Counties serve as conveners and can offer a local, detailed level of expertise on resource management issues that is beneficial to all levels of government and helps to achieve mutual goals.

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 fair, equitable payments to counties, including revenue sharing from all forms of economic production, are necessary for federal agencies to meet their obligations as land managers.

NACo believes that environmental and socioeconomic values must be balanced through a philosophy of multiple use management that allows diverse activities on public lands to support local economies. Federal agencies must coordinate their management of public lands to ensure they are consistent with local land use or natural resource management plans to the fullest extent required by law. Federal agencies must also treat counties as governing partners and co-regulators.

## FEDERAL LANDS PAYMENTS

**A. Payments to Federal Lands Counties:** All federal lands are tax-exempt, but still require local government services. NACo supports program(s), including full-funding of the Payments In-Lieu of Taxes (PILT) program, that compensate counties for these tax-exempt lands on a basis that is equitable to both the federal and local taxpayer that are non-discriminatory in nature. NACo supports the creation of a similar program to compensate counties with tax-exempt military lands. All payments to public lands counties should not be sequestered by the federal government, nor should they be delayed, reduced or otherwise negatively affected by any federal shutdown activity.

**B. Resource Revenue Sharing Payments:** NACo recognizes that natural resource extraction can impact local infrastructure and increase demand for services in surrounding counties. Therefore, NACo supports additional payments over and above other payments to local governments based on the revenue generated from the natural resource use and extraction within those counties' jurisdiction. Such payments shall not be subject to sequestration and the federal government should release any previously sequestered natural resource revenue sharing payments.

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 in which 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, forest stewardship contracts on federal lands and Good Neighbor Agreements (GNAs) with county governments where those developments and contracts occur. Any revenue sharing program should not negatively impact the PILT program. Receipts sharing for forest stewardship contracts and

GNAs should be based on the total merchantable value of the products, rather than merely the net in excess of the contract amount.

- C. Secure Rural Schools and Community Self-Determination Act:** NACo supports federal stopgap payments to counties facing lower federal resource revenue sharing payments due to substantially decreased activity in natural resource use, harvest, and extraction as a result of federal regulations that have restricted or prohibited the use, harvest, and extraction of the resource. 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.

NACo urges Congress and federal agencies to restore responsible, multiple use and sustained-yield industries on public land. These industries are necessary to provide economic, social, educational, and cultural stability for resource communities. NACo supports robust bridge funding to arrest catastrophic declines in resource production and county revenue sharing and a restoration of active public land management.

- D. Compensation to Counties by Businesses Operating on Federal Lands:** NACo supports additional payments to counties for any fees generated from any businesses—such as concessionaires or enhanced-use lessees—who operate on federally owned land to 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. Current and Future Federal Land Management Agency Land Management Plan Revisions:** Federal land management agencies shall coordinate with local government officials and maintain maximum consistency with local plans and policies when conducting current and future revisions of Resource Management Plans (RMPs) and Forest Management Plans. Counties should utilize the coordination process and/or serve as cooperating agencies in the NEPA process as counties see fit and be provided meaningful opportunities for involvement in the revision process from start to finish. Once land management agency plans become 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 that federal decisions be made at the most local level of the federal agency.
- B. National Environmental Policy Act (NEPA) Improvement:** NACo supports the revision of NEPA to strengthen the involvement of local governments in the federal decision-making process, expedite project analysis and make final decisions in a timely but effective manner. NACo supports requiring federal agencies to coordinate with local governments, offer cooperating agency status and negotiate mutually agreeable memoranda of understanding (MOU). NACo encourages increased opportunities for involvement of the public during the legally mandated public comment process, including opportunities for verbal input during town halls, hearings and listening sessions within or in close proximity to the impacted communities and, when possible, increased time to provide written input and testimony.

- C. 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 the delisting of species when recovery goals are met.

NACo supports reforming the ESA to mandate that the federal government treat state and county governments as equals through government-to-government coordination to decide jointly with appropriate federal agencies when and how to list species, designate habitat and plan and manage for species recovery and delisting.

NACo supports reforms that would require federal agencies to perform cumulative and quantitative economic analyses before the designation of critical habitat that would measure the effects of such a designation on all affected local governments and local stakeholders, including the effects on possible uses of land, property values, employment and revenues available for state and local governments. This information shall be considered as a part of their decision-making process.

- 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.

Federal government shutdowns have an enormously negative impact on counties and gateway communities. NACo urges land management agencies to partner with state and local government to keep these facilities open and adequately staffed during federal government shutdowns. Local and state governments that temporarily open and staff these facilities should also have the opportunity for reimbursement by federal lands agencies.

## **FEDERAL LAND MANAGEMENT**

- A. Transfer of Public Lands:** NACo believes all fifty states are equal and that every state should receive everything that was promised to them in their enabling acts, including land transfers, if requested by an individual state and in consultation with the affected counties.
- B. Public Land Acquisition and Ownership:** Acquisition or disposal of new land, conservation easements and water rights by any federal agency should be subject to coordination with the county in which the land is located, and consistent with local land use or natural resource plans. Counties should be given the opportunity to participate in the development of terms and conditions of any such proposal before it is carried out. Criteria for the transfer, sale or acquisition of public lands and conservation easements shall include consideration of fair market value, loss of tax base, coordination with appropriate counties and other governing jurisdictions, preparation of appropriate environmental analyses and public values. Lands acquired by the federal government shall be considered entitlement lands and subject to Payments In-Lieu of Taxes compensation to the impacted local government. 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.

**C. Special Use Designations:** Special federal land use designations impact the long-term use and status of public lands, which in turn has significant impacts on neighboring counties. The federal government shall coordinate with affected state and local government as early as possible when considering special land use designations. NACo supports those special use designations of federal lands that are approved by county governments and supported by stakeholders in the area in which the designations are proposed and are consistent with existing resource management plans. There must be compliance with the requirements of the National Environmental Policy Act (NEPA), including open public comment sessions in the impacted counties. Adding private lands to wilderness and other special designation areas shall require congressional approval.

NACo supports amending the Antiquities Act to require state and local government approval to provide transparency and accountability in the designation of national monuments. In cases where such state and local government approvals have been obtained, continued federal coordination and consultation with state, county, and tribal governments and consistency with their natural resource management plans should be required to the maximum extent allowed by law.

NACo opposes efforts to require inventoried roadless areas to be managed in accordance with the US Forest Service Roadless Area Rule issued in January of 2001. NACo supports petitions of individual states to amend the Roadless Area Rule to allow state-specific management guidelines for inventoried roadless areas in that given state.

NACo opposes policy and management decisions (such as Wilderness Study Area creation) that allow federal agencies to manage public lands for long, undefined periods of time as wilderness without congressional designations and with restrictions on the use of private lands in the proximity to a Wilderness Study Area.

**D. Access:** For public lands counties and gateway communities, access is a central issue. NACo supports retaining and enhancing public access to public lands for public safety, forest and ecosystem health, recreation and tourism, resource extraction, research and education, and private property rights. Roads are the primary infrastructure for access to public lands, and public lands road systems must be retained and maintained. NACo opposes road closures, road decommissioning, moratoria against road building and other limiting policies and practices without coordination and consistency with county natural resource plans or management policies.

NACo recognizes the importance of the system of historic roads, trails and other rights-of-way across federal lands established under R.S. 2477. NACo supports legislative efforts to create a clear, consistent administrative process coordinated with local government plans for confirming historic rights-of-way on federal lands for qualifying roads, including but not limited to a waiver of the statute of limitations regarding timely filing of such applications where qualifying roads cross “reserved” land. The Administration should work cooperatively with local officials to obtain administrative, judicial, and legislative recognition of county R.S. 2477 rights-of-way claims on federal land. NACo opposes any federal action designed to change or diminish the scope of these rights and supports shifting the burden of proof for R.S. 2477 rights-of-way closures to the federal government to justify such action.

**E. 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 coordinated with affected counties. Water supplies for millions of individual Americans and agricultural producers begin on federal lands, and land management policy should prioritize, protect and uphold watershed health and water yield. Water rights holders must be given access for maintenance and control of water structures located on public lands.

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

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.

**F. Domestic Livestock Grazing:** Domestic livestock grazing on public lands is essential to local economies and is often an activity of cultural and historic significance. Livestock grazing is also an important method for the management of the landscape for public safety. NACo supports the enhancement of a viable rangeland livestock industry. Grazing is an excellent tool for the reduction of fire fuels, control of some noxious weeds, and other, less noticeable benefits such as hoof action allowing for better native seed to soil contact.

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 costs to the taxpayer associated with rangeland management decisions.

NACo expresses disapproval of civil actions to diminish public lands livestock grazing rights brought against industry and federal land management agencies when final decisions are made by the appropriate federal agencies after cooperative efforts to determine best land-use practices.

NACo opposes legislative efforts to allow for the permanent retirement of grazing permits through the buyout of grazing permits by non-ranching third parties. If a permit is vacated, NACo supports reissuing the permit to an active grazer only.

**G. Wild Horse and Burro Management:** Wild horse and burro management on public lands is an increasingly urgent environmental crisis resulting in inhumane conditions for wild horses and burros that must be addressed through balanced, science-based decision-making and reproductive management practices.

NACo urges support for federal land agencies in the management of wild horse and burro populations to achieve appropriate management levels (AML) as authorized by federal law. Further, NACo supports the sale, adoption or humane slaughter of excess animals and the funding and utilization of sterilization technology and methods proven to be effective in controlling herd sizes.

NACo supports legislation to give individual states exclusive authority to manage wild horses and burros on federal lands, including exclusive authority to determine appropriate AMLs and authority to dispose of animals that exceed AMLs.

**H. Energy and Mineral Resource Development:** Like any other permitted activity on public land, energy and mineral resource development and production should be conducted in coordination with impacted counties and consistent with local natural resource plans to the maximum extent allowed by law. NACo supports the development and implementation of comprehensive and consistent national policies and regulations for energy and mineral production on public lands. This includes conservation efficiency, exploration, and research that provide for the siting, permitting, production, utilization, transmission, and delivery of traditional and alternative/renewable energy and mineral resources. Every effort should be made by land management agencies to reduce obstructions that cause significant project delays and costs, including conducting oil, gas and mineral lease sales on all federal lands categorized in their land use plans for such leasing.

NACo recognizes that U.S. energy independence requires expanded alternative and renewable resources that are available on federal public lands. NACo supports the expanded use of solar, wind, water, and other traditional and renewable energy resources to provide secure, clean, affordable energy by utilizing the best methods available. Infrastructure for renewable energy on public lands should be developed in coordination with impacted county governments and after thorough analyses showing that the local economy will not be negatively impacted.

When mitigation is required as a condition of mineral or energy development, NACo encourages federal agencies to adopt consistent procedures that provide for mitigation other than through land transfer from private to public ownership, unless supported by affected counties. When such transfers are deemed the only appropriate mitigation and offsetting Payments in Lieu of Taxes (PILT) will not be received, agencies must ensure that project developers will continue to pay the property tax on the transferred land, or fees in lieu of taxes, in perpetuity, until the land is restored to private ownership.

**I. Forest and Rangeland Health:** NACo supports forest health initiatives that include fuels reduction, fuel breaks, and managing for diseases and pests, while maintaining the multiple use mandates and utilizing the best available, peer-reviewed science. NACo also supports broader use of categorical exclusions under NEPA, especially in cases of imminent threats to community watersheds, to timely and effectively address the threat of catastrophic events to our public forest and rangeland resources, and to allow for harvest of resources while they have economic value. Federal land management agencies shall utilize an appropriate mix of management practices including categorical exclusions and increased private, local and state contract and partnerships for pre-fire management, effective fire suppression, and restoration of federal forest and rangelands.

As a goal, NACo supports legislation directing federal forest management agencies to reduce Fire Regime Condition Class (FRCC 3) to a standard of FRCC 1 in all federal forests, excepts designated Wilderness Areas, by the year 2050, through means of active landscape management, fuels reduction and immediate post-fire restoration. Due to the increased frequency and severity of wildfires caused by excessive fuel loads on federally managed public lands, NACo urges Congress and the Administration to use whatever tools available to reduce FRCC in a more expedited manner where possible.

**J. Cooperatively Combating the Growing Threat of Wildfire to Public Lands Counties:** Wildfire season is a year-round issue for public lands counties. Wildfires destroy public lands, endanger access to vital resources, decrease biodiversity, hinder economic opportunity, decimate municipal watersheds,

and negatively impact public health and safety. County officials believe federal, state and local governments must work together to combat this growing threat to communities, livelihoods and the environment. This effort must include accelerated harvest and fuels reduction to levels that can be managed into the future, active forest management in areas that have recent fuels treatments, post-fire recovery and restoration efforts, addressing regulatory burdens, stopping frivolous lawsuits, engaging in scientifically-endorsed grazing practices and reinstating closed grazing allotments, reforestation, and appropriating sufficient funds to effectively combat wildfire on public lands without jeopardizing other accounts.

With the severe damage and threat to municipal water systems caused by increasingly frequent and destructive wildfires, NACo calls on the federal land management agencies to pursue at the earliest seasonal opportunity, a region-wide emergency project to thin-cut forest vegetation and clear deadfall and understory in all U.S. Forest Service lands where mapped city and town watersheds exist until the threat of catastrophic wildfire to those watersheds is eliminated.

**K. Noxious Weeds & Invasive Species:** NACo calls for a well-funded, coordinated and integrated management approach to noxious weed control on public lands. NACo supports an early detection and rapid response approach by all agencies and an accelerated completion of all environmental documentation to allow the use of all the tools needed to accomplish integrated pest management. NACo calls on all federal land management agencies to coordinate with counties to better protect environmental resources from the threats and devastating impacts of invasive species.

NACo supports regulations to reduce importation of plants, exotic animals and insect species into the U.S. to help in the prevention of pest invasion. NACo supports state and federal prohibitions on the transportation of any state or federally listed invasive species, as well as efficient and effective agency action that stops other pathways of spread.

**L. 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.

**M. Recreation and Tourism:** Our public lands and historic sites draw millions of visitors each year. NACo acknowledges the value of the outdoor recreation economy as a \$700 billion contributor to the nation's Gross Domestic Product, and that most of this recreation takes place on federal public lands.

NACo supports the Federal Lands Recreational Enhancement Act to allow federal land agencies to retain revenues from specific fee areas to pay for upgrades, management and maintenance of Forest Service recreational areas. NACo further requests FLREA be amended to allow a portion of revenues from ski area leases be retained by the U.S. Forest Service to help pay for increased workload of managing ski area leases generated by recently passed 'Summer Use' legislation.

**O. Funding for Our Public Lands Infrastructure:** NACo calls on Congress to adequately fund infrastructure in its national parks, national forests, and other public lands. This includes funding to support roads, bridges, trails, campgrounds, visitor centers, interpretive projects, and related facilities. NACo supports increased funding for overdue capital and deferred maintenance projects for public lands management agencies. NACo reminds Congress these public lands management agencies provide multiple use activities including mineral extraction, forest products, subsistence resources, recreation, and tourism opportunities for millions of visitors and national resource users that make substantial economic impacts on our counties and gateway communities. The significant federal investment in public lands infrastructure over the years is at risk due to the lack of funding for needed repair and replacement projects and must be recognized as a critical element in public lands management.



## **PUBLIC LANDS RESOLUTIONS**

### **Resolution to Repair and Maintain the Public Land Survey System**

**Issue:** The Public Land Survey System (PLSS) is in a varying degree of deterioration nationwide due to the lack of resources provided to counties.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to provide additional funding to counties to support the existing Public Land Survey System (PLSS). NACo further urges the federal government to enforce existing guidelines and rules for the PLSS.

**Adopted | July 15, 2019**

### **Resolution on Amending the Recreation and Public Purposes Act**

**Issue:** Support congressional action to amend the Recreation and Public Purposes Act to require the U.S. Department of the Interior to establish a pilot program that authorizes commercial recreation concessions on land patented or leased under the act.

**Adopted Policy:** The National Association of Counties (NACo) supports legislation to allow counties that have federal lands within their park system the opportunity to offer concessions operated by third party vendors. This would increase public recreational opportunities and enjoyment of these lands operated by counties.

**Adopted | July 15, 2019**

### **Resolution on the Removal of Salt Cedar**

**Issue:** Support congressional action to address the permitting process and funding for the removal of invasive species from many of the rivers throughout the southwest.

**Adopted Policy:** The National Association of Counties (NACo) supports federal legislation and/or regulatory policies that would allow county governments to comprehensively remove salt cedar from rivers within their jurisdictions.

**Adopted | July 15, 2019**

### **Resolution on Amendments to Payments in Lieu of Taxes (PILT) Side B Funding - Establishing a Minimum**

**Issue:** Counties, boroughs, townships and parishes with large federal entitlement acreage and small populations have monetary caps within the Payments in Lieu of Taxes (PILT) formula that place them in an unfavorable position in relation to the majority of all other counties.

**Adopted Policy:** The National Association of Counties (NACo) supports amending the Payments in Lieu of Taxes (PILT) formula to establish a base funding to all counties by setting the per-acre variable on the

Alternative B to a minimum funding level adjusted by the CPI every year. In 2018, this number was \$0.38 per acre. The maximum payment to counties would not be adjusted. The current population threshold would remain at 50,000.

**Adopted | July 15, 2019**

**Resolution Supporting Presidential Executive Order 13855 of December 21, 2018 Ordering the Secretaries of the Interior and Agriculture to Achieve Specific Goals in 2019 to Improve Conditions and Reduce Wildfire Risk in America's Forests, Rangelands and Other Public Lands**

**Issue:** Decades of amassed tree, understory and shrub growth that have placed communities, homes, industry, agriculture, and water supply systems and people at serious risk for damage and death from catastrophic wildfires, and following through on the specific 2019 performance goals of Executive Order (EO) 13855 for fuels treatment and wood products harvesting.

**Adopted Policy:** The National Association of Counties (NACo) supports rigorous and timely accountability and performance reviews by the respective Inspector Generals (IG) of the U.S. Department of the Interior (DOI) and U.S. Department of Agriculture (USDA), as well as the Office of Management and Budget (OMB), to assess and report on the progress and performance by the DOI and USDA Secretaries in meeting the specific 2019 goals of EO 13855.

**Adopted | July 15, 2019**

**Resolution to Require Federal Land Management Agencies to Offset Acquisition of New Land to Mitigate Financial Impact on Impacted Counties**

**Issue:** Private lands either sold or donated to the federal government result in such property becoming exempt from local property taxation; thereby, reducing overall taxable market value of affected counties.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to enact federal legislation to require federal land management agencies to take into account the impact of transferring private land to federal ownership on counties and their tax payers, including the ability of county governments to provide necessary public services and the extent of any tax shift or loss of county property tax revenues that will occur as a result of the acquisition. Federal land management agencies, where possible, should be required to offset any acquisition of new land with a similar relinquishment by trade or sale of public land to private ownership within the same county. If additional federal land acquisitions are deemed necessary or agreed to by the impacted county, such lands may be acquired without offset. In all instances, federal land management agencies must coordinate with affected counties and disclose the financial impact to counties reflecting the loss of tax base and land use prior to new land acquisitions taking place.

**Adopted | July 15, 2019**

## **Resolution Supporting Increased Federal Public Lands Agency Funding**

**Issue:** Federal public land agency operating budgets have a substantial impact on county economies. Proposed decreases in these budgets will hurt counties dependent on recreation for jobs and revenue.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to fully fund federal public lands agency budgets in order to ensure the greatest amount of recreational access to federal public lands and to support gateway communities economically reliant on tourism and recreation.

**Adopted | July 15, 2019**

## **Resolution Supporting Robust Remediation of Abandoned Uranium Mines as a Critical Priority for the United States**

**Issue:** Throughout numerous counties across the nation, for example the Navajo Nation within the Four Corners area, abandoned uranium mines continue to jeopardize public safety and the environment. Uranium mining has resulted in elevated uranium and radon radiation levels at over 400 locations on the Navajo Nation.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to enact legislation for the aggressive treatment of abandoned uranium mines across the United States to protect public health and the environment.

**Adopted | July 15, 2019**

## **Resolution Supporting the Use of Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation Grant Funding to Engage in Forest Thinning and Restoration Activities on Public and Private Lands**

**Issue:** The need for adequate, robust and timely forest restoration to mitigate the threat of future catastrophic crown fires and reduce the risk associated from post wildfire flooding and debris flow events is critical to reducing the threat to public safety that many western forested counties confront.

**Adopted Policy:** The National Association of Counties (NACo) calls on Congress to pass legislation increasing appropriations for and allowing the use of Federal Emergency Management Agency (FEMA) pre-disaster mitigation grant funding for forest thinning and restoration activities, including using FEMA flood mitigation assistance for forest restoration to reduce the threat of catastrophic fire, post wildfire flooding and debris flows.

**Adopted | July 15, 2019**

## **Resolution Supporting Federal Funding to Promote and Expedite Building Private Forest Industry in Regions with Low to No-Value Trees**

**Issue:** The wood products industry is a valued partner in restoring our forests and reducing the threat of catastrophic wildfire. Without a viable wood products industry that can consume the forest products that

are removed from the forest through various restoration activities, communities will continue to face an elevated threat of catastrophic wildfire.

**Adopted Policy:** The National Association of Counties (NACo) supports federal funding to promote and expedite the building of the private wood products industry in regions with low to no-value trees to allow consumption of forest products, including biomass as a pathway to forest restoration and reduction of the risk of catastrophic wildfire.

**Adopted | July 15, 2019**

**Resolution Urging Congress to Support the Return of 40 Percent of Federal Mineral Lease Revenue to the County in Which It Was Generated**

**Issue:** The right for a reasonable share of federal mineral lease and mineral lease bonus revenues to be returned to the counties who are socially or economically impacted by mineral development.

**Adopted Policy:** The National Association of Counties (NACo) urges Congress to amend the Federal Mineral Lease Act to clarify that the current percentage of a state's share of federal mineral lease and mineral lease bonus revenue, or 40 percent of such share, whichever is greater, shall be returned to the county of origin.

**Adopted | July 15, 2019**

**Resolution Urging That U.S. Fish & Wildlife Service Policies Include Counts of Utah Prairie Dogs and Other Threatened and Endangered Species on Private and State Trust Lands as Well as Federal Lands for the Purpose of Measuring the Success of Species Recovery Efforts**

**Issue:** Including inventory counts of recovering Utah Prairie Dogs and other recovering Threatened and Endangered (T&E) Species.

**Adopted Policy:** The National Association of Counties (NACo) urges the U.S. Fish and Wildlife Service (USFWS) to modify its policies to include the counting of Utah Prairie Dogs and other recovering threatened and endangered wildlife on private lands and state trust lands as well as federal public lands for the purpose of measuring the success of species recovery efforts.

**Adopted | July 15, 2019**

**Resolution Urging the U.S. Forest Service and the Bureau of Land Management (BLM) to Allow Permitless Gathering of Wood Products from Areas Where Those Products are Already Planned for Controlled Burn, Slashing, Chipping and Other Treatments**

**Issue:** Permitless gathering of wood products by the public off of Forest Service and the Bureau of Land Management (BLM) lands, before the agencies destroy those wood products in a planned treatment project.

**Adopted Policy:** NACo urges the U.S. Forest Service and the Bureau of Land Management (BLM) to give members of the public notice and opportunity for permitless gathering and private or commercial use

of wood products from areas where the agencies are planning controlled burn, slashing, chipping, bull hogging and similar destructive treatments. This permitless gathering of wood products by members of the public would occur during an announced window of time after agency final approval of the treatment project but before the project is actually carried out.

**Adopted | July 15, 2019**

**Resolution Calling on the U.S. Forest Service to Timely Increase Active Animal Unit Months (AUMs) on Grazing Allotments That Have Undergone Vegetative Treatments or Undergone Conversions Between Cattle and Sheep**

**Issue:** Forest Service's refusal in many cases to update and increase grazing allotment active Animal Unit Months (AUMs) following vegetative management projects or following the conversion of approved grazing animals between sheep and cattle.

**Adopted Policy:** NACo urges the U.S. Forest Service to timely update and increase active Animal Unit Months (AUMs) on grazing allotments that have undergone vegetative management treatments of any kind, or that have undergone a conversion of approved grazing animals from sheep to cattle or from cattle to sheep, in order to update, reflect and implement the Active AUM carrying capacity of those allotments for the operator. If any studies and reports are necessary, such as occupancy studies or National Environmental Policy Act (NEPA) related studies, then the Forest Service should commence those studies immediately after the vegetation project or conversion in question has been completed. NACo also urges the U.S. Forest Service to include grazing and Active AUM impact analyses within NEPA and other environmental studies conducted before vegetative treatments.

**Adopted | July 15, 2019**

**Resolution Urging the U.S. Forest Service to Address its Backlog of Needed Restorations and Replacements of Aging and Deteriorating Grazing Infrastructure**

**Issue:** Aging and deteriorated grazing infrastructure on U.S. Forest Service (USFS) allotments nationwide, where fences, stockwatering fixtures for catchment, conveyance and access, and other grazing related infrastructure on USFS lands have deteriorated beyond the ranching operators' ability to perform routine maintenance on them.

**Adopted Policy:** The National Association of Counties (NACo) supports legislation and cabinet-level administrative orders to require the U.S. Forest Service to inventory the backlog of needed restorations, replacements and repairs of aging and dilapidated grazing infrastructure, such as fences, stockwatering fixtures for catchment, conveyance and access, etc., that have deteriorated so badly as to be no longer maintainable by the ranchers on a routine basis, and require regional foresters to devise and carry out region-by-region plans to prioritize and address this backlog.

**Adopted | July 15, 2019**

**Resolution Urging the Bureau of Land Management (BLM) to Follow Federal Land Policy Management Act (FLPMA) and Place Maximum Feasible Reliance on the Local County Sheriff for all the BLM's Law Enforcement Needs, Before Deploying BLM Law Enforcement Officers, or in the Alternative Urging Congress to Abolish the BLM's Law Enforcement Program If the BLM Will Not Follow FLPMA's Direction**

**Issue:** The Bureau of Land Management (BLM) has not followed the direction of the Federal Land Policy Management Act (FLPMA) to place maximum feasible reliance on available local law enforcement including county sheriffs and their officers for all the BLM's law enforcement needs, before the BLM deploys its own law enforcement officers.

**Adopted Policy:** The National Association of Counties (NACo) urges all The Bureau of Land Management (BLM) field offices, district offices and state offices to follow the Federal Land Policy Management Act's (FLPMA) direction in 43 U.S.C. 1733(c)(1) to achieve maximum feasible reliance upon willing and available local law enforcement officials in enforcing federal land management laws and regulations, paying fair amounts for available sheriff services pursuant to contracts entered into for those services, before the BLM deploys its own law enforcement officers. If the BLM refuses to follow FLPMA's direction in this regard, then NACo urges Congress to amend 43 U.S.C. 1733(c)(1) to abolish the BLM law enforcement program altogether and require the BLM to turn to County sheriffs for all law enforcement assistance pursuant to fair contracts to pay for sheriff services.

**Adopted | July 15, 2019**

**Resolution Urging Congress to Prevent the Establishment of a National Monument without the Affected State and County's Approval.**

**Issue:** The growing abuse of the Antiquities Act of 1906 to enable huge national monuments, amounting to one-sided presidential lockups of public lands with no input from Congress or the affected states and counties.

**Adopted Policy:** The National Association of Counties (NACo) supports congressional legislation modifying the Antiquities Act to prevent designating a national monument without the affected state and county's approval.

**Adopted | July 15, 2019**

**Resolution Supporting Presidential Proclamation 9682 Dated December 4, 2017 That Modified and Reduced the Boundary and Size of the Grand Staircase-Escalante National Monument Under the Authority of the Antiquities Act**

**Issue:** The President's authority to act on December 4, 2017 under the Antiquities Act to modify and reduce the boundaries and size of one national monument in southern Utah, over a million acres in size, and to order a new management plan for the reduced monument, done at the behest of the state and county wherein the national monument is located.

**Adopted Policy:** The National Association of Counties (NACo) supports, in light of the unified support that came from the government leaders of the affected state, the county wherein the monument is located, as well as the state’s congressional delegation, the actions and proclamation of the president on December 4, 2017 to modify and reduce the boundaries and size of the Grand Staircase-Escalante National Monument, designated in 1996, under the authority of the Antiquities Act that requires any reservation of land as part of a national monument be confined to the smallest area compatible with the proper care and management of the objects of historic or scientific interest to be protected, and to order the issuance of a new management plan for the reduced monuments.

**Adopted | July 15, 2019**

**Resolution on the Council of Environmental Quality’s Revisions to the National Environmental Policy Act Implementing Regulations**

**Issue:** The Council of Environmental Quality (“CEQ”) is in the process of updating its National Environmental Policy Act (“NEPA”) implementing regulations.

**Adopted Policy:** The National Association of Counties (NACo) supports revising NEPA implementing regulations to require federal agencies to regularly provide meaningful opportunities for states and counties to be involved in the NEPA process for planning and projects on federal lands that may affect the economy, society and culture of constituents. NACo asks that the CEQ work closely with state and local governments to revise the NEPA regulations.

**Adopted | July 15, 2019**

**Resolution Supporting a Coordinated Effort Between Federal, State and County Officials to Eradicate the Spotted Lanternfly (*Lycorma delicatula*), an Invasive Species Plaguing the Mid-Atlantic States**

**Issue:** The spotted lanternfly was accidentally introduced to Berks County, Pennsylvania in September 2014 through an international shipment from Asia. Since then, the invasive species has caused significant agricultural, environmental and economic damage, especially harming the grape industry and other businesses in the Mid-Atlantic United States. Because the spotted lanternfly is attracted to and takes nourishment from the “Tree of Heaven” (*Ailanthus*) in order to procreate – an invasive plant found in nearly 90 percent of the United States—most of the nation is threatened by this invasive insect.

**Adopted Policy:** The National Association of Counties (NACo) supports a coordinated effort between the federal, state and local governments to eradicate the spotted lanternfly, an invasive species that targets important agricultural and forest commodities as well as quality of life issues. NACo also calls on the federal government to provide significant financial resources to assist the Commonwealth of Pennsylvania and county governments in combating the spread of this invasive species.

**Adopted | July 15, 2019**

## **Resolution Urging Congress to Amend and Update the Endangered Species Act of 1973**

**Issue:** The Endangered Species Act (ESA) of 1973 has not been significantly modified in 40 years.

**Adopted Policy:** The National Association of Counties (NACo) urges the Congress of the United States to amend the Endangered Species Act (ESA) to reflect its intended purpose "to protect endangered species and the ecosystems on which they depend" and to ensure that the rights of people are also protected.

The ESA needs to be amended in the following manner:

1. Favor decisions to list plant or animal species as threatened or endangered (T&E listing decisions) that are made through best available science with increased transparency and timelines for decisions.
2. In states where the proposed Federal land use plan amendment and the state species management plan are inconsistent, postpone T&E listing decisions for a period of at least six years or until the plans become consistent.
3. Encourage or direct the Secretary of Interior (Secretary) to share critical data, research and scientific information to assist such states and counties in their conservation efforts,
4. Direct federal land management agencies to amend their land use plans to comply with state and county-based conservation efforts.
5. Strengthen the influence of local participation so that local coordination processes and recommended species management policies are not overridden.
6. Authorize the ESA to recognize and allow consideration of the predation of threatened or endangered species by natural events (such as predator impacts, weather-related events and physical health threats) as well as human activities.
7. Revise "taking" definition to protect private property rights in conformance with the United States Constitution.
8. Provide full compensation to individuals for current and long-term takings. Require mandatory costs-benefits analysis for all adverse socio-economic and cultural impacts on the affected human population.
9. Require that the science used to make any determination be subject to independent and objective third-party review.
10. Mandate that a listing of endangered species be reviewed every seven years to determine if a listing is still warranted.
11. Require all parties pay their own attorney's fees involving any legal action associated with the ESA.
12. Transfer critical habitat designations and recovery planning to the states.
13. Require Congress to approve a listing within one year, and if such approval is not timely given, the species shall be removed from the list.
14. Empower and support local management solutions at the state and county level for interstate species.
15. Prohibit ESA listings of candidate species found residing exclusively within a single state.
16. Postpone the listing and/or federal protection of a species that has recently been determined by USFWS to be threatened or endangered, and which are located in states or counties that have developed and/or implemented a good faith conservation management plan for said species.

**Adopted | July 15, 2019**



## **Resolution on Amendments to PILT Population Caps**

**Issue:** Counties, Boroughs, Townships, and Parishes with populations of under 5,000 have monetary caps within the Payment in Lieu of Taxes (PILT) formula that place them in an unfavorable position in relation to counties with populations greater than 5,000.

**Adopted Policy:** The National Association of Counties (NACo) supports amending the Payment in Lieu of Taxes (PILT) formula to extend the population multipliers to include additional multipliers for local governments with populations in the range of 4,000; 3,000; 2,000; and 1,000. The increase in the 4,000 multipliers would have the same ratios as the difference in 50,000 and 40,000 population when compared to 5,000 population. The increase in the 3,000 multipliers would have the same ratios as the difference in 40,000 and 30,000 population when compared to 4,000 population. This will continue on for counties with 1,000 and less population. All local governments would have a minimum payment no less than the population cap of local governments of 1,000 population.

**Adopted | July 15, 2019**

## **Resolution to Allow the Public and Public Entities to Comment on Wilderness Characteristics Cataloging and Inventory by Federal Land Management Agencies**

**Issue:** Wilderness characteristics cataloging and inventory without the right of the public and public entities to comment and challenge.

**Adopted Policy:** The National Association of Counties (NACo) opposes any continuing wilderness characteristics inventory and cataloging by federal land management agencies without input and consent of impacted county governments.

**Adopted | July 15, 2019**

## **Resolution to Cease Wilderness Characteristic Inventory in Alaska**

**Issue:** Federal Land Policy Management Act of 1976 still allows wilderness characteristic inventory in Alaska that is not allowed in the lower 48 and Hawaii.

**Adopted Policy:** The National Association of Counties (NACo) supports striking Section 603, 43 U.S.C. 1784. Lands in Alaska; Bureau of Land Management Land Reviews. [P.L. 96-487, title XIII, §1320, 1980] of the Federal Land Policy Management Act of 1976.

**Adopted | July 15, 2019**

**Resolution Supporting the Utilization of Domestic Livestock Grazing as a Cost-Effective and Viable Method for Hazardous Fuels Reduction Goals in Executive Order 13855, Promoting Active Management of America's Forests, Rangelands and Other Federal Lands to Improve Conditions and Reduce Wildfire Risk**

**Issue:** Allowing grazing as an acceptable form of active forest and vegetation management to reduce hazardous fuel loads.

**Adopted Policy:** The National Association of Counties (NACo) urges the Trump Administration to instruct federal land management agencies to utilize domestic livestock grazing as a cost-effective and viable method of hazardous fuels reduction on public lands in the West. In accordance with Executive Order 13855, counties urge the administration to require agencies to reactivate all suspended non-use Animal Unit Months (AUMs) when requested by permittees, unless the agencies can produce peer-reviewed, irrefutable scientific evidence that doing so would be detrimental to the range. Additionally, counties recommend that all grazing permits be treated as outcome-based in order to grant federal agencies greater flexibility to respond to conditions on the ground.

**Adopted | July 15, 2019**

**Resolution Regarding Wildland Fire Regulations and Policies**

**Issue:** Federal agencies, including the United States Forest Service (USFS) and the Bureau of Land Management (BLM), have adopted regulations, policies, and guidelines that allow lightning-caused fires to burn on federal lands at all times and that permit the use of prescribed fires, regardless of ignition source, on federal lands at all times. (See, e.g., Federal Wildland Fire Management Policy & Program Review, December 18, 1995 and Guidance for Implementation of Federal Wildland Fire Management Policy, February 13, 2009.)

**Adopted Policy:** The National Association of Counties (NACo) supports greater coordination between federal land management agencies and local governments in implementing wildland fire suppression policies and strategies, with the understanding that a blanket, one-size-fits-all policy is untenable on diverse landscapes. Federal agencies must work with local governments to accomplish their (Federal agencies) land management goals, including wildfire suppression and risk reduction, and ensure such efforts do not jeopardize the health, safety, and welfare of local residents.

**Adopted | July 15, 2019**