

PUBLIC LANDS

STATEMENT OF BASIC PHILOSOPHY

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

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

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

FEDERAL LAND MANAGEMENT

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

Counties should be fully involved as affected partners in any process to consider the disposal, transfer or purchase of public lands or acquisition of private lands to become public within a county's jurisdiction. 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 shall include consideration of fair market value, consultation with appropriate counties and jurisdictions, and public values. 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. Federal Land Transaction Facilitation Act:** NACo supports the long-term reauthorization of the Federal Land Transaction Facilitation Act, a balanced approach to western lands that facilitates the sale of Bureau of Land Management (BLM) lands identified for disposal, which generates revenue for high-priority conservation.
- D. Special Use Designations:** Congress and federal agencies shall consult and confer with affected counties as early as possible when considering special land use designations that impact the use and status of public lands. Counties should be fully involved in the drafting and development of any legislation pertaining to wilderness designation within any affected county's jurisdiction. NACo strongly encourages congressional delegations to only consider future wilderness legislation that has demonstrated considerable support from affected counties. Public hearings must be held in the counties affected by the proposed designation. There must be compliance with the requirements of the National Environmental Policy Act (NEPA).

NACo opposes legislative efforts to require inventoried roadless areas to be managed in accordance with the Roadless Area Rule issued in January of 2001. NACo opposes federal land management actions that limit access and multiple use of lands that otherwise would be available to the public such as designations commonly referred to as "de facto wilderness". Unless approved by Congress, NACo opposes de facto wilderness, and

federal land use restrictions on the use of public or private lands in the proximity to a designated wilderness or a Wilderness Study Area.

NACo supports amending the Antiquities Act to provide transparency and accountability in the designation of national monuments. Federal consultation with state, county, and tribal governments should be required prior to the development and designation of any national monument.

NACo supports special use designations of federal lands that are proposed by local residents and businesses, are consistent with existing land use policies, and are strongly supported by the affected stakeholders and counties in the area within which designations are proposed.

- E. Access:** NACo supports maintaining and enhancing public access to public lands and opposes road closures, road decommissioning, moratoria against road building and other limiting policies and practices without coordination and consistency with county land use plans or management policies.

NACo recognizes the importance of the system of roads and rights-of-way across federal lands established under R.S. 2477. The Administration does not have authority to make binding administrative determinations about county R.S. 2477 rights. Instead, the Administration should work cooperatively with local officials to obtain Judicial or Congressional recognition of county R.S. 2477 rights-of-way claims on federal land. The road recognition process should be clear and consistent and give high priority to public safety, private property and public access. NACo opposes any federal action designed to change or diminish the scope of these rights. NACo supports legislation to create an administrative process 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.

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

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

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

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

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

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

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

- H. Wild Horse and Burro Management:** NACo urges support for the Bureau of Land Management (BLM) in its management of wild horse and burro populations to achieve appropriate management levels (AML) as authorized by the Wild Free-Roaming Horses and Burros Act of 1971 (as amended). Further, NACo supports the sale, adoption or humane slaughter of excess animals as viable options to achieve populations consistent with established appropriate management levels. NACo supports Congressional 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.
- I. Energy and Mineral Resource Development:** NACo supports comprehensive mineral, gas, and oil development laws and policies, including an expedited oil shale and oil sands leasing program, such as in the Green River formation, that address the needs of the extraction industries, the affected counties and the environment. NACo recognizes that U.S. independence from foreign oil also requires expanded alternative and renewable resources. Federal agencies shall issue permits for mineral, oil, gas and alternative/renewable energy development on federal land in a timely fashion.

NACo supports the development and implementation of a comprehensive national energy policy, which includes conservation, efficiency, exploration, and research and provides for the domestic production of traditional and alternative/renewable energy sources. Every effort shall be made by land management agencies to reduce road blocks that require years to get an application to drill, mine or extract minerals from federal land.

When mitigation is required as a condition of mineral or energy development, NACo encourages federal agencies to adopt procedures that provide for mitigation other than through land transfer from private to public ownership, unless supported by the 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.

- J. Forest and Rangeland Health:** NACo supports forest health initiatives to address the threat of catastrophic events to our public forest and rangeland resources. Federal land management agencies shall utilize an appropriate mix of management practices and increased private, local and state contracts and partnerships for pre-fire management, effective fire suppression, and restoration of federal forest and rangelands. As a goal, NACo supports legislation to direct and enable federal forest management agencies to reduce Fire Regime Condition Class (FRCC 3) to a standard of FRCC 1 in all federal forests by the year 2030, and to reduce FRCC 2 to the standard of FRCC 1 in all federal forests by the year 2050, through means of active landscape scale management, fuels reduction and immediate post-fire restoration.

K. Noxious Weeds & Invasive Species:

- a. NACo calls for a well-funded, coordinated and integrated weed management approach to noxious weed control. NACo supports an early detection and rapid response approach by all agencies and an accelerated completion of all required environmental documentation to allow the use of all the tools needed to accomplish integrated weed management, i.e. chemical, mechanical, biological, and cultural or prevention.
- b. NACo calls all counties to action to better protect counties from the devastating impacts of invasive species and to do so in a coordinated manner among multiple levels of government. NACo finds that the environmental resources of each county are exceptionally valuable to all citizens, including hydroelectric power, agriculture, forests, water supplies, commercial and recreational fisheries, aquaculture and outdoor

recreation opportunities. NACo supports state and federal legislation that prohibits 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. Federal Lands Recreational Enhancement Act (FLREA):** NACo supports the Federal Lands Recreational Enhancement Act to allow the Forest Service and other 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.
- N. 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 at a minimum, maintaining adequate funding, and preferably increasing funding, for overdue capital and deferred maintenance projects for the National Park Service, US Forest Service, Bureau of Land Management, and other public lands agencies. NACo reminds the Congress these public lands agencies provide recreation and tourism opportunities for millions of visitors that make a substantial economic impact on our county 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.

FEDERAL LANDS PAYMENTS

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

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

- B. Resource Revenue Sharing Payments:** Counties must share in the benefits of economic activity on public lands through statutory formulas, which guarantee a percentage of all gross receipts to be returned to the counties in which the activity occurs (Federal Revenue Sharing). NACo opposes any attempts to lessen revenue sharing receipts including sequestration. Federal Revenue Sharing(s) are contracts based on resource use revenue received by the United States Treasury and are only funded by the resource from which it was extracted or used.

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 opposes the application of "sequestration" to Mineral Lease Act (MLA) revenues and calls for the immediate disbursement of previously sequestered MLA revenues.

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

The U.S. Forest Service and Bureau of Land Management have permanent authority to enter into stewardship contracts for management of federal forests and rangelands. This authority does not include, however, traditional sharing with counties of revenues generated from these projects. NACo supports stewardship end-results contracting projects as a tool to manage federal forests and rangelands, but only if they retain the historical receipts sharing with counties. Receipts sharing 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 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 supports amending Title III of the Secure Rural Schools Act (SRS) to include reimbursement to counties for training and equipment of first responders, patrol expenditures and other emergency services on eligible federal Forest Service and BLM lands.

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. Federal agencies should coordinate with local and state officials to provide the greatest improvements in those areas of greatest importance.

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

FEDERAL LAND USE PLANNING

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

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

NACo supports reforms that would require the U.S. Fish and Wildlife Service and the National Marine Fisheries Service 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 stakeholders – not just on federal agencies – and would include 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.

- C. National Environmental Policy Act (NEPA) Improvement:** NACo supports the revision of NEPA to strengthen the involvement of local government in the federal decision-making process, increase public involvement for local communities, expedite project analysis and make those decisions in a timely but effective manner. NACo supports requiring federal agencies to coordinate with and offer cooperating agency status to local governments, and negotiate mutually agreeable MOUs.
- D. Gateway Communities:** NACo recognizes counties as gateway communities to our nation's federal lands and that the economies and ecologies of county, state, and federal governments in gateway regions are interwoven. NACo believes that diverse recreation and tourism opportunities are critical to counties and their communities. Furthermore, NACo recognizes that federal policies frequently drive significant impacts to gateway communities and the services they provide to visitors to ensure their pleasure, safety and comfort.
- E. Current and Future Federal Land Management Agency Land Management Plan Revisions:** Federal Land Management Agencies should coordinate with local government officials and maintain maximum consistency with local plans and policies when conducting current and future revisions of Resource Management Plans (RMPs) and Forest Management Plans. Counties should be full cooperating agencies in such processes and be provided meaningful opportunity for involvement in the revision process from start to finish. Once land management agency plans 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.
- F. Landscape Conservation Cooperatives (LCC):** NACo supports the expansion of LCC Steering Committees to include at least one elected county official or approved regional official representing local governmental interests on each Steering Committee, and preferably one from each state in those eco-regions which are multi-state.

PUBLIC LANDS RESOLUTIONS

Resolution on Amendments to PILT Population Caps

Issue: Counties, boroughs, townships, and parishes with populations under 5,000 have monetary caps within the 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 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 multiplier when compared to 5,000 population would have the same ratios as the difference in 50,000 and 40,000 population. The increase in the 3,000 multiplier when compared to 4,000 population would have the same ratios as the difference in 40,000 and 30,000 population. This will continue for counties with populations of 1,000 or less. All local governments with enough qualified federal land acres would have a minimum payment no less than the population cap of local governments of 1,000 population.

Adopted | July 24, 2017

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. Currently, S.614 (Sen. Flake, R-Ariz.) has been introduced to address this issue.

Adopted Policy: The National Association of Counties (NACo) supports passage of S.614 or similar legislation which would allow counties which 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 24, 2017

Resolution on Wildland Fire Suppression Funding

Issue: Fire suppression costs have steadily increased over the past several years reducing that portion of the U.S. Forest Service budget used to manage the nation's natural resources on National Forests and Grasslands.

Adopted Policy: The National Association of Counties (NACo) urges Congress to change the method of funding wildfire suppression on National Forests and Grasslands by providing access to funding outside of the statutory discretionary limits for emergency purposes. Further, NACo urges Congress to create a separate fire suppression emergency fund that the U.S. Forest Service can utilize for suppression activities.

Adopted | July 24, 2017

Resolution Urging Congress to Support the Return of 40% 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 Leasing 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 24, 2017

Resolution on Salt Cedar Removal

Issue: An overabundance of salt cedar in river bottoms in the southwest has negatively impacted water tables and recharge abilities. Removal or efforts to confine this invasive species are often delayed or resisted by the U.S. Army Corps of Engineers and other federal agencies.

Adopted Policy: The National Association of Counties (NACo) supports legislation that would allow the federal government to ease the process to allow county governments to comprehensively remove salt cedar from rivers within their jurisdiction and revegetate with native riparian plants.

Adopted | July 24, 2017

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. NACo further urges the federal government to enforce existing guidelines and rules for the PLSS.

Adopted | July 24, 2017

Resolution on Secure Rural Schools; Approval of Members for Resource Advisory Committee

Issue: The amount of time it takes to approve citizens as members of Resource Advisory Committees (RAC) under the Secure Rural Schools and Community Self Determination Act prevents the completion of projects in a timely manner, frustration of volunteers, and a potential for loss of funding that goes unobligated. NACo's 2017 Resolution should encourage alternative and innovative approaches that are not limited to the explicit proposals offered.

Adopted Policy: The National Association of Counties (NACo) urges Congress to amend the Secure Rural Schools and Community Self Determination Act to exempt Resource Advisory Committees from adherence to the Federal Advisory Committee Act, and to allow the Chief of the Forest Service to delegate appointment of citizens to Resource Advisory Committees to the appropriate Regional Forester, or Forest Supervisor. Additionally, NACo should advocate for other innovative solutions, such as thresholds on populations or budget amounts, exemptions for certain entities or quorum requirements in certain circumstances, a reduction in the size of RACs, and extension of the terms, or some combination to permanently address the inability of some RACs to meet due to lack of a quorum.

Adopted | July 24, 2017

Resolution Opposing the Bureau of Land Management's Duplicative Hydraulic Fracturing Regulation, and Supporting the Department of the Interior's Intention to Rescind the Rule

Issue: The Bureau of Land Management's (BLM) previous intent to adopt duplicative hydraulic fracturing rules has not been formally abandoned.

Adopted Policy: The National Association of Counties (NACo) is opposed to a BLM hydraulic fracturing rule that does not clearly and fully defer regulation of hydraulic fracturing to states that already have in place comprehensive regulations.

Adopted | July 24, 2017

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 other 49 states.

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 24, 2017

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 24, 2017

Resolution to Amend and Update the Endangered Species Act of 1973

Issue: The 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 ESA to reflect its intended purpose “to protect endangered species and the ecosystems 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 intrastate 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 24, 2017