

NACO Policy Resolution on USFS Rulemaking and NEPA for Formalizing County Coordination and Cooperating Agency Status, Focus on Local Conditions and Public Involvement in Firefighting and Associated Interdisciplinary Resource Management

Issue: Wildland Fires continue to take lives, livelihoods and destroy millions of acres of lands and resources with the United States Forest Service (USFS) operating under a Wildland Fire Management “Direction” and “Strategy” that circumvents the Administrative Procedures Act, The National Forest Management Act (NFMA), and the National Environmental Policy Act (NEPA) as well as the required inclusion of cooperating agencies, including counties and states, coordination with state and local governments, and the requisite transparency, public engagement and input.

Proposed Policy: The National Association of Counties (NACo) urges the United States Forest Service to promulgate an official Wildland Fire Fighting and Interdisciplinary Resource Management rulemaking process coordinated with state and local governments, and developed with counties as cooperating agencies and with public involvement in every step. This federal rulemaking requires a NEPA analysis and public disclosure of the interdisciplinary environmental effects upon the American people, their states and county governments of the implementation of the preferred Wildland Fire Fighting and Interdisciplinary Resource Management Alternative. The preferred management alternative will be determined in the rulemaking through transparent and accessible public involvement, coordination with state and local governments and county governments will participate in the USFS led NEPA analysis as cooperating agencies. This process is a well-known rulemaking process that is imperative for the USFS to lead and engage counties via county cooperating agency status and is not a one size fits all just as Forest Plans.

Background: Western region counties are dealing with the devastating effects of an ever-increasing number of acres burnt (6.5 million acres in 2021) in megafires at temperatures and intensities that leave nothing but scorched earth in their wake; lives lost; homes, businesses and livelihoods destroyed; and adverse environmental effects on our natural resources including wildlife and resulting in watershed degradation. These fires cross county and community boundaries and consume federal, state and private lands in their path.

The adverse and cumulative environmental effects from wildland fire include the human health conditions caused by the millions of megatons of CO₂ emissions in smoke released into the atmosphere and carried to every state on the continent and beyond. These smoke emissions exceed all human health standards for exposure to mercury and silicates. The loss of life, property damage and the burning of millions of acres of highly productive lands and natural resources have also led to displacement of American families and other residents caused by increases in insurance costs, cancellations and resulting homelessness.

From a USFS budget perspective, the cost to fight mega fires is enormous and we need to address and coordinate effectively at the local level through Rulemaking and NEPA with County Cooperating Agency Status. This would give us consistency and an opportunity to engage through the USFS (and other) federal planning processes that require public input. This public input process provides the mandated transparency of federal agency plans that potentially adversely affect people and adversely affect the natural resources that the federal agency has the statutory authority to actively manage. It provides the opportunity to allow the USFS to better educate and inform regarding the USFS interdisciplinary resource management plans at the local level and considering the unique characteristics of each National Forest, State and Private Forestry Programs and county, tribal and state entities with cooperating agency status at the local level through existing and Congressionally mandated public involvement processes.

This process will support updated firefighting technology to address challenges in access and safety while restoring the forest mosaic. Our watersheds have been stressed due to drought and after wildland fires, are further degraded by catastrophic surface runoff, resulting mudslides and downstream and Basin -wide floods for years after a fire and then during costly watershed restoration.

NACo supports the counties in their cooperating agency status and authorities in their imperative participation in the development of land management plans. However, many Forest Plans are currently in Plan Revision without a Wildland Fire Fighting and Interdisciplinary Resource Management Rule formalized through rulemaking, county and public involvement and analyzed as to environmental effects of implementation. This deficiency is creating an impossible situation for counties as they are blocked by non- engagement in the current USFS Chief's Strategy to continue to let fires burn for presumed resource "benefits". To date, no Forest Plan Revisions contain other than "administrative intent" in the land and resource management plan.

NACo further urges Congress to take immediate action to schedule Senate Energy and Natural Resources Committee Hearings in this 2022 Legislative Session requiring the USFS to address their deficient management strategy and partnership with the Natural Resource Conservation Service (NRCS), without the required rulemaking and environmental analysis of their wildland fire management actions and the impact on people and all natural resources.

Fiscal/Urban/Rural Impact: Rulemaking and NEPA would allow counties to be engaged as cooperating agencies to represent the interests of their constituents and the American people in providing policy input and development of the formal common sense and interdisciplinary science-based wildland fire management alternatives with the associated environmental impact statement regarding the preferred alternative. The current USFS Strategy (and partnership with NRCS on state and private lands) continues a long history of internally developed wildland fire management frameworks and internal policy directions. The continued use of non-binding wildland fire management strategies has adversely affected counties, their residents, their visitors and the American people by impeding and destroying the opportunities to continue a

strong and vital stewardship relationship in the active management of their public lands and resources.

Sponsor(s): Viki Purdy, Commissioner Adams County, Idaho; Daniel Anaiah Kirk, Supervisor Tuolumne County, California; Jack Lytle, Commissioner Daggett County, Utah