

NACO Public Lands Action Plan

This list identifies priorities and does not identify the type of effort required to address each of these issues.

Possible Actions: Federal Legislation, Agency Practices and Policies, Inter-Agency Working Groups

I. Local Land Use Planning and Management

A. Land Needed for County Services and Economic Development. The availability of land and existing infrastructure or corridors adjacent to or which connect existing urban or populated areas is paramount for sustainable land use planning.

- ❖ **Disposal Maps**
- ❖ **Certainty of Lands Bill Implementation**
- ❖ **"Study" Time for Wilderness Study Areas**
- ❖ **Streamlined Disposal Process and Adequate Staffing**
- ❖ **Federal Land Transfer Initiatives**
- ❖ **Public Lands Energy Resources Development Act Cost Sharing and Participation**

B. Rangeland Health Management. Agency decisions impact the effectiveness of, or counties' ability to adequately maintain rangeland health. Rangeland health management requires a variety of tools and resources that should be managed as a unit regardless of land ownership.

- ❖ **Fire Management**
 - Treat as natural disaster
 - Agency response time, fire origin and funding policies
 - Better fire risk reduction and fuels work options
- ❖ **Flood Management**
- ❖ **Invasive Species and Weed Management**
 - Aggressive containment and reclamation
- ❖ **Wild Free-Roaming Horse and Burro Act**
 - Remove excess animals as provided by the Wild Horse & Burro Act of 1973 as amended and follow the National Wild Horse and Burro Advisory Board's Recommendations from its Meeting on September 9, 2016

C. Access. Counties are responsible for roads, particularly with respect to emergency, transportation, and maintenance needs.

- ❖ **Address Agency Use of Water or RS2477 Unadjudicated Claims as Collateral to Grant Access or Permits**
- ❖ **Reduce Litigation Requirements for RS2477 Quiet Title Actions**
 - Streamlined Quiet Title Process for Undisputed County RS2477 Roads.
 - Administrative Process for Disputed County RS2477 Roads, Subject to Judicial Review
- ❖ **Address Roadless Forests Rule**
- ❖ ***Additional Issue Forthcoming**

D. Federal Land Restrictions or Withdrawals. Increased federal presence should adequately analyze and offset the direct and indirect economic impacts and increases in county service needs.

- ❖ **Land Withdrawals Should Not Impact Payment In Lieu of Taxes (PILT)**
- ❖ **Improved Taking Analyses Must Adequately Calculate and Compensate Affected Landowners, Including Permit Holders With Investment-Backed Expectations**
- ❖ **Method to Compensate Losses to Local Governments and States**

II. Federal Agency Implementation (Policies, Practices, Handbooks)

A. Agency Interpretation and Implementation of Federal Law. Federal Agencies have increasingly interpreted their legislative authorities to increase "efficiency," resulting in less collaboration on planning and management efforts.

- ❖ **Address and Improve Implementation of Federal Consistency Review and Coordination Requirements Under FLPMA and NFMA**
- ❖ **Ensure Meaningful Cooperating Agency Status Under NEPA**
- ❖ **Implement Current BLM Regulation Handbook or assist with New Planning 2.0 Handbook**
- ❖ **Identify and Minimize Areas where Key Terms have been Unnecessarily Expanded through Agency Policies (NEPA Cannot be Used to Expand Agency Authority)**

- ❖ **Address Confusion in Recent Compensatory Mitigation Policies and Handbooks**
- ❖ **Greater Sage-Grouse Implementation**
- ❖ **Address Agency Staff Focus and Turnover**
- ❖ **Increase Reliance on Local Studies and Data (Perhaps ask Cooperating Agencies for recommendations for who should be hired to perform the local studies)**

B. Federal Process Participation Fund. Create a mechanism to address funding and staff restrictions that currently restrict Counties' ability to engage with federal land managers.

- ❖ **Create a State or Federal Fund for Conservation Efforts, Collaborative Planning Efforts, Studies or Consultants to Engage in Federal Decision-Making Processes or Increase Reliance on Local Government and State Efforts**
 - See WY Stat § 9-4-218 as an example.

III. Substantive Changes to Key Federal Laws

A. The Antiquities Act. Large scale monuments have been declared against the wishes of the local population and their elected officials.

- ❖ **Require Jurisdiction-Based Approval Requirements**
- ❖ **Require Congressional Approval For Any Designation**
- ❖ **Require That Sufficient Funding Accompany Any Designation**

B. The Endangered Species Act. Sweeping settlements mandating more listings together with the listing or potential listing of widely dispersed species intensifies tensions. ESA reform should focus on promoting real conservation that actually recovers species with a respect for efficiency and reliance on local government planning for conservation.

- ❖ **Increase Reliance on State or Local Conservation Efforts and Programs**
- ❖ **Assurances for States or Local Governments Responsive to Federal Requests**
- ❖ **Better Prioritize Unresolved Species Status Reviews and Listed Species Management**
 - Distinguish species by measuring proximate cause versus large uncontrollable forces
 - Address species using reconciliation ecology to avoid an unachievable baseline
 - Treat "Threatened Species" differently from "Endangered Species"
- ❖ **Address Abuse of the Petition Process Without Infringing on Civil Rights or Undermining the Purpose of the ESA**
- ❖ **Address Attorneys Fees Awards under EAJA and the ESA and Increase Transparency**
- ❖ **Address the Role of the Judiciary, and Especially Settlement Agreement Practices**
- ❖ **Grant Standing to any State or Political Subdivision Within the Entire Geographical Area Which Is or Can Be Occupied by a Candidate or Listed Species (Perhaps same for NEPA/FLPMA/NFMA violations)**

VI. Immediate Changes

- ❖ **Reverse BLM Planning 2.0 Regulations**
- ❖ **Address Recent FWS and BLM Compensatory Mitigation Policies**
 - Secretarial Order No. 3330; Presidential Memorandum
 - Net Conservation Benefit exceeds agency authority under FLPMA and the ESA.
- ❖ **Adopt the No-Action Alternative for the Greater Sage-Grouse SFA Withdrawals**
- ❖ **Amend Greater Sage-Grouse Land Use Plan Amendments to Update Maps that Remove Urban Areas from Habitat**
- ❖ **Contract with the University of Nevada for Socioeconomic Impacts Analyses**