
January 24, 2019

Alejandro Moreno
Director, Water Power Technologies Office
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Director Moreno:

The Western Governors' Association (WGA) understands that the Department of Energy's (DOE) Water Power and Technologies Office (WPTO) has convened a Stakeholder Working Group to inform its project, "An Examination of the Hydropower Licensing and Federal Authorization Process." WGA wants to ensure that western states are adequately represented in any effort to shape federal policy on hydropower licensing.

WGA represents the Governors of 19 western states and 3 Pacific territories, and is an instrument of the Governors for bipartisan policy development, information-sharing, and collective action on issues of critical importance to the West. WGA Policy Resolution 2018-08, *Water Resource Management in the West*, recognizes that:

Congress and the Administration should authorize and implement appropriate hydropower projects and programs through efficient permitting processes that enhance renewable electric generation capacity and promote economic development, while ensuring protection of important environmental resources and indigenous people's rights.

Western Governors assert that efforts to streamline environmental permitting, "should not impinge upon state authority over water management or the states' responsibility," to implement programs under the federal Clean Water Act (CWA). Specifically, WGA Policy Resolution 2018-12, *Water Quality in the West*, emphasizes that, "[CWA] Section 401 is operating as it should, and states' mandatory conditioning authority should be retained without amendment." In addition to states' statutory authority to implement Section 401 and other programs under the CWA, hydropower licensing and relicensing may affect various sovereign authorities retained by the states, including their plenary authority over the management of water resources and wildlife.

DOE should take affirmative steps to ensure that the voices, expertise and insights of western states are adequately represented in its Stakeholder Working Group. WGA views this as an opportunity to improve the state-federal relationship, a principal policy objective of Western Governors. For your reference, please see the attached correspondence to DOE Under Secretary Dan Brouillette, dated August 4, 2017. The communication provides greater detail on this subject and communicates the expectation of Western Governors that the Department will provide states with opportunities for early, meaningful and substantive input in the development of regulatory policies.

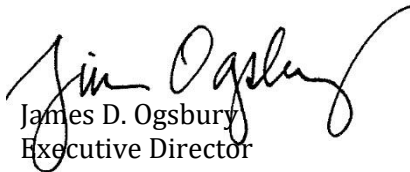
WGA staff has had an initial conversation with DOE's Working Group contractor on this matter and would be happy to facilitate further conversations between our states and the Department. The production of hydroelectric power has historically played a significant role in the development and expansion of the West. Western states have intimate and hands-on knowledge of hydropower

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licensing and associated state water quality certification processes that would be invaluable to your examination of the licensing and authorization process. Governors' involvement will help assure that all the areas of state interest impacted are properly integrated into this exercise.

We look forward to discussing this and other opportunities for incorporating the input of western states into DOE's decision-making processes. Please contact me if you have any questions or require further information. In the meantime, with warm regards and best wishes, I am

Sincerely,



James D. Ogsbury
Executive Director

Attachment

August 4, 2017

Honorable Dan Brouillette
Deputy Secretary
U.S. Department of Energy
1000 Independence Avenue S.W.
Washington, D.C. 20585

Dear Deputy Secretary Brouillette:

On behalf of the Western Governors' Association (WGA), I am writing to congratulate you on your position with the Administration. I look forward to working with you in your new capacity.

WGA represents the Governors of 19 Western states and three U.S.- flag islands. The Association is an instrument of the Governors for bipartisan policy development, information exchange and collective action on issues of critical importance to the western United States.

WGA is deeply interested in, and has adopted policies regarding, activities within the jurisdiction of your agency. We look forward to introducing you to those policies and working together to achieve their realization.

Western Governors have been encouraged by the Administration's early emphasis on regulatory reform, particularly to the extent such reform contemplates a more robust role for states in the development of federal policy. This is a high priority for the Governors, as reflected by their adoption of WGA Policy Resolution 2017-01, *Strengthening the State-Federal Relationship* (attached), which articulates the Governors' vision for a more efficient and effective partnership between the federal government and the states.

In response to the Administration's call for ideas to improve regulatory processes, attached please find a menu of policy options, the adoption of which would strengthen the partnership of states and federal agencies. As you review and consider this information, be advised that Western Governors can be a valuable resource to inform your policy agenda and activities. Moreover, they expect to be consulted throughout the agency's decision-making and rulemaking processes, particularly with respect to initiatives that implicate state authority and impact our common constituencies.

Honorable Dan Brouillette

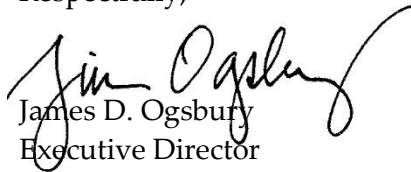
August 4, 2017

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As stated in the attached resolution: "Each executive department and agency should have a clear and accountable process to provide states with *early, meaningful and substantive* input in the development of regulatory policies" (Emphasis added). We submit that such consultation should commence immediately, both with respect to policies under review and those under development.

Thank you for your attention and consideration. With best wishes for success, I am

Respectfully,


James D. Ogsbury
Executive Director

Enclosures



**WESTERN
GOVERNORS'
ASSOCIATION**

Western Governors' Association Policy Resolution 2017-01

Building a Stronger State-Federal Relationship

A. PREAMBLE

The Governors of the West are proud of their unique role in governing and serving the citizens of this great nation. They recognize that the position they occupy – the chief elected official of a sovereign state – imposes upon them enormous responsibility and confers upon them tremendous opportunity. Moreover, the faithful discharge of their obligations is central to the success of the Great American Experiment.

It was, after all, the states that confederated to form a more perfect union by creating a national government of limited and defined powers. The grant of specific responsibilities for irreducibly common interests – such as national defense and interstate commerce – was brilliantly designed to make the whole stronger than the sum of its parts.

The genius of American democracy is predicated on the separation of powers among branches of government (*viz.* the legislative, executive and judiciary) and the division of power between the federal and state governments (federalism). Under the American version of federalism, the powers of the federal government are narrow, enumerated and defined. The powers of the states, on the other hand, are vast and indefinite. States are responsible for executing all powers of governance not specifically bestowed to the federal government by the U.S. Constitution. This principle is memorialized in the Tenth Amendment, which states in its entirety, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

This reservation of power to the states respects the differences between regions and peoples. It recognizes a right to self-determination at a local level. It rejects the notion that one size fits all, and it provides for a rich tapestry of local cultures, economies and environments.

Because of the Constitutional recognition of state sovereignty, the states have been appropriately regarded as laboratories of democracy. States regularly engage in a kind of cooperative competition in the marketplace of ideas. Western Governors are leaders in innovative governance who employ their influence and executive authority to promote initiatives for improvement of their states' economies, environments and quality of life.

Despite the foregoing, the balance of power has, over the years, shifted toward the federal government and away from the states. The growth in the size, cost and scope of the federal government attests to this new reality. Increasingly prescriptive regulations infringe on state authority, tie the hands of states and local governments, dampen innovation and impair on-the-ground problem-solving. Failures of the federal government to consult with states reflect a lesser appreciation for local knowledge, preferences and competencies.

The inauguration of a new Administration presents a historic opportunity to realign the state-federal relationship. Western Governors are excited to work in true partnership with the federal government. By operating as authentic collaborators on the development and execution of policy, the states and federal government can demonstrably improve their service to the public. Western Governors are optimistic that the new Administration will be eager to unleash the power and creativity of states for the common advantage of our country. By working cooperatively with the states, the Administration can create a legacy of renewed federalism, resulting in a nation that is stronger, more resilient and more united. Such an outcome will redound to the credit of the Administration and inure to the benefit of the American people.

B. BACKGROUND

1. The relationship between state government authority and federal government authority is complex and multi-dimensional. There are various contexts in which the authorities of these respective levels of U.S. government manifest and intersect. For example:
 - a) **Exclusive Federal Authority** – There are powers that are specifically enumerated by the U.S. Constitution as exclusively within the purview of the federal government.¹
 - b) **State Primacy** – States derive independent rights and responsibilities under the U.S. Constitution. All powers not specifically delegated to the federal government are reserved for the states; in this instance, the legal authority of states overrides that of that federal government.²

¹ The structure of the government established under the U.S. Constitution is premised upon a system of checks and balances: Article VI (Supremacy Clause); Article I, Section 8 (Congressional); Article II, Section 1 (Executive Branch); Article III, Section 2 (Judicial Branch). State law can be preempted two ways. If Congress evidences an intent to fully occupy a given “field,” then state law falling within the field is preempted. If Congress has not fully displaced state regulation over the matter, then state law is preempted to the extent it *actually* conflicts with federal law.

² Amendment 10 of the U.S. Constitution: “*The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.*”

Governors have responsibilities for the condition of land, air, forest, wildlife and water resources, as well as energy and minerals development, within their state's borders.

- c) **Shared State-Federal Authority** – In some cases, state and/or federal authority can apply, given a particular fact pattern.³ Federal preemption of state law is a concern under this scenario. According to the Council on State Governments, the federal government enacted only 29 statutes that pre-empted state law before 1900. Since 1900, however, there have been more than 500 instances of federal preemption of state law.
- d) **State Authority “Delegated” from Federal Agencies by Federal Statute** – The U.S. Congress has, by statute, provided for the delegation to states of authority over certain federal program responsibilities. Many statutory regimes – federal environmental programs, for example – contemplate establishment of federal standards, with delegated authority (permissive) available to states that wish to implement those standards.

According to the Environmental Council of the States (ECOS), states have chosen to accept responsibility for 96 percent of the primary federal environmental programs that are available for delegation to states. States currently execute the vast majority of natural resource regulatory tasks, including 96 percent of the enforcement and compliance actions and collection of more than 94 percent of the environmental quality data currently held by the U.S. Environmental Protection Agency (EPA).

- e) **Other** – Where the federal government has a statutory, historical or “moral” obligation to states.⁴

³ The federal government has authority to regulate federal property under Article IV of the Constitution. That authority, however, is limited. General regulatory authority (including regulation of wildlife and land use) is held by the states, unless Congress passes a specific law that conflicts with a state's exercise of authority. This is discussed in detail in U.S. Supreme Court case, [Kleppe v. New Mexico](#).

⁴ These historic agreements include, but are not limited to: Payments in Lieu of Taxes; shared revenues authorized by the Secure Rural Schools Act; Oregon and California Railroad Revested Lands payments; shared mineral royalties at the historic level of 50% and renewable energy leasing revenues from development on U.S. Forest Service lands, Bureau of Land Management lands and waters off the coasts of the western states; Abandoned Mine Lands grants to states consistent with 2006 Amendments to the Surface Mining Control and Reclamation Act; legally binding agreements and timetables with states to clean up radioactive waste that was generated in connection with nuclear weapons production and that remains on lands managed by the Department of Energy in the West.

2. Over time, the strength of the federal-state partnership in resource management has diminished. Federal agencies are increasingly challenging state decisions, imposing additional federal regulation or oversight and requiring documentation that can be unnecessary and duplicative. In many cases, these federal actions encroach on state legal prerogatives, especially in natural resource management. In addition, these federal actions neglect state expertise and diminish the statutorily-defined role of states in exercising their authority to manage delegated environmental protection programs.
3. The current fiscal environment exacerbates tensions between states and federal agencies. For example, states have a particular interest in improving the active management of federal forest lands. The so-called “fire borrowing” practice employed by the U.S. Forest Service and the Department of the Interior to fund wildfire suppression activities is negatively affecting restoration and wildfire mitigation work in western forests. Changes are needed, as the current funding situation has allowed severe wildfires to burn through crippling amounts of the very funds that should instead be used to prevent and reduce wildfire impacts, costs, and safety risks to firefighters and the public. This also has impacts on local fire protection districts, which often bear the brunt of costs associated with first response to wildfire, and state budgets that are also burdened by the costs of wildfire response. Fire borrowing represents an unacceptable set of outcomes for taxpayers and at-risk communities, and does not reflect responsible stewardship of federal land. In addition, states increasingly are required to expend their limited resources to operate regulatory programs over which they have less and less control. A 2015 report by the White House Office of Management and Budget on the costs of federal regulation and the impact of unfunded mandates notes that federal mandates cost states, cities and the general public between \$57 and \$85 billion every year.
4. States are willing and prepared to more effectively partner with the federal government on the management of natural resources within their borders.
5. The U.S. Advisory Commission on Intergovernmental Relations – established in 1959 and dissolved in 1996 – was the federal government's major platform for addressing broad intergovernmental issues beyond narrow considerations of individual programs and activities.
6. The current Executive Order on Federalism (E.O. 13132) was issued by then-President William Clinton in 1999. That E.O. has not been revisited since and it may be time to consider a new E.O.

C. GOVERNORS' POLICY STATEMENT

1. Review of the Federal-State-Local Relationship

- a) It is time for thoughtful federal-state-local government review of the federal Executive Order on Federalism to identify areas in the policy that can be clarified and improved to increase cooperation and efficiency.
- b) Governors support reestablishment of the U.S. Advisory Commission on Intergovernmental Relations. It is imperative that the President show his commitment to the Constitutional separation of powers by establishing a platform at the highest level to address federalism concerns.

2. Avoiding Preemption of States

- a) In the absence of Constitutional delegation of authority to the federal government, state authority should be presumed sovereign. Accordingly, federal departments and agencies should, to the extent permitted by law, construe, in regulations and otherwise, a federal statute to preempt state law only when the statute contains an express preemption provision or there is some other firm evidence compelling the conclusion that Congress intended preemption of state law, consistent with established judicial precedent.
- b) When Congress, acting under authority granted to it by the Constitution, does preempt state environmental laws, federal legislation should:
 - i. Accommodate state actions taken before its enactment;
 - ii. Permit states that have developed stricter standards to continue to enforce them;
 - iii. Permit states that have developed substantially similar standards to continue to adhere to them without change and, where applicable, without consideration to land ownership.

3. Defining Meaningful State-Federal Consultation

- a) Each Executive department and agency should be required to have a clear and accountable process to provide each state – through its Governor as the top elected official of the state and other representatives of state and local governments as he or she may designate – with *early, meaningful* and *substantive*

input in the development of regulatory policies that have federalism implications. This includes the development, prioritization and implementation of federal environmental statutes, policies, rules, programs, reviews, budgets and strategic planning.

- b) Consistent with C(2) and C(3)(a), federal agencies should consult with states in a meaningful way, and on a timely basis.
 - i. **Predicate Involvement:** Federal agencies should take into account state data and expertise in development and analysis of underlying science serving as the legal basis for federal regulatory action. States merit greater representation on all relevant committees and panels (such as the EPA Science Advisory Board and related issue panels) advising federal agencies on scientific, technological, social and economic issues that inform federal regulatory processes.
 - ii. **Pre-Publication / Federal Decision-making Stage:** Federal agencies should engage in early (pre-rulemaking) consultation with Governors and state regulators. This should include substantive consultation with states during development of rules or decisions and a review by states of the proposal before a formal rulemaking is launched (i.e., before such proposals are sent to the White House Office of Management and Budget).
 - iii. **Post-Publication / Pre-Finalization Stage:** As they receive additional information from state agencies and non-governmental entities, Governors and designated state officials should have the opportunity to engage with federal agencies on an ongoing basis to seek refinements to proposed federal regulatory actions prior to finalization.

4. State Authority “Delegated” from Federal Agencies Pursuant to Federal Statute

Where states are delegated authority by federal agencies pursuant to legislation:

- a) Federal agencies should treat states as co-regulators, taking into account state views, expertise and science in the development of any federal action impacting state authority.

- b) Federal agencies should grant states the maximum administrative discretion possible. Any federal oversight of such state should not unnecessarily intrude on state and local discretion. Where states take proactive actions, those efforts should be recognized and credited in the federal regulatory process.
- c) When a state is meeting the minimum requirements of a delegated program, the role of a federal department or agency should be limited to the provision of funding, technical assistance and research support. States should be free to develop implementation and enforcement approaches within their respective jurisdictions without intervention by the federal government.
- d) New federal rules and regulations should, to the extent possible, be consistent with existing rules and regulations. The issuing agency should identify elements and requirements common to both the proposed and existing regulations and provide states an opportunity to develop plans addressing the requirements of both in a coordinated fashion. This will achieve economies of scale, saving both time and money.
- e) When a federal department or agency proposes to take adjudicatory actions that impact authority delegated to states, notice should be provided to affected Governors' offices, and co-regulating states should have the opportunity to participate in the proceedings. Where legally permissible, that right should extend to federal agencies' settlement negotiations impacting state environmental and natural resource management prerogatives. Where their roles and responsibilities are impacted, states should be meaningfully consulted during settlement negotiations, including negotiations aimed at avoiding, rather than resolving, litigation (such as negotiations following a notice of intent to sue under the Endangered Species Act, but prior to a formal complaint being filed to initiate legal action).
- f) States' expertise should be recognized by federal agencies and robustly represented on boards and in other mechanisms upon which agencies rely for development of science to support regulatory action.

5. **Other Opportunities for Positive Engagement by the Federal Government with Western States**

- a) **Federalism Reviews** – Federal agencies are required by federal Executive Order 13132 to consider and quantify consequences of federal actions on states. In practice, the current process falls short of its stated goals. Governors call on the President to revisit the executive order to, among other things:

- i. Specifically involve Western Governors on issues (e.g., public lands, water and species issues) that disproportionately impact the West;
 - ii. Work with Governors to develop specific criteria and consultation processes: 1) for the initiation of federalism assessments and 2) that guide the performance of every federal Department and agency federalism assessment;
 - iii. Require federal Departments and agencies to meet the criteria developed under C(5)(a)(ii), rather than simply require the consideration of federalism implications;
 - iv. Provide states, through Governors, an opportunity to comment on federalism assessments before any covered federal action is submitted to the Office of Management and Budget for approval.
- b) **Federal and State Land-Use Planning** – Governors possess primary decision-making authority for management of state resources. Accordingly, it is essential that they have an opportunity to review new, revised and amended federal land management plans for consistency with existing state plans. Governors and their staffs have specific knowledge and experience that can help federal agencies craft effective and beneficial plans. A substantive role in federal agencies’ planning processes is vital for Western Governors:
- i. Federal landscape-level planning presents new issues for Governors to consider as they attempt to ensure consistency between state and federal requirements. Agencies should provide Governors sufficient time to ensure a full and complete state review. This is particularly true when agency plans affect multiple planning areas or resources;
 - ii. Agencies should seek to align the review of multiple plans affecting the same resource. This is particularly true for threatened or endangered species that have vast western ranges;
 - iii. When reviewing proposed federal land management plans for consistency with state plans, Governors should be afforded the discretion to determine which state plans are pertinent to the review, including state-endorsed land use plans such as State Wildlife Action Plans, conservation district plans, county plans and multi-state agreements;
 - iv. Governors must retain a right to appeal any rejection of recommendations resulting from a Governor’s consistency review.

- c) **Honoring Historic Agreements** – The federal government should honor its historic agreements with states and counties in the West to compensate them for state and local impacts associated with federal land use and nontaxable lands within their borders that are federally-owned.
- d) **Responsible Federal Land Management** – The federal government should be a responsible landowner and neighbor and should work diligently to improve the health of federally-owned lands in the West. Lack of funding and conflicting policies have resulted in large wildfires and the spread of invasive species from federally owned forests and grasslands, negatively impacting adjacent state and privately-owned lands, as well as state-managed natural resources (soils, air and water).
- e) **Recognizing State Contributions to Federal Land Management** – The U.S. Congress and appropriate federal departments and agencies should provide opportunities for expanded cooperation, particularly where states are working to help their federal partners to improve management of federal lands within their states’ borders through the contribution of state expertise, manpower and financial resources.
- f) **Avoiding Unfunded Mandates** – The U.S. Congress and federal departments and agencies should avoid the imposition of unfunded federal mandates on states. The federal government increasingly requires states to carry out policy initiatives without providing the funding necessary to pay for implementation. State governments cannot function as full partners if the federal government requires them to devote their limited resources to compliance with unfunded federal mandates.
- g) **Other Considerations in Designing an Effective State-Federal Relationship** – Other important considerations in the design of a stronger state-federal relationship include:
 - i. The U.S. Congress and federal departments and agencies should respect the authority of states to determine the allocation of administrative and financial responsibilities within states in accordance with state constitutions and statutes. Federal action should not encroach on this authority.
 - ii. Federal assistance funds, including funds that will be passed through to local governments, should flow through states according to state laws and procedures.

- iii. States should be given flexibility to transfer a limited amount of funds from one grant program to another, and to administer related grants in a coordinated manner.
- iv. Federal funds should provide maximum state flexibility without specific set-asides.
- v. States should be given broad flexibility in establishing federally-mandated advisory groups, including the ability to combine advisory groups for related programs.
- vi. Governors should be given the authority to require coordination among state executive branch agencies, or between levels or units of government, as a condition of the allocation or pass-through of funds.
- vii. Federal government monitoring should be outcome-oriented.
- viii. Federal reporting requirements should be minimized.
- ix. The federal government should not dictate state or local government organization.

D. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Governors direct the WGA staff, where appropriate, to work with Congressional committees of jurisdiction and the Executive Branch to achieve the objectives of this resolution.
2. Furthermore, the Governors direct WGA staff to develop, as appropriate and timely, detailed annual work plans to advance the policy positions and goals contained in this resolution. Those work plans shall be presented to, and approved by, Western Governors prior to implementation. WGA staff shall keep the Governors informed, on a regular basis, of their progress in implementing approved annual work plans.

Western Governors enact new policy resolutions and amend existing resolutions on a bi-annual basis. Please consult www.westgov.org/policies for the most current copy of a resolution and a list of all current WGA policy resolutions.



Realigning the State-Federal Relationship

Agency-by-Agency Menu of Possible Reforms

UPDATED – July 21, 2017

This document contains a variety of process improvement recommendations informed by Western Governors' policy resolutions and previous interactions with the Administration and Congress. The Governors' primary priorities for regulatory reform are articulated in [WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship](#).

The document begins with a presentation of cross-cutting recommendations (those impacting more than one agency), followed by agency-specific recommendations. The Western Governors developed these recommendations to provide a practical tool for Congress, the White House, and federal departments and agencies as they consider regulatory process improvements. Supporting documents are linked with WGA resolutions first, followed by other documents in chronological order.

Description of Reform	Nexus to Governors' Policy Resolutions
CROSS-CUTTING / MULTIPLE AGENCIES	
Establish a federalism office in the executive branch - potential models include the U.S. Advisory Commission on Intergovernmental Relations (ACIR) and Council on Environmental Quality (CEQ).	WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship
Revise Executive Order 13123, <i>Federalism</i> .	WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship
Establish a permanent Joint Select Committee on Intergovernmental Relations.	WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship
Governors have specifically defined “consultation.” Seek opportunities for more meaningful consultation through: agency-specific processes; Executive Branch cross-cutting regulatory efforts (such as those outlined in recent E.O.s); administrative reorganization, and Congressional regulatory reform initiatives.	WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship Letter to Agencies: Executive Order, “Enforcing the Regulatory Reform Agenda
Clarify definitions in key enabling statutes to better define state-federal consultation.	WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship
<p>Clarify which federal actions trigger the state consultation requirements under E.O. 13132, <i>Federalism</i>.</p> <p>Federal agencies have recently contemplated excluding certain regulatory activities (such as agency procedures, directives development, and handbook or manual updates) from the APA process (see 80 FR 74740, November 30, 2015, RFI Regarding Involving the Public in the Formulation of Forest Service Directives). This would preclude the application of notice and comment requirements to a great deal of regulatory activity and could</p>	WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship Comments: USFS Groundwater Directive

Description of Reform	Nexus to Governors' Policy Resolutions
operate to diminish the role of states in the development of these significant regulatory tools.	
Better define “cooperating agency” under NEPA processes.	WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship
Infrastructure planning and permitting guidelines, rules, and regulations should be coordinated, streamlined, and sufficiently flexible to: (i) allow for timely decision-making in the design, financing, and construction of needed infrastructure; (ii) account for regional differences; (iii) balance economic and environmental considerations; and (iv) minimize the costs of compliance.	WGA Policy Resolution 2015-08, Water Resource Management in the West WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship
Develop an E.O. or legislation that: ensures a more focused and streamlined federal approach to invasive species issues and that promotes greater coordination, collaboration, and communication with states and Pacific islands; provides for greater transparency of invasive species data and management decisions; strengthens the national network of native and non-native seed reserve and storage facilities for rehabilitation and restoration.	WGA Policy Resolution 2016-05, Combating Invasive Species Letter: Recommendations for State Experts for Invasive Species Advisory Council Letter: Governors’ Concern Regarding Invasive Species Management Testimony: Oversight Hearing on Invasive Species Letter: Governors’ Comments on the 2015-2020 National Seed Strategy for Rehabilitation and Restoration Letter: Secretarial Order 3336: Rangeland Fire Prevention, Management, and Restoration

Description of Reform	Nexus to Governors' Policy Resolutions
<p>Require agencies to develop step-by-step internal guidelines on compliance with the preemption provisions of the Federalism E.O.; and</p> <p>Require internal oversight procedure by which agency scrutinizes potential preemptions of state authority.</p>	<p>WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship</p>
<p>Require OMB/OIRA to update directions to agencies "federalism official" designations and "consultation plans." These directions should describe how agencies identify policies with federalism implications and the procedures agencies will use to ensure meaningful and timely consultation with states. Make consultations plans and contact information for designated federalism officials publicly available.</p>	<p>WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship</p>
<p>Improve preemption and federalism review requirements in OIRA's "A-4 Circular" checklist.</p>	<p>WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship</p>
<p>Strengthen existing statutory savings clauses and incorporate savings clauses in new legislation as opportunities arise.</p>	<p>WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship</p>
<p>Request a GAO analysis of how often federalism reviews occur in key agencies and what they include.</p>	<p>WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship</p>
<p>Seek mandatory use of state data and expertise, subject to existing state requirements for data protection and transparency.</p>	<p>WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship</p> <p>WGA Policy Resolution 2017-11, Species Conservation and the Endangered Species Act</p> <p>WGA Policy Resolution 2017-08, State Wildlife Science, Data and Analysis</p>

Description of Reform	Nexus to Governors' Policy Resolutions
	Appropriations Requests Testimony, FY 2015 , 2016 , 2017 and 2018
Require agencies to assure state participation in relevant federal science boards by requiring the selection of state scientists to serve on science-based groups informing federal regulation (e.g. EPA Science Advisory Board panels).	WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship Appropriations Requests Testimony, FY 2015
Seek mandatory use of a refined model for federal land management agencies' economic impact and cost/benefit analyses designed in conjunction with affected states and counties.	WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship
Require agencies to share assumptions supporting federalism assessment impact analyses. Note: In a previous CERCLA 108(b) federalism assessment process, EPA refused to share assumptions or modeling information with states. See details here .	WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship Letter: Concerns over Potential EPA CERLCA 108(b) Financial Assurance Requirements Comments I: CERCLA 108(b) Financial Assurance Rule for Hardrock Mining Industry
DEPARTMENT OF AGRICULTURE	
Natural Resources Conservation Service (NRCS)	
Identify business practice barriers to cross-boundary projects involving federal, state and private lands. Develop training on state and federal contracting procedures and administration to improve implementation of cross-boundary projects, and use Service First authorities, which allow multiple agencies to share resources, procurement procedures and other authorities, and streamline and consolidate agency processes. Establish	National Forest and Rangeland Management Initiative June 2017 Special Report

Description of Reform	Nexus to Governors' Policy Resolutions
<p>multi-agency pilot projects, which can suggest models for subsequent formal agreements.</p> <p>Target funding from USFS, BLM, NRCS and state sources to address cross-boundary management goals (and support monitoring and assessment frameworks) in priority areas. Projects using this targeted funding should be consistent with State Forest Action Plans, wildlife action plans, community-wildfire protection plans and projects in other priority areas determined by federal, state, local and tribal partners based on the best available science.</p>	
<p>Identify opportunities to improve flexibility and integration of grazing management and targeted grazing as tools to achieve restoration and land management goals, including wildlife habitat improvements, drought and wildfire mitigation and resilience, water quality and watershed health, soil health management, promotion of perennial plant health, and control of invasive species such as cheatgrass.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>
<p>Fully fund conservation title programs such as Environmental Quality Incentives Program (EQIP), Conservation Technical Assistance (CTA), Conservation Stewardship Program (CSP), Conservation Reserve Program (CRP), Agricultural Conservation Easement Program (ACEP), and the Regional Conservation Partnership Program (RCP), that provide technical and financial assistance for forest and rangeland management in partnership with private landowners. Take steps to provide greater flexibility in the deployment of these programs to achieve restoration objectives.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>
<p>Codify and direct funding for the Joint Chiefs Landscape Restoration Program to facilitate continued partnership and investment between USFS and NRCS to support restoration projects where federal and private land ownership and management goals intersect.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>

Description of Reform	Nexus to Governors' Policy Resolutions
<p>Work closely with states and other resource managers to improve predictive and adaptive capabilities for extreme weather variability and related impacts.</p> <p>Coordinate water data gathering and information programs across multiple agencies.</p> <p>Provide adequate funding for the NRCS Snow Survey and Water Supply Forecasting Program, as it provides states with vital data in their management of water resources.</p>	<p>WGA Policy Resolution 2015-08, Water Resource Management in the West</p> <p>Letter: Importance of Snow Survey and Water Supply Forecasting Program</p>
United States Forest Service (USFS)	
<p>Clarify definitions in key enabling statutes such as NFMA, MUSYA, and FRRRPA to better define state-federal consultation.</p>	<p>WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship</p>
<p>Consult with states in a meaningful way prior to proposing directives or rules affecting states' management and allocation of water resources.</p> <p>(n.b. USFS previously contemplated excluding certain regulatory activities (such as agency procedures, directives development, and handbook or manual updates) from the APA process [see 80 FR 74740, November 30, 2015, RFI Regarding Involving the Public in the Formulation of Forest Service Directives]. This would preclude the application of notice and comment requirements to a great deal of regulatory activity and could diminish the role of states in the development of these significant regulatory tools.)</p>	<p>WGA Policy Resolution 2015-08, Water Resource Management in the West</p> <p>Appropriations Requests Testimony 2016, 2017 and 2018</p> <p>Testimony: State Authority over Water Management</p> <p>Comments: USFS Groundwater Directive</p> <p>Comments: Ski Area Water Rights on Forest Service Lands</p> <p>Comments: Proposed USFS Directive for National Best Management Practices for Water Quality</p> <p>Letter: Concern on USFS Proposed Groundwater Management Directive</p>

Description of Reform	Nexus to Governors' Policy Resolutions
<p>Increase state-federal coordination to complete the siting and permitting of electricity transmission across federal lands within three years of submission of a completed application.</p> <p>Include meaningful state consultation as a required component of the west-wide energy corridor designation process under section 368 of the Energy Policy Act of 2005.</p> <p>Eliminate inconsistencies in the environmental review and permitting process for linear facilities that make outcomes unpredictable, and can result in litigation and delays.</p> <p>Encourage consistency in siting and permitting processes within and among agencies (and across regions), as well as coordination with states to help reduce inconsistencies.</p>	<p>WGA Policy Resolution 2016-09, Energy and Transmission</p> <p>Letter II: Offer to Work with Federal Agencies on Western Energy Section 368 Corridors</p> <p>Comments II DOE Integrated, Interagency Pre-application Process proposal</p> <p>Comments: First Iteration of DOE's Quadrennial Energy Review</p> <p>Comments I: DOE Integrated, Interagency Pre-Application Process Proposal</p> <p>Letter I: Request for Substantive Partnership in Section 368 Energy Corridor Designation Process</p> <p>Letter: Support for Presidential Memo Transforming our Nation's Electric Grid through Improved Siting, Permitting and Review</p>
<p>Consult with states in development of a consistent, cross-agency process for identifying and selecting highest priority hazardous fuels projects.</p> <p>Involve states in development and implementation of risk assessment tools for identifying and prioritizing hazardous fuels reductions projects on western NFS lands.</p> <p>Implement tracking measurements to quantify and report acres treated for hazardous fuels reduction as an accomplishment only after an entire project has been completed and the desired condition is achieved.</p>	<p>USFS Inspector General's Report "Forest Service Wildland Fire Activities – Hazardous Fuels Reduction." (July, 2016)</p>
<p>Federal statutes require federal land management agencies to establish a balance between multiple uses of public lands. Take steps to account for</p>	<p>WGA Policy Resolution 2017-10, National Forest and Rangeland Management</p>

Description of Reform	Nexus to Governors' Policy Resolutions
<p>local needs and state priorities when evaluating the viability of various uses.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>
<p>Expand use of authorities included in the 2014 Farm Bill to increase the pace and scale of forest management and restoration on western National Forests and adjacent non-federal lands; Expand opportunities for state and local collaborative involvement in decision-making processes.</p> <p>Target funding from USFS, BLM, NRCS and state sources to address cross-boundary management goals in priority areas consistent with state forest action plans. Increase training of state, tribal, and other partners in USFS analysis, administration, and business practices to facilitate interagency implementation of cross-boundary projects.</p> <p>Enable State leadership to reinforce and reward collaboration on USFS and DOI planning and projects.</p>	<p>WGA Policy Resolution 2017-10, National Forest and Rangeland Management</p> <p>Appropriations Requests Testimony 2016, 2017, and 2018</p> <p>Letter: Governors' Response to GNA Guidance Letter</p> <p>Letter: Governors' Support for Accelerated Implementation of Forest Management Projects</p>
<p>Identify fuels management priorities in consultation with states to focus resources on greatest wildfire threats.</p>	<p>WGA Policy Resolution 2017-10, National Forest and Rangeland Management</p> <p>Letter: State Collaboration in Addressing Rangeland Fire Risk</p>
<p>Utilize state expertise to develop a national network for the production and storage of native and non-native seed reserves adequate to meet the West's rehabilitation and restoration needs. Maintain these storage facilities on a 10-year planning horizon.</p>	<p>Letter: Governors' Comments on the 2015-2020 National Seed Strategy for Rehabilitation and Restoration</p> <p>Letter: Secretarial Order 3336: Rangeland Fire Prevention, Management, and Restoration</p> <p>Testimony: Oversight Hearing on Invasive Species</p>

Description of Reform	Nexus to Governors' Policy Resolutions
<p>Identify business practice barriers to cross-boundary projects involving federal, state and private lands. Develop training on state and federal contracting procedures and administration to improve implementation of cross-boundary projects, and use Service First authorities, which allow multiple agencies to share resources, procurement procedures and other authorities, and streamline and consolidate agency processes. Establish multi-agency pilot projects, which can suggest models for subsequent formal agreements.</p> <p>Target funding from USFS, BLM, Natural Resources Conservation Service (NRCS) and state sources to address cross-boundary management goals (and support monitoring and assessment frameworks) in priority areas. Projects using this targeted funding should be consistent with State Forest Action Plans, wildlife action plans, community-wildfire protection plans and projects in other priority areas determined by federal, state, local and tribal partners based on the best available science.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>
<p>Identify opportunities to improve flexibility and integration of grazing management and targeted grazing as tools to achieve restoration and land management goals, including wildlife habitat improvements, drought and wildfire mitigation and resilience, water quality and watershed health, soil health management, promotion of perennial plant health, and control of invasive species such as cheatgrass.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>
<p>Expand the use of GNA agreements and other 2014 Farm Bill tools to achieve all-lands restoration objectives across federal, state, local government and privately-owned lands. Include the use of GNA authority and program income to support additional stewardship objectives such as invasive species management and rangeland conifer encroachment. Where programmatic agreements are already in place, use GNA agreements to address priority restoration needs.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>

Description of Reform	Nexus to Governors' Policy Resolutions
<p>Invest in key state and federal liaison positions with decision-making authority to provide better engagement and understanding between state and federal forest, wildlife, and rangeland agencies. Facilitate the participation of local governments by dedicating staff to develop and provide technical assistance and enhance communications across local, tribal, state and federal partners.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>
<p>Prioritize restoration activities across all ownerships to create resilient landscapes in areas facing high wildfire risk, significant watershed health issues, wildlife and fish habitat degradation, or wildfire-damaged landscapes, including insect and disease priority areas designated through the 2014 Farm Bill and areas identified in state wildfire risk assessments, state forest action plans, and community wildfire protection plans.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>
<p>Improve interagency communication, fire response capability, and coordination, including the sharing of firefighting resources between federal and state agencies. Ensure these activities support fire prevention, full suppression strategies and management of wildfire for resource benefits. Continue to seek opportunities, including revisions to forest plans, to enhance safety and reduce costs in suppression decisions while protecting communities.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>
<p>Incentivize local governments to take voluntary actions to support the creation and expansion of fire-adapted communities and resilience, including the promotion of education, fuels management projects and improved integration of community wildfire protection plans with land use decisions when compatible with local goals. Provide additional analyses to help communities evaluate the full costs of suppression associated with development in the wildland urban interface.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>

Description of Reform	Nexus to Governors' Policy Resolutions
<p>Explore the use of strike teams, interagency ESA consultation support, and other modular capacity to accelerate restoration in priority areas, including the expanded use of existing statutory authorities.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>
<p>Modify employee relocation practices to optimize leadership development and longevity. Assure retention of critical capacity for restoration after leaders depart through transition planning, including promotion of local employees where appropriate.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>
<p>Leverage the use of state, tribal, and local expertise and science in federal environmental review, consultation and permitting requirements. Collaborate with environmental regulators to reduce legislative and regulatory barriers to restoration activities.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>
<p>Continue to implement National Environmental Policy Act (NEPA) streamlining efforts that promote best practices or procedural innovations, including the use of landscape-scale, programmatic, adaptive and iterative analyses.</p> <p>Support independent research and analysis from NGO, academic, and other partners to inform NEPA and ESA compliance review process improvements, including estimates of the time and cost involved for different project types. Develop metrics for successful outcomes, including cost and time performance indicators.</p> <p>Consider standardized approaches to environmental analysis to increase efficiency and reduce time to decision. Ensure agency NEPA implementation policy includes comprehensive training and accountability for field practitioners.</p> <p>Use information technology to improve the efficiency of NEPA and to provide greater transparency and reduce redundant data, analysis and</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>

Description of Reform	Nexus to Governors' Policy Resolutions
business practices. Provide analytical tools for improved analysis of potential implications of no-action alternatives.	
<p>Expand opportunities for existing USDA Rural Development, U.S. Economic Development Administration (EDA) and Small Business Administration (SBA) programs and financing to support wood product business development and infrastructure.</p> <p>Encourage collaboration between USFS Research and Development, State and Private Forestry, and National Forest System capacities that support existing and emerging wood products technologies, including the work of the National Forest Products Laboratory, with the goal of expanding markets to maximize restoration activity. Encourage appropriate research, development and deployment focused on commercially-ready technologies with high potential to contribute to current and emerging restoration objectives. Better align these capacities with the contributions of states and industry partners, and actively pursue public-private partnerships to advance market growth, with the goal of providing sustainable economic development opportunities for rural communities.</p>	National Forest and Rangeland Management Initiative June 2017 Special Report
Permanently authorize the Insect and Disease designation provisions of section 602 of the 2014 Farm Bill and eliminate project constraints from section 603 for condition class or fire regimes outside of the WUI.	National Forest and Rangeland Management Initiative June 2017 Special Report
Increase flexibility in the GNA program on road construction/reconstruction and create flexibility in allocations of program income to support better prioritization of GNA projects across larger geographies.	National Forest and Rangeland Management Initiative June 2017 Special Report
Authorize the use of stewardship and GNA funds for recreation improvements and forest and rangeland restoration planning and implementation activities.	National Forest and Rangeland Management Initiative June 2017 Special Report

Description of Reform	Nexus to Governors' Policy Resolutions
<p>Create a new pilot program to prioritize landscape-scale, streamlined environmental analysis for restoration projects envisioned over geographies greater than 100,000 acres (using either environmental assessments or environmental impact statements, depending on context and size of the project) in landscapes with demonstrated ecological and economic need and effective existing collaboration among diverse stakeholders. The analysis should be sufficient to allow for project-scale implementation and adaptive management, and should include the following elements:</p> <ul style="list-style-type: none"> • Site descriptions or land allocations that identify locations within the landscape in which specific restoration or maintenance treatments can be used appropriately; • Standards and guidelines consistent with the appropriate forest plan and project-level design criteria for projects; • Identification of the cumulative impacts of the project; and • Provisions allowing for the implementation of project-level actions barring the introduction of new information or unforeseen circumstances. <p>Congress should consider creating a limited and short-term categorical exclusion (CE) under NEPA available to expedite work in these pilot landscapes while environmental analyses are being developed, available for use at the agency's discretion provided the analyses achieve defined progress milestones.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>
<p>Congress should direct federal agencies to build consistency in environmental analysis and bring agency practice in conducting EAs more in line with the administrative policy intent of streamlined, summary documents. Agency guidance should clarify significance thresholds and Extraordinary Circumstances language for NEPA based on best practices and provide, where possible, consistent approaches to interpreting these NEPA requirements when agencies and the courts have had conflicting interpretations.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>

Description of Reform	Nexus to Governors' Policy Resolutions
<p>Develop a new NEPA restoration CE that is based on decisions documented in a Decision Notice and Finding of No Significant Impact over the past five years where no significant impacts to the environment occurred. Project activities could include commercial and noncommercial timber harvest, hazardous fuels removal projects, prescribed burning, post-fire restoration and herbicide use. The CE should use the best available science, rely on collaboration, and have environmental safeguards for consistency with appropriate management plans and existing law and policy. In designing the CE, Congress should rely on agency analysis of past decisions.</p> <p>Allow agencies to analyze only the action and no-action alternatives when a project is collaboratively developed, unless a third alternative is proposed during the scoping and meets the purpose and need of the project.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>
<p>Codify and fund the USFS State and Private Landscape Scale Restoration Competitive Grant program to prioritize work consistent with state forestry goals and action plans.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>
<p>Allow for investment of a portion of hazardous fuels funding on state and private lands commensurate with program funding increases for National Forest System lands.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>
<p>Codify and direct funding for the Joint Chiefs Landscape Restoration Program to facilitate continued partnership and investment between USFS and NRCS to support restoration projects where federal and private land ownership and management goals intersect.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>

Description of Reform	Nexus to Governors' Policy Resolutions
DEPARTMENT OF COMMERCE	
National Marine Fisheries Service (NMFS)	
<p>Provide regulatory and statutory avenues to implement forthcoming recommendations produced by the Western Governors' Species Conservation and ESA Initiative.</p>	<p>WGA Policy Resolution 2017-11, Species Conservation and the Endangered Species Act</p> <p>WGA Species Conservation and the Endangered Species Act Initiative Year Two Recommendations</p>
<p>Require petitioners to provide a copy of petitions to affected state(s) so states may provide any existing state data regarding the petitioned species.</p>	<p>WGA Policy Resolution 2017-11, Species Conservation and the Endangered Species Act</p> <p>Comments II: Endangered & Threatened Wildlife and Plants; Revisions to the Regulations for Petitions</p> <p>Comments I: Endangered & Threatened Wildlife and Plants; Revisions to the Regulations for Petitions</p>
<p>Clarify or emphasize existing authority under the ESA for states to exercise concurrent jurisdiction with the Services to implement the ESA, including management of threatened species and issuance of Section 10 take permits, if states demonstrate a desire and capacity to do so.</p>	<p>WGA Policy Resolution 2017-11, Species Conservation and the Endangered Species Act</p> <p>WGA Species Conservation and the Endangered Species Act Initiative Year Two Recommendations</p>
<p>Provide states the opportunity to lead and develop recovery teams. If states decline to develop and lead the recovery team, the Services shall still seek sufficient participation from states to assemble recovery teams.</p> <p>States maintain strong wildlife management expertise, relationships with their regulated communities, and are able to better identify those</p>	<p>WGA Policy Resolution 2017-11, Species Conservation and the Endangered Species Act</p> <p>WGA Species Conservation and the Endangered Species Act Initiative Year Two Recommendations</p>

Description of Reform	Nexus to Governors' Policy Resolutions
individuals and entities that can best contribute to the recovery planning process.	
Limit critical habitat designations for broadly distributed species to only the area deemed necessary by the best available science. Critical habitat designations should be based on analysis that includes data and scientific information from states included in proposed critical habitat. Engage states as full partners in critical habitat designations, especially when federal agencies intend to rely on the precautionary principle, coupled with the use of long-term modeling and forecasting.	WGA Policy Resolution 2017-11, Species Conservation and the Endangered Species Act Comments: Implementing Changes to the Regulations for Designating Critical Habitat
Utilize data and expertise provided by states in conducting status reviews and 12-month findings on petitions for listing species under the ESA.	WGA Policy Resolution 2017-11, Species Conservation and the Endangered Species Act Comments: Use of State Data & Expertise in ESA Listing Methodology National Forest and Rangeland Management Initiative June 2017 Special Report
National Oceanic and Atmospheric Administration (NOAA)	
Work with states and resource managers to improve predictive and adaptive capabilities for extreme weather variability and related impacts, with a priority on improving sub-seasonal and seasonal precipitation forecasting capabilities to support water management decision-making.	WGA Policy Resolution 2015-08, Water Resource Management in the West Letter Supporting Adequate Funding of NIDIS Program Letter: Support for Federal Drought Relief legislation Letter Supporting Comprehensive Western Drought Legislation

Description of Reform	Nexus to Governors' Policy Resolutions
DEPARTMENT OF DEFENSE	
United States Army Corps of Engineers (USACE)	
<p>Promote early, meaningful consultation with states in the promulgation or development of any rules, regulations, directives, or agency action that affects or influences states' management or allocation of water resources, including "surplus" water supplies in USACE reservoirs or water storage projects.</p>	<p>WGA Policy Resolution 2015-08: Water Resource Management in the West</p> <p>Comments: Notice of Proposed Rulemaking by USACE Regarding "Surplus Water."</p> <p>Letter: Governors' Concern Regarding USACE Water Surplus Rule</p>
<p>Any attempts to define the jurisdictional scope of "Waters of the United States" in the Clean Water Act must respect limits set by Congress and the U.S. Supreme Court, recognizing the authority of states to manage water within their boundaries.</p>	<p>WGA Policy Resolution 2015-08: Water Resource Management in the West</p> <p>Appropriations Requests Testimony 2016, 2017 and 2018</p> <p>Comments: WOTUS Rulemaking Federalism Analysis and Recommendations</p> <p>Comments: Final Waters of the United States (WOTUS) Rule</p> <p>Request for Extended Comment Period - Waters of the United States (WOTUS) Rule</p> <p>Letter: Concern Regarding Clean Water Act Jurisdiction Rulemaking</p>

Description of Reform	Nexus to Governors' Policy Resolutions
DEPARTMENT OF ENERGY	
<p>Work cooperatively with states in implementing a policy to ensure the safe transportation, storage, and disposal of spent fuel and high-level waste.</p>	<p>WGA Policy Resolution 2017-05, Storage and Disposal of Radioactive Waste and Spent Nuclear Fuel</p> <p>WGA Policy Resolution 2016-03, Transportation of Radioactive Waste, Radioactive Materials and Spent Nuclear Fuel</p>
<p>Require consent of an affected state's Governor before allowing construction of a centralized interim storage facility.</p>	<p>WGA Policy Resolution 2017-05, Storage and Disposal of Radioactive Waste and Spent Nuclear Fuel</p> <p>WGA Policy Resolution 2016-03, Transportation of Radioactive Waste, Radioactive Materials and Spent Nuclear Fuel</p>
<p>Increase state-federal coordination to complete the siting and permitting of electricity transmission across federal lands within three years of submission of a completed application.</p> <p>Include meaningful state consultation as a required component of the west-wide energy corridor designation process under section 368 of the Energy Policy Act of 2005.</p> <p>Eliminate inconsistencies in the environmental review and permitting process for linear facilities that make outcomes unpredictable, and can result in litigation and delays.</p> <p>Encourage consistency in siting and permitting processes within and among agencies (and across regions), as well as coordination with states to help reduce inconsistencies.</p>	<p>WGA Policy Resolution 2016-09, Energy and Transmission</p> <p>Letter II: Offer to Work with Federal Agencies on Western Energy Section 368 Corridors</p> <p>Comments II DOE Integrated, Interagency Pre-application Process proposal</p> <p>Comments: First Iteration of DOE's Quadrennial Energy Review</p> <p>Comments I: DOE Integrated, Interagency Pre-Application Process Proposal</p> <p>Letter I: Request for Substantive Partnership in Section 368 Energy Corridor Designation Process</p>

Description of Reform	Nexus to Governors' Policy Resolutions
	Letter: Support for Presidential Memo Transforming our Nation's Electric Grid through Improved Siting, Permitting and Review
Federal Energy Regulatory Commission (FERC)	
<p>Existing state hydropower licensing authorities should not be replaced or in any way impeded by FERC jurisdiction.</p>	<p>WGA Policy Resolution 2016-09, Energy and Transmission</p> <p>Letter (2017): Hydropower Facility Licensing Authorities</p> <p>Letter (2016): Hydropower Facility Licensing Authorities</p> <p>Letter: Supporting Small Hydropower Legislation</p> <p>Comments: Feasibility of Two-Year Licensing Process for Small Hydropower Projects</p>
ENVIRONMENTAL PROTECTION AGENCY	
<p>Clarify key enabling statutes such as CAA, CWA, RCRA, CERCLA to better define delegated authority of states.</p>	<p>WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship</p>
<p>Use of state science should be a predicate for rulemaking decisions.</p> <p>Enhance state representation on the Science Advisory Board (SAB), as well as on it standing and <i>ad hoc</i> committees. State participation should constitute no less than 10% of the membership of SAB committees, subcommittees, and subject matter panels.</p>	<p>WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship</p> <p>Appropriations Requests Testimony, FY 2015</p>

Description of Reform	Nexus to Governors' Policy Resolutions
<p>Consult with Western Governors and state regulators prior to determining whether to pursue any CERCLA section 108(b) financial assurance regulations. In the event EPA opts to pursue regulation of any industry subject to such regulation, it should enter substantive pre-publication consultation with Western Governors and state regulators.</p>	<p>WGA Policy Resolution 2017-06, Financial Assurance Regulation</p> <p>Comments II: CERCLA 108(b) Financial Assurance Rule for Hardrock Mining Industry</p> <p>Letter: Concerns over Potential EPA CERLCA 108(b) Financial Assurance Requirements</p> <p>Comments I: CERCLA 108(b) Financial Assurance Rule for Hardrock Mining Industry</p>
<p>Determine that EPA should never have identified classes of facilities within the hardrock mining industry for CERCLA 108(b) financial assurance regulation.</p>	<p>WGA Policy Resolution 2017-06, Financial Assurance Regulation</p> <p>Comments: CERCLA 108(b) Financial Assurance Rule for Hardrock Mining Industry</p>
<p>Recognize state authority under the Clean Air Act.</p> <p>Ensure that newly promulgated rules are drafted and issued, where appropriate, in coordination with existing regulations, considering elements and requirements common to both.</p> <p>Provide states and local entities with adequate support and technical assistance to help them comply with regulations promulgated under the CAA.</p> <p>Collaborate with states to identify priority areas and focus on programs that provide the greatest benefit to air quality.</p> <p>Adhere closely to the timelines in the CAA.</p>	<p>WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship</p> <p>WGA Policy Resolution 2015-02, Methane Emissions Regulation</p> <p>Appropriations Requests Testimony, FY 2017 and 2018</p> <p>Letter: Regarding CAA Final Exceptional Events Language</p> <p>Letter: Concern Over Pending Revision to Exceptional Events Rule, Given Reduced Ground-Level Ozone NAAQS</p> <p>Comments: Proposed Reduction to Ground-Level Ozone NAAQS</p>

Description of Reform	Nexus to Governors' Policy Resolutions
<p>Recognize and account for unique circumstances of individual states. Avoid one-size-fits-all rulemakings (exceptional events and ozone example).</p> <p>Complete and publish timely guidance for state use in connection with implementation of the 2015 revised National Ambient Air Quality Standard for ground-level ozone.</p> <p>Avoid duplication of state programs. Permit states to create programs tailored to individual state needs, industries, and economies. Engage states as co-regulators (e.g. with respect to methane emissions).</p> <p>Provide those states with delegated authority timely implementation guidance when new and revised regulations are published.</p>	
<p>Expressly, unambiguously, and conspicuously recognize states' primary authority over water management and allocation decisions in all new federal laws, rules, regulations, and guidance documents.</p> <p>Any definition of "Waters of the United States" in the Clean Water Act must respect limits set by Congress and the U.S. Supreme Court, recognizing the authority of states to manage water within their boundaries.</p> <p>Recognize states' exclusive authority over the allocation and administration of rights to develop groundwater resources and expressly preclude federal agencies from usurping such authority through rulemakings, regulations, guidance documents, or agency directives.</p>	<p>WGA Policy Resolution 2015-08, Water Resource Management in the West</p> <p>WGA Policy Resolution 2017-04, Water Quality in the West</p> <p>Appropriations Requests Testimony, FY2015, 2016, 2017 and 2018</p> <p>Comments: WOTUS Rulemaking Federalism Analysis and Recommendations</p> <p>Comments: Final Waters of the United States (WOTUS) Rule</p> <p>Request for Extended Comment Period - Waters of the United States (WOTUS) Rule</p>

Description of Reform	Nexus to Governors' Policy Resolutions
	Letter: Concern Regarding Clean Water Act Jurisdiction Rulemaking
<p>Engage the states as co-regulators and ensure that state water managers have a robust and meaningful voice in the development of any federal rule regarding CWA jurisdiction, particularly in the early stages of development and before any irreversible momentum precludes effective state participation.</p> <p>Allow states to adopt flexible water quality standards and establish total maximum daily loads (TMDLs) that are tailored to the specific characteristics of western water bodies, including variances for unique state and local conditions.</p> <p>Directly coordinate with states in establishing and, if necessary, modifying any water quality standards under Section 303 of the CWA; EPA should document the need for any new requirements and ensure they do not unduly interfere with sound existing practices.</p>	<p>WGA Policy Resolution 2015-08, Water Resource Management in the West</p> <p>WGA Policy Resolution 2017-04, Water Quality in the West</p> <p>Appropriations Requests Testimony, FY2015, 2016, 2017 and 2018</p> <p>Comments: WOTUS Rulemaking Federalism Analysis and Recommendations</p> <p>Comments: Final Waters of the United States (WOTUS) Rule</p> <p>Request for Extended Comment Period - Waters of the United States (WOTUS) Rule</p> <p>Letter: Concern Regarding Clean Water Act Jurisdiction Rulemaking</p>
DEPARTMENT OF HOMELAND SECURITY	
Federal Emergency Management Agency (FEMA)	
<p>Work directly with individual states and territories to jointly identify their individual and common disaster risks and needs, and the best methods to determine the necessity and provision of federal disaster assistance.</p>	<p>WGA Policy Resolution 2015-04, Federal Disaster Recovery Assistance for Communities in the West</p> <p>Comments: Factors Considered When Evaluating a Governor's Request for Individual Assistance for a Major Disaster</p>

Description of Reform	Nexus to Governors' Policy Resolutions
DEPARTMENT OF THE INTERIOR	
<p>Clarify definitions in key enabling statutes (such as FLMPA and NWRSA) to better define state-federal consultation.</p>	<p>WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship</p>
Bureau of Land Management (BLM)	
<p>Enhance state-federal consultation regarding BLM's planning processes.</p> <p>Resource Management Plans (RMPs) should be developed and amended in coordination with Governors. These foundational documents should be developed with meaningful and substantial input from governors and state regulators before they are released for public comment.</p> <ul style="list-style-type: none"> • Provide sufficient time for completion of Governors' Consistency Reviews; • Governors' Consistency Reviews should be applied to ensure consistency of RMPs with state policies, programs and processes – as well as various types of state plans (e.g. State Wildlife Action Plans) and multi-state agreements – in addition to officially adopted state land use plans; • Maintain the existing appeals process (and associated timelines) for Governors' Consistency Reviews; and • Ensure that the standard for consistency in the resource management planning process matches the requirement of FLPMA 1712(c)(9). 	<p>WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship</p> <p>Letter: Governors Concerned by Final BLM Planning 2.0 Rule</p> <p>Testimony: BLM Proposed Rule, Resource Management Planning</p> <p>Testimony: BLM Proposed Rule, Resource Management Planning</p> <p>Comments: BLM Proposed Rule, Resource Management Planning</p> <p>Letter: Request for Extension of Comment Period for BLM Proposed Rule, Resource Management Planning</p> <p>Letter: Request for Clarification on Aspect of BLM's Resource Management Planning (Planning 2.0) Initiative</p>

Description of Reform	Nexus to Governors' Policy Resolutions
<p>Consult with states on a regular basis: as a predicate to federal action; through the pre-publication stage of rulemaking; after publication and before adoption of rules and regulations; and on an ongoing basis throughout implementation.</p> <p>Federal-state consultation should be substantive, take place on an early and ongoing basis, and involve both Governors and state regulators.</p> <p>Retain existing minimum public comment period timeframes. Any process that reduces BLM's responsibility to actively inform the public of its actions represents a retreat from openness and transparency.</p> <p>Retain existing requirements for publication of a Federal Register notice at the start of every planning effort. These publication requirements should also apply to Notices of Intent to prepare environmental assessments as part of RMP amendments.</p>	
<p>Most Western states have a BLM office that coordinates and directs agency activity in that state. State directors need to be given independent authority to respond to issues that are unique to individual states.</p>	<p>WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship</p>
<p>FLPMA requires BLM to establish a balance between multiple uses of public lands. Take steps to account for local needs and state priorities when evaluating the viability of various uses.</p>	<p>WGA Policy Resolution 2017-09, Western Agriculture</p>
<p>Use authorities in the 2014 Farm Bill (Good Neighbor Authority and Stewardship Contracting Authority) to increase the pace and scale of forest management and restoration on BLM lands.</p>	<p>WGA Policy Resolution 2017-10, National Forest and Rangeland Management</p> <p>Appropriations Requests Testimony 2016, 2017 and 2018</p> <p>Letter: Governors' Support for Accelerated Implementation of Forest Management Projects</p>

Description of Reform	Nexus to Governors' Policy Resolutions
<p>Develop mitigation requirements and processes that may affect state and private land in cooperation with the Governors in whose states DOI lands are situated. Clearly define and predictably implement those requirements and processes so proper and reasonable mitigation can be incorporated in project planning.</p> <p>Revise BLM Mitigation Policy to better define key terms.</p>	<p>WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship</p> <p>Letter: Governors Request DO Establish Preference for State-based Mitigation Programs</p> <p>Letter II: Reiterating Request for Clarification on Secretarial Order 3330</p> <p>Letter I: Request for Clarification on Secretarial Order 3330</p>
<p>In any methane regulation, ensure that the capture, commoditization and sale of methane is promoted and that states remain empowered able to create programs tailored to individual state needs, industries, and economies.</p>	<p>WGA Policy Resolution 2015-02, Methane Emissions Regulation</p> <p>Comments: BLM Should Defer to State Regulations for BLM Proposed Rule on Methane Reduction from Oil and Gas Sector</p> <p>Letter: Urging BLM -State Consultation Prior to Proposing Methane Rule</p>
<p>Recognize that the states, territories, and flag islands have regulated the practice of hydraulic fracturing for decades and redundant federal regulation is not required where sufficient state regulations exist.</p>	<p>WGA Policy Resolution 2016-09, Energy and Transmission</p> <p>Letter: Input on BLM Proposed rule, Oil and Gas: Hydraulic Fracturing and Federal and Indian lands</p>
<p>Improve state-federal coordination to complete the siting and permitting of electricity transmission across federal lands within three years of submission of a completed application.</p> <p>Include meaningful state consultation as a required component of the west-wide energy corridor designation process under section 368 of the Energy Policy Act of 2005.</p>	<p>WGA Policy Resolution 2016-09, Energy and Transmission</p> <p>Comments: First Iteration of DOE's Quadrennial Energy Review</p> <p>Comments I: DOE Integrated, Interagency Pre-Application Process Proposal</p>

Description of Reform	Nexus to Governors' Policy Resolutions
<p>Eliminate inconsistencies in the environmental review and permitting process for linear facilities that make outcomes unpredictable, and can result in litigation and delays.</p> <p>Encourage consistency in siting and permitting processes within and among agencies (and across regions), as well as coordination with states to help reduce inconsistencies.</p>	<p>Comments II DOE Integrated, Interagency Pre-application Process proposal</p> <p>Letter: Support for Presidential Memo Transforming our Nation's Electric Grid through Improved Siting, Permitting and Review</p> <p>Letter I: Request for Substantive partnership in Section 368 Energy Corridor Designation Process</p> <p>Letter II: Offer to Work with Federal Agencies on Western Energy Section 368 Corridors</p>
<p>Provide states a forum to advise DOI on federal mineral leasing royalty policy (such as through reestablishment of the Royalty Policy Committee)</p> <p>Note: DOI has now reinstated the Royalty Policy Committee and sought input from Governors on nominees of individuals to serve on it.</p>	<p>WGA Policy Resolution 2017-12, States' Share of Royalties and Leasing Revenues from Federal Lands and Minerals and States' Role in Associated Federal Policy</p>
<p>Identify fuels management priorities in consultation with states to focus resources on greatest wildfire threats.</p>	<p>WGA Policy Resolution 2017-10, National Forest and Rangeland Management</p> <p>Letter: State Collaboration in Addressing Rangeland Fire Risk</p>
<p>Utilize state expertise to develop a national network for the production and storage of native and non-native seed reserves adequate to meet the West's rehabilitation and restoration needs. Maintain these storage facilities on a 10-year planning horizon.</p>	<p>Letter: Governors' Comments on the 2015-2020 National Seed Strategy for Rehabilitation and Restoration</p> <p>Letter: Secretarial Order 3336: Rangeland Fire Prevention, Management, and Restoration</p> <p>Testimony: Oversight Hearing on Invasive Species</p>

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<p>Identify business practice barriers to cross-boundary projects involving federal, state and private lands. Develop training on state and federal contracting procedures and administration to improve implementation of cross-boundary projects, and use Service First authorities, which allow multiple agencies to share resources, procurement procedures and other authorities, and streamline and consolidate agency processes. Establish multi-agency pilot projects, which can suggest models for subsequent formal agreements.</p> <p>Target funding from USFS, BLM, Natural Resources Conservation Service (NRCS) and state sources to address cross-boundary management goals (and support monitoring and assessment frameworks) in priority areas. Projects using this targeted funding should be consistent with State Forest Action Plans, wildlife action plans, community-wildfire protection plans and projects in other priority areas determined by federal, state, local and tribal partners based on the best available science.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>
<p>Promote grazing allotment flexibility on federal lands, within FWS and BLM permitting systems and across ownership boundaries, to respond to changing range conditions and environmental considerations.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>
<p>Invest in key state and federal liaison positions with decision-making authority to provide better engagement and understanding between state and federal forest, wildlife, and rangeland agencies. Facilitate the participation of local governments by dedicating staff to develop and provide technical assistance and enhance communications across local, tribal, state and federal partners.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>
<p>Identify opportunities to improve flexibility and integration of grazing management and targeted grazing as tools to achieve restoration and land management goals, including wildlife habitat improvements, drought and wildfire mitigation and resilience, water quality and watershed health, soil</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>

Description of Reform	Nexus to Governors' Policy Resolutions
health management, promotion of perennial plant health, and control of invasive species such as cheatgrass.	
Expand the use of GNA agreements and other 2014 Farm Bill tools to achieve all-lands restoration objectives across federal, state, local government and privately-owned lands. Include the use of GNA authority and program income to support additional stewardship objectives such as invasive species management and rangeland conifer encroachment. Where programmatic agreements are already in place, use GNA agreements to address priority restoration needs.	National Forest and Rangeland Management Initiative June 2017 Special Report
Prioritize restoration activities across all ownerships to create resilient landscapes in areas facing high wildfire risk, significant watershed health issues, wildlife and fish habitat degradation, or wildfire-damaged landscapes, including insect and disease priority areas designated through the 2014 Farm Bill and areas identified in state wildfire risk assessments, state forest action plans, and community wildfire protection plans.	National Forest and Rangeland Management Initiative June 2017 Special Report
Improve interagency communication, fire response capability, and coordination, including the sharing of firefighting resources between federal and state agencies. Ensure these activities support fire prevention, full suppression strategies and management of wildfire for resource benefits. Continue to seek opportunities, including revisions to forest plans, to enhance safety and reduce costs in suppression decisions while protecting communities.	National Forest and Rangeland Management Initiative June 2017 Special Report
Facilitate the expanded use of prescribed fire, identifying reforms to: reduce barriers to prescribed fire and reduce overall health impacts from smoke; encourage interagency use of smoke management best practices and explore ways to build capacity of licensed burn managers; examine liability protection for licensed burn managers who execute approved prescribed burns, and address compensation for private property owners	National Forest and Rangeland Management Initiative June 2017 Special Report

Description of Reform	Nexus to Governors' Policy Resolutions
negatively affected by escaped prescribed burns; identify new tools for evaluating and managing prescribed fire risk; and engage with state and local prescribed burn associations, established for the responsible use and application of prescribed fire for rangeland management.	
Incentivize local governments to take voluntary actions to support the creation and expansion of fire-adapted communities and resilience, including the promotion of education, fuels management projects and improved integration of community wildfire protection plans with land use decisions when compatible with local goals. Provide additional analyses to help communities evaluate the full costs of suppression associated with development in the wildland urban interface.	National Forest and Rangeland Management Initiative June 2017 Special Report
Explore the use of strike teams, interagency ESA consultation support, and other modular capacity to accelerate restoration in priority areas, including the expanded use of existing statutory authorities.	National Forest and Rangeland Management Initiative June 2017 Special Report
Modify employee relocation practices to optimize leadership development and longevity. Assure retention of critical capacity for restoration after leaders depart through transition planning, including promotion of local employees where appropriate.	National Forest and Rangeland Management Initiative June 2017 Special Report
Leverage the use of state, tribal, and local expertise and science in federal environmental review, consultation and permitting requirements. Collaborate with environmental regulators to reduce legislative and regulatory barriers to restoration activities.	National Forest and Rangeland Management Initiative June 2017 Special Report
Continue to implement National Environmental Policy Act (NEPA) streamlining efforts that promote best practices or procedural innovations, including the use of landscape-scale, programmatic, adaptive and iterative analyses.	National Forest and Rangeland Management Initiative June 2017 Special Report

Description of Reform	Nexus to Governors' Policy Resolutions
<p>Support independent research and analysis from NGO, academic, and other partners to inform NEPA and ESA compliance review process improvements, including estimates of the time and cost involved for different project types. Develop metrics for successful outcomes, including cost and time performance indicators.</p> <p>Consider standardized approaches to environmental analysis to increase efficiency and reduce time to decision. Ensure agency NEPA implementation policy includes comprehensive training and accountability for field practitioners.</p> <p>Use information technology to improve the efficiency of NEPA and to provide greater transparency and reduce redundant data, analysis and business practices. Provide analytical tools for improved analysis of potential implications of no-action alternatives.</p>	
<p>Increase flexibility in the GNA program on road construction/reconstruction and create flexibility in allocations of program income to support better prioritization of GNA projects across larger geographies.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>
<p>Authorize the use of stewardship and GNA funds for recreation improvements and forest and rangeland restoration planning and implementation activities.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>
<p>Create a new pilot program to prioritize landscape-scale, streamlined environmental analysis for restoration projects envisioned over geographies greater than 100,000 acres (using either environmental assessments or environmental impact statements, depending on context and size of the project) in landscapes with demonstrated ecological and economic need and effective existing collaboration among diverse stakeholders. The analysis should be sufficient to allow for project-scale</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>

Description of Reform	Nexus to Governors' Policy Resolutions
<p>implementation and adaptive management, and should include the following elements:</p> <ul style="list-style-type: none"> • Site descriptions or land allocations that identify locations within the landscape in which specific restoration or maintenance treatments can be used appropriately; • Standards and guidelines consistent with the appropriate forest plan and project-level design criteria for projects; • Identification of the cumulative impacts of the project; and • Provisions allowing for the implementation of project-level actions barring the introduction of new information or unforeseen circumstances. <p>Congress should consider creating a limited and short-term categorical exclusion (CE) under NEPA available to expedite work in these pilot landscapes while environmental analyses are being developed, available for use at the agency's discretion provided the analyses achieve defined progress milestones.</p>	
<p>Congress should direct federal agencies to build consistency in environmental analysis and bring agency practice in conducting EAs more in line with the administrative policy intent of streamlined, summary documents. Agency guidance should clarify significance thresholds and Extraordinary Circumstances language for NEPA based on best practices and provide, where possible, consistent approaches to interpreting these NEPA requirements when agencies and the courts have had conflicting interpretations.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>
<p>Develop a new NEPA restoration CE that is based on decisions documented in a Decision Notice and Finding of No Significant Impact over the past five years where no significant impacts to the environment occurred. Project activities could include commercial and noncommercial timber harvest, hazardous fuels removal projects, prescribed burning, post-fire restoration and herbicide use. The CE should use the best available</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>

Description of Reform	Nexus to Governors' Policy Resolutions
<p>science, rely on collaboration, and have environmental safeguards for consistency with appropriate management plans and existing law and policy. In designing the CE, Congress should rely on agency analysis of past decisions.</p> <p>Allow agencies to analyze only the action and no-action alternatives when a project is collaboratively developed, unless a third alternative is proposed during the scoping and meets the purpose and need of the project.</p>	
U.S. Fish and Wildlife Service (FWS)	
<p>Provide regulatory and statutory avenues to implement recommendations produced by the Western Governors' Species Conservation and ESA Initiative.</p>	<p>WGA Policy Resolution 2017-11, Species Conservation and the Endangered Species Act</p> <p>WGA Species Conservation and the Endangered Species Act Initiative Year Two Recommendations</p>
<p>Consult with Governors and state regulators to clarify landscape-scale compensatory mitigation and define "net conservation gain."</p> <p>Develop mitigation requirements and processes in cooperation with Governors in whose states DOI lands are situated. Clearly define and predictably implement those requirements and processes to ensure proper and reasonable mitigation is incorporated in project planning.</p> <p>Mitigation requirements having the potential to impact state and private land must be developed in coordination with Governors.</p>	<p>WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship</p> <p>WGA Policy Resolution 2017-11, Species Conservation and the Endangered Species Act</p> <p>Comments: Endangered Species Act Compensatory Mitigation Policy</p> <p>Letter I: Request for Clarification on Secretarial Order 3330</p> <p>Letter II: Reiterating Request for Clarification on Secretarial Order 3330</p>

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<p>Require petitioners to provide a copy of the petitions to affected state(s) so states may provide any existing state data regarding the petitioned species.</p>	<p>WGA Policy Resolution 2017-11, Species Conservation and the Endangered Species Act</p> <p>Comments II: Endangered & Threatened Wildlife and Plants; Revisions to the Regulations for Petitions</p> <p>Comments I: Endangered & Threatened Wildlife and Plants; Revisions to the Regulations for Petitions</p>
<p>Incentivize voluntary conservation actions in order to preclude the need to list species under the ESA. Support the provision of economic incentives for landowners to participate in voluntary conservation efforts. Consult with Governors to promote proper implementation of FWS policy on Voluntary Prelisting Conservation Actions.</p>	<p>WGA Policy Resolution 2017-11, Species Conservation and the Endangered Species Act</p> <p>Comments: Policy Regarding Voluntary Prelisting Conservation Actions</p>
<p>Exclude private land from critical habitat designation when a landowner implements conservation measures as a part of a federally endorsed conservation agreement.</p>	<p>WGA Policy Resolution 2017-11, Species Conservation and the Endangered Species Act</p> <p>WGA Species Conservation and the Endangered Species Act Initiative Year Two Recommendations</p>
<p>Clarify or emphasize existing authority under the ESA for states to exercise concurrent jurisdiction with the Services to implement the ESA, including management of threatened species and issuance of Section 10 take permits, if states demonstrate a desire and capacity to do so.</p>	<p>WGA Policy Resolution 2017-11, Species Conservation and the Endangered Species Act</p> <p>WGA Species Conservation and the Endangered Species Act Initiative Year Two Recommendations</p>
<p>Provide states the opportunity to lead and develop recovery teams. If states decline to develop and lead the recovery team, the Services shall still seek sufficient participation from states to assemble recovery teams.</p>	<p>WGA Policy Resolution 2017-11, Species Conservation and the Endangered Species Act</p>

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<p>States maintain strong wildlife management expertise, relationships with their regulated communities, and are able to better identify those individuals and entities that can best contribute to the recovery planning process.</p>	<p>WGA Species Conservation and the Endangered Species Act Initiative Year Two Recommendations</p>
<p>Limit critical habitat designations for broadly distributed species to only the area deemed necessary by the best available science. Use scientific information and analysis from states to inform critical habitat designations. Engage states as full partners in critical habitat designation, especially when federal agencies intend to rely on the precautionary principle, coupled with the use of long-term modeling and forecasting.</p>	<p>WGA Policy Resolution 2017-11, Species Conservation and the Endangered Species Act</p> <p>Comments: Implementing Changes to the Regulations for Designating Critical Habitat</p>
<p>Develop Species Status Assessments (SSAs) to help inform a listing determination. Use SSA to inform development of recovery blueprint if listing is deemed warranted.</p> <p>Give state wildlife agencies a leadership role on SSA teams commensurate with level of data and expertise they provide to the process. Provide an adequate internal appeals process to challenge the conclusions of an SSA.</p>	<p>WGA Policy Resolution 2017-11, Species Conservation and the Endangered Species Act</p> <p>WGA Species Conservation and the Endangered Species Act Initiative Year Two Recommendations</p>
<p>The Services should utilize data and expertise provided by states in conducting status reviews and 12-month findings on petitions for listing species under the ESA.</p>	<p>WGA Policy Resolution 2017-11, Species Conservation and the Endangered Species Act</p> <p>WGA Policy Resolution 2017-08, State Wildlife Science, Data and Analysis</p> <p>Appropriations Requests Testimony, FY 2015, 2016, 2017 and 2018</p> <p>Comments: Use of State Data & Expertise in ESA Listing Methodology</p>

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	Testimony: State Wildlife Data National Forest and Rangeland Management Initiative June 2017 Special Report
<p>Identify business practice barriers to cross-boundary projects involving federal, state and private lands. Develop training on state and federal contracting procedures and administration to improve implementation of cross-boundary projects, and use Service First authorities, which allow multiple agencies to share resources, procurement procedures and other authorities, and streamline and consolidate agency processes. Establish multi-agency pilot projects, which can suggest models for subsequent formal agreements.</p>	National Forest and Rangeland Management Initiative June 2017 Special Report
<p>Promote grazing allotment flexibility on federal lands, within FWS and BLM permitting systems and across ownership boundaries, to respond to changing range conditions and environmental considerations.</p>	National Forest and Rangeland Management Initiative June 2017 Special Report
<p>Explore the use of strike teams, interagency ESA consultation support, and other modular capacity to accelerate restoration in priority areas, including the expanded use of existing statutory authorities.</p>	National Forest and Rangeland Management Initiative June 2017 Special Report
<p>Modify employee relocation practices to optimize leadership development and longevity. Assure retention of critical capacity for restoration after leaders depart through transition planning, including promotion of local employees where appropriate.</p>	National Forest and Rangeland Management Initiative June 2017 Special Report
<p>Leverage the use of state, tribal, and local expertise and science in federal environmental review, consultation and permitting requirements. Collaborate with environmental regulators to reduce legislative and regulatory barriers to restoration activities.</p>	National Forest and Rangeland Management Initiative June 2017 Special Report

Description of Reform	Nexus to Governors' Policy Resolutions
<p>Continue to implement National Environmental Policy Act (NEPA) streamlining efforts that promote best practices or procedural innovations, including the use of landscape-scale, programmatic, adaptive and iterative analyses.</p> <p>Support independent research and analysis from NGO, academic, and other partners to inform NEPA and ESA compliance review process improvements, including estimates of the time and cost involved for different project types. Develop metrics for successful outcomes, including cost and time performance indicators.</p> <p>Consider standardized approaches to environmental analysis to increase efficiency and reduce time to decision. Ensure agency NEPA implementation policy includes comprehensive training and accountability for field practitioners.</p> <p>Use information technology to improve the efficiency of NEPA and to provide greater transparency and reduce redundant data, analysis and business practices. Provide analytical tools for improved analysis of potential implications of no-action alternatives.</p>	<p>National Forest and Rangeland Management Initiative June 2017 Special Report</p>