
September 25, 2019

The Honorable Abigail Spanberger
Chair
Subcommittee on Conservation and Forestry
Committee on Agriculture
House of Representatives
1301 Longworth House Office Building
Washington, DC 20515

The Honorable Doug LaMalfa
Ranking Member
Subcommittee on Conservation and Forestry
Committee on Agriculture
House of Representatives
1010 Longworth House Office Building
Washington, DC 20515

Dear Chair Spanberger and Ranking Member LaMalfa:

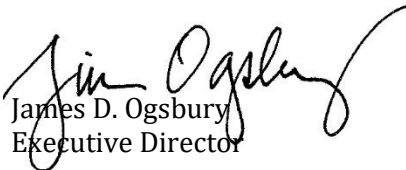
In advance of the Subcommittee's September 26, 2019 hearing on The National Forest System: Restoring our Forest Infrastructure, attached please find three Western Governors' items related to the active management of western forests and rangelands:

- Western Governors' Association (WGA) Policy Resolution [2017-10](#), National Forest and Rangeland Management;
- the Western Governors' National Forest and Rangeland Management Initiative June 2017 [Special Report](#); and
- a copy of the Shared Stewardship Memorandum of Understanding executed between WGA and the U.S. Department of Agriculture (USDA) in December 2018.

I request that you include these documents in the permanent record of the hearing, as they articulate Western Governors' policy positions and recommendations on this important issue, and WGA's efforts to actively and productively engage with USDA on cross-boundary land management challenges.

Please contact me if you have any questions or require further information. In the meantime, with warm regards and best wishes, I am

Respectfully,



James D. Ogsbury
Executive Director

Attachments



Western Governors' Association Policy Resolution 2017-10

National Forest and Rangeland Management

A. BACKGROUND

1. The American West encompasses a huge landmass representing 2.4 million square miles or over two-thirds of the entire country. Over 112 million people live in these states and they reside in large, densely populated cities, smaller cities and towns and in rural areas.
2. Perhaps more than any other region, terrain, forces of nature, and land ownership patterns in the West underscore the purpose and vital need for a more active federal role in forest management. Western states include more than 75 percent of our national forest and grassland system. These public lands serve as critical economic drivers, and they provide numerous conservation benefits, water supply, and recreational opportunities for Western communities and the nation.
3. States have a particular interest in improving the active management of federal forest lands. State governments have trust authority over water, wildlife and forest resources, along with primary authority and expertise to protect community health and safety. Poorly managed forests can have significant and broad impacts on the landscapes and communities of the West, including negative impacts to air quality and public health, degradation of rivers and streams and associated water quality (including drinking water), reduced forage for domestic livestock, impaired habitats for wildlife and fish, and the loss of forest products and associated jobs.
4. Relative to decades past and other forest landowners, forest managers today operate under a constrained decision space as they work to address contemporary issues such as climate change, invasive pests and diseases, habitat diversity, fuel build-ups and fire risk, and legacy impacts. Adding to this challenge are concerns about the economic and social vitality of rural communities that experience impacts from reduced timber supply and compromised forest health. Displaced workers, declines in school enrollment, aging demographics, property loss, business closures and revenue impacts due to wildfire, and high unemployment are not uncommon to these communities.
5. States are managers as well, and many Western states own extensive public land holdings that require forest products infrastructure to achieve community vitality and land management goals, including ecological restoration objectives and healthy and resilient forests.

6. The U.S. Forest Service business model has historically been based on a combination of federal appropriations that were supplemented with revenue from resource sales and fees. Until the early 1990s, the Forest Service was a net contributor to the Federal Treasury. Over the past 20 years, timber sales have dramatically declined.
7. In addition, the last decade has seen several large, very expensive wildfires, which have increased the U.S. Forest Service wildfire suppression costs from 13 percent of the agency's FY 1991 budget to nearly 50 percent over the last several fiscal years. Consequently, under the current agency budgeting framework, forest management, hazardous fuels reduction, habitat improvement, and outdoor recreation programs have been negatively impacted across national forests and Department of Interior lands.
8. An April 2015 study by the U.S. Forest Service, the *Collaborative Forest Landscape Restoration Program 5-Year Report, FY 2010 – 2014*, found that the past century of wildfire suppression and legacy management practices have contributed to forests being overstocked and primed for larger and more intense blazes, and that changes in land use and increasing social pressures make it difficult for the agency to let fire play its natural role of clearing the forest understory in certain forest types. Active forest management has historically played a pivotal role in the growth and mortality cycle of forests to manage fuel loading, which in turn can reduce fire-fighting costs and improve habitat resilience. Today, the U.S. Forest Service estimates that roughly 90,625 square miles – an area larger than Utah – is at high or very high risk of severe wildfire and in need of treatment.
9. Insect infestation and disease have damaged many of the forests throughout the West. Severe drought conditions that are impacting western states, particularly California, have only exacerbated insect infestations and tree mortality. The impacts go well beyond fire risk, and timber and fiber production are negatively impacted, threatening the viability of the surviving forest product infrastructure. The significant decline in forest health has also created serious threats and challenges to watershed integrity, wildlife and fisheries habitats, recreational uses, businesses and tourism. All of these impacts present substantial challenges for forest-dependent communities across the West.
10. The dire forest conditions, unmet management needs, and the failure to provide lasting protections for some landscapes have brought diverse stakeholders together to find solutions. Community collaboration on forest health projects is robust in numerous places across the West forging broad agreements among diverse stakeholders on projects that encompass fuels reduction, fiber production, habitat restoration, long-term protection for critical areas, and other community objectives. It is not uncommon to find mill owners, hunters and anglers, loggers, small business owners, conservationists, and local elected leaders working together around the table.

11. Collaborative planning and project implementation across National Forests and state and private forest lands on a larger scale allows for more diverse interests to address their particular needs for a landscape or a watershed. Taking a broad look at a landscape for planning purposes minimizes the challenges associated with managing lands for the benefit of a particular species or to address a specific need. Well-planned projects that are strategically placed across a landscape can result in a higher level of benefits than those that are more randomly or opportunistically placed. Processes associated with planning and implementing a project have become so time consuming and expensive for National Forests in particular that a disincentive often exists for their managers to proceed with management actions that are needed to attain desired ecological, social, and economic objectives.
12. Collaborative efforts have shown initial successes in reaching consensus, but there is a shortage of formal mechanisms that encourage their creation in areas with conflict or reward their success within the context of public process. Further, there is little to no formal incentive for the management agencies and collaboratives to ensure collaborative work happens in a timely and efficient manner that achieves a pace and scale of management that matches the ecological, social, or economic needs of public and private forestlands and surrounding communities.
13. Despite this good work the full benefits of these collaborative efforts have not been realized on the land. Working constructively with collaborators requires resources to be productive and the federal agencies often lack the necessary staff and funding. In addition, the federal agencies have sometimes been reluctant to embrace collaboration, because they either have unclear legal authority to favor collaborative efforts or don't welcome the input.
14. Further, and even when collaborative forest health projects enjoy broad support from diverse stakeholders and the agencies, administrative objections and litigation remain a too frequent outcome. One result is that community collaborative efforts become fatigued, and future opportunities are lost. Another outcome is that Forest Service restoration projects often go through exhaustive, time-consuming analysis, driving up costs and preventing the agency from scaling up management to meet the scope of the problem.
15. Today the costs associated with planning and implementing a management project on National Forest lands are significantly more than those of the private sector. This cost, along with the time associated with drafting, analyzing, incorporating public involvement, and responding to appeals and/or litigation at the project level, lead many federal managers to focus their limited staff, funds and time on projects with the least likelihood to be challenged. This approach does not adequately address the larger socio-economic and ecological needs of our National Forests and dependent communities.

16. The 2014 Farm Bill provided the Forest Service with several new tools to accelerate forest restoration. A Governor could nominate landscapes substantially affected or threatened by insects and disease to the Secretary of Agriculture for designation as Priority Areas for expedited NEPA and administrative process and judicial review. 16 Western Governors nominated areas for this designation, the vast majority of which were approved by the Secretary of Agriculture.
17. In addition, the new Farm Bill authorities provided for a categorical exclusion (CE) for insect and disease projects on areas as large as 3,000 acres that are the product of a collaborative effort. The new CE has the potential to greatly magnify the role of collaboration and strengthen the results of those efforts, and to reduce the time and cost for forest health projects, resulting in on-the-ground restoration work that is accomplished more quickly and across a larger landscape. Not yet in wide use, the Farm Bill also added expanded "Good Neighbor" authority that enhances the ability of states to partner with the Forest Service and implement projects on federal land.
18. The shortcomings of federal forest management have also impacted local governments directly. In 1908, when Congress created the National Forest System, it also passed the National Forest Revenue Act in 1908 directing the Forest Service to share 25 percent of gross revenues with local governments. Then in 1976, Congress passed "Payments in Lieu of Taxes" (PILT) legislation providing federal payments to local governments regardless of gross revenues that result from timber harvest and other forest management activities. After revenues from the sale of timber dropped substantially, Congress passed the Secure Rural Schools and Self Determination Act (SRS) in 2000, allowing counties to choose between a payment based on historical average and the 25 percent revenue share. SRS has expired several times, and PILT has been subject to funding uncertainty as well. Western Governors support efforts to ensure counties and states continue to receive payments under the Secure Rural Schools program, and that these payments should be based upon historic federal land management receipts. These payments are vital to providing state and county public goods and services, such as roads, emergency response, and wildlife and natural resources protection in communities adjacent to federal lands.
19. There have been several efforts in Congress to reform federal forest management, and recent legislation reflects the continued frustration of Congress as it attempts to find a path forward to address this issue in a productive, bipartisan manner.

B. GOVERNORS' POLICY STATEMENT

1. Western Governors support sound forest management policies that maintain and promote ecologic, economic and social balance and sustainability.

2. Today, the Forest Service's forest management program is primarily a byproduct of restoration projects intended to reduce wildfire risk and/or improve forest resilience, water quality, watershed health, key wildlife habitat, and/or intrinsic value. Western Governors recognize and support these forest values, but also believe it is reasonable to expect that some portion of the federal landscape will be focused on long-term, ecologically-sound forest management — where jobs, forest products, and revenues are priorities and generated through sound stewardship.
3. Western Governors encourage the Forest Service to develop and help fund new technologies and wood based markets for some non-traditional products. USDA's Forest Products Laboratory is a hub for research and innovation. We should continue to encourage the application of their knowledge and experience in a practical way in the western United States so that some of the federally funded infrastructure that develops from such efforts could first be demonstrated on private lands. Also, since federal forests are now more focused on large landscape forest health projects, there is a good opportunity to ensure we have a broader suite of outlets, in addition to traditional sawmills and existing biomass facilities.
4. We can achieve sustainable forest management across every acre of our federal and nonfederal forestlands while including an equitable mix of uses to meet many ecological, social, and economic needs.
5. Western Governors believe that our citizens are capable of rolling up their sleeves and working together with the federal agencies to address difficult issues such as forest management, and that not enough is done to incent and reward the current collaborative work that is occurring across the West.
6. It is important to retain citizens' rights to question governmental decisions through administrative and legal means. However, there are situations where the threat of litigation is a key factor resulting in either delay of agency activity and progress or the stifling of productive collaborative work. The lack of funding and resources for federal agencies is also a significant factor. Western Governors believe an effort needs to be made to better understand the scope and scale of this problem. There may be an opportunity to further streamline appeals and litigation associated with National Forest decision making in association with other changes designed to incent collaboration and provide more certainty as to outcomes.
7. The 2014 Farm Bill authorities are significant expansions of Forest Service authority and are powerful new tools to boost forest management, promote collaboration, and limit the impacts of administrative objections and litigation. Western Governors encourage federal agencies to fully implement the tools provided in the 2014 Farm Bill.

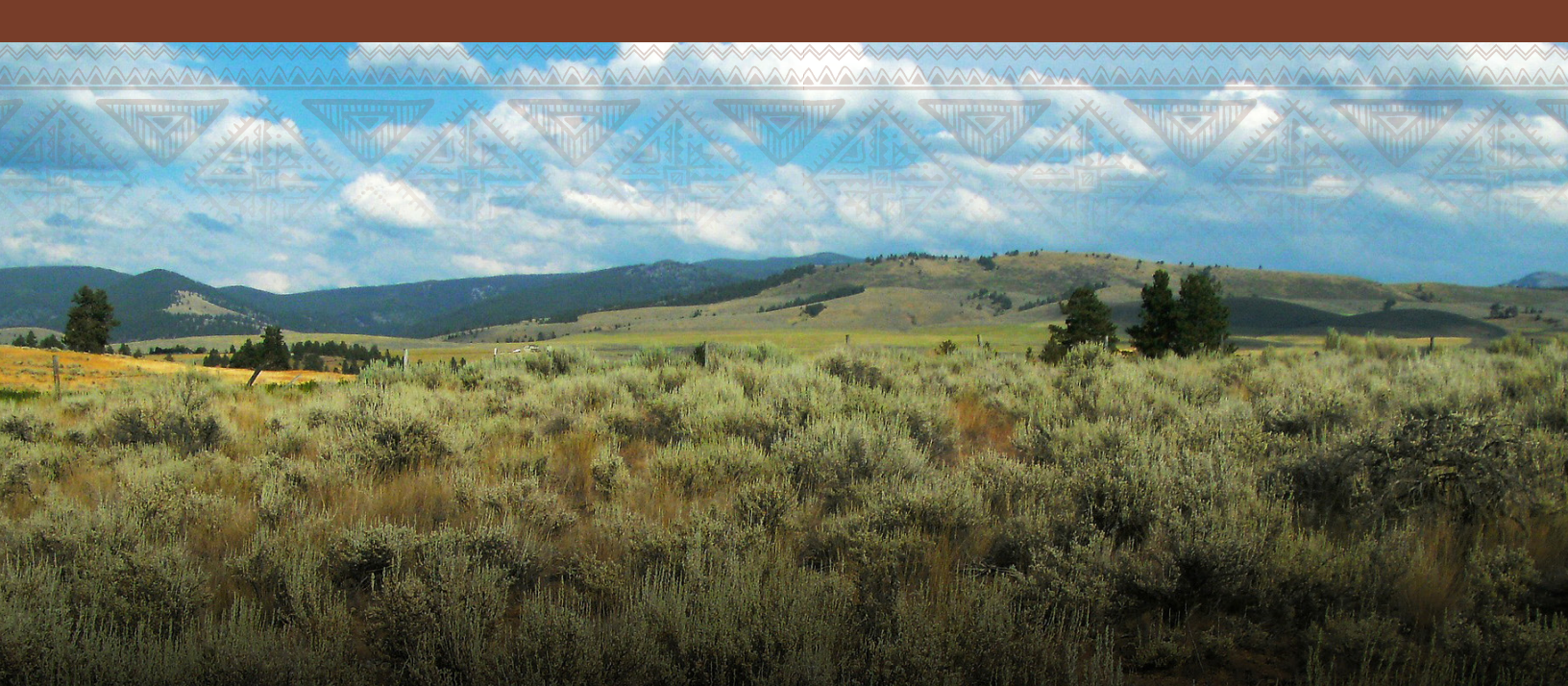
8. Western Governors are on record as strong supporters of ending the practice of fire borrowing, and Congress should pass legislation to fund federal wildfires off-budget as many states already do, and ensure the Forest Service budget for forest restoration, recreation, road maintenance, hazardous fuels reduction, and wildlife/watershed protection is fully restored.
9. Western Governors believe clear, coordinated and consistent application of federal vegetation management practices is integral to maintaining the health of western forests, preventing dangerous and damaging fires, and maintaining grid reliability. The Governors support effective and efficient cross-jurisdictional coordination that enables utilities to undertake necessary vegetation management actions on federal transmission rights-of-way – and to do so without fear of strict liability imposition for necessary vegetation management actions taken adjacent to transmission rights-of-way.
10. Western Governors are well-suited to engage in a productive and bipartisan dialogue on the broader topic of federal forest management reform, engaging westerners and examining on the ground realities across western landscapes. Western states are land owners and managers and well understand the challenges associated with forest management under changing social, economic and environmental conditions.
11. A meaningful and successful discussion of forestry reform in the West will require a transparent and inclusive process that engages those diverse interests who have a direct stake in forest management outcomes. The impacts of forest management are felt most directly by those who live, work and recreate in and adjacent to those forests, so the discussion needs to begin there. This is perhaps where Western Governors can provide the most productive bipartisan contribution to this national discussion. Our nation's forests belong to all Americans, and in the end and through their elected representation all Americans will determine the scope and success of any efforts to reform forest management.
12. There is significant dissatisfaction in the West among many stakeholders with the current level of National Forest management. There is a general sense that the current level of forest management is not meeting anyone's needs, whether it's putting logs on trucks, protecting water quality, addressing fire risk, protecting key habitats and landscapes, providing for recreation, or other important community needs. Successful forest management reform will achieve a balance among all of these important objectives, and provide the opportunity for certainty such that diverse interests will be encouraged to work together to achieve shared outcomes.
13. It is time to reconsider the business model of the U.S. Forest Service. Western Governors believe it may be possible to reform the Forest Service business model in a manner that reduces project planning costs, sources funds from non-federal partners and recognizes that the agency no longer generates large revenues from commodity programs.

14. Any discussion of forest management reform must include consideration of the financial relationship between the Federal and local governments, the existence of PILT, and the limited tax base for counties with significant federal ownership.
15. Western Governors support the recommendations identified over the course of the WGA National Forest and Rangeland Management Initiative, and incorporate the recommendations into this resolution by reference.

C. 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 including funding, subject to the appropriation process, based on a prioritization of needs.
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 <http://www.westgov.org/resolutions> for the most current copy of a resolution and a list of all current WGA policy resolutions.



SPECIAL REPORT

Western Governors' National Forest and Rangeland Management Initiative

The Chairman's Initiative of Montana Governor Steve Bullock

June 2017



WESTERN
GOVERNORS'
ASSOCIATION

Dear Friends and Colleagues:

Like many of you, I had the luxury of growing up in the West. As a kid, I enjoyed a wealth of outdoor activities: hiking in the forests outside Helena, fishing in some of Montana's best rivers and streams, camping in our National Forests and public lands and visiting Yellowstone and Glacier National Park, and standing in awe of the literal "Big Sky" that surrounds us on the open range.

As an adult, I still enjoy those same activities, and retain a strong sense of wonder and appreciation for our western lands as I begin to share those experiences with my kids. Most of us living out here feel the same way: we love the land, the people, the life we are able to live in these beautiful places. Although the western economy is increasingly diverse, many of us still make a living from the natural resources found on our public lands: as ranchers, loggers, mill workers, hunting and fishing guides, and in the tourism industry. The good news is that these lands are diverse and plentiful enough to support us, regardless of how we may depend upon them.

Most of us, however, also realize that these special places are at risk. Our wildfire seasons are longer, more expensive and present increasing risks to the public and firefighters. Our forests and rangelands face unprecedented threats from insects, disease and invasive species. As the health of these lands declines, we risk not only our quality of life, but fish and wildlife habitat, clean and abundant sources of water, and the diverse economic opportunities that are inextricably tied to them. One sector of our economy is at particular risk: our forest industry is struggling to secure a predictable supply of timber and compete in a global marketplace. Mill closures are eliminating markets and jobs that are critical to our rural communities and that provide the resources to help pay the costs of restoring these landscapes.

As these same conditions converged in Montana, we responded by coming together to seek solutions. Through our Forests in Focus Initiative, state and federal agencies and stakeholders representing very divergent interests have invested in collaborative projects that restore the health and resiliency of our forests and rangelands, and support the communities that depend upon them. Our results to date have been remarkable: we've invested over \$2 million to accelerate 27 federal projects that will reduce wildfire risk, restore watersheds, support over 3,000 jobs, and eventually produce over 160 million board of timber. Equally important, we are building a foundation of greater cooperation that will help achieve even more in the future.

Montana was the first state in the nation to implement a stewardship project on U.S. Forest Service lands, and among the first to sign a Good Neighbor Agreement and implement a project using that new authority. We are focused not only on outputs, but on outcomes as well: healthier forests, more resilient watersheds, and as I learned from a young man from Seeley Lake, helping Montana's hardworking timber families feel more secure about their future.

Responsibly managing our western forests and rangelands is a vexing concern for anyone who loves the West. From private landowners to conservation advocates to the agricultural and forest industries that provide jobs, food, and homes for our people, we all want to see these landscapes sustainably managed. As Chair of the Western Governors' Association (WGA), I saw an opportunity to build upon Montana's successes and learn from our neighbors through the *National Forest and Rangeland Management Initiative*.

The Initiative is a mechanism to bring states, federal land managers, private landowners and other stakeholders together to discuss issues and opportunities in forest and rangeland management. Although achieving balance between competing interests in the West is difficult, we believe it is possible to provide economic opportunities for our citizens, while conserving and protecting the spectacular landscapes that inspire residents and visitors who travel across the world to experience them.

Through this Initiative, we conducted four workshops, four webinars, and solicited comments to gather information on what is working, and how we need to improve. Hundreds of people have participated, and we've learned that throughout the West people are working together to build and achieve a shared vision for these landscapes and the communities that rely upon them. It has been an encouraging start to a process that I hope will continue to thrive in the years ahead.

The recommendations in this report are not exhaustive – nor do they offer quick fixes. The problems we face took decades to develop, and the solutions will take patience, dedication, and persistence from all partners to implement. I hope this report will inspire further commitment among western Governors, federal agencies, non-governmental organizations, tribal and local governments, businesses and private landowners to continue working together, on a bipartisan and collaborative basis, to promote the health and resilience of our forests and rangelands.

Although we approach these challenges from various locations on the political spectrum, as citizens of the West, we are more closely tied by our similarities than differences. Our landscapes, natural resources, and our western work ethic will bind us as we seek solutions to the challenges facing us. Thank you for joining me as we continue to advance this Initiative in its second year.

Sincerely,



Steve Bullock
Governor of Montana

Dear Friend of the West:

Public lands management. As a phrase, that sounds dry and academic and bureaucratic. But what it connotes is rich and interesting and wildly important. Because when we talk about land management, we're talking about nearly every activity undertaken on western lands. We're talking about wildfire (firefighting, prevention and mitigation). We're talking about recreation (camping, hunting, fishing, hiking, biking, climbing, skiing and motorized exploration). We're talking about economic activity (grazing, timber and mining). And we're talking about nature and water quality and species diversity and conservation.

In fact, we are talking about those very things that make the West abundant and special and truly extraordinary.

Western lands are marked by different ownership patterns and management regimes. Adjacent lands in the same biome can look, produce and react very differently from one another depending on how they are being managed and by whom and for what purposes.

Under the leadership of Montana Governor and WGA Chair Steve Bullock, WGA has been proud to launch the Western Governors' National Forest and Rangeland Management Initiative. During the course of this effort, by focusing on the steps we can be taking to increase the overall health of our forests and rangelands, we are also taking steps to increase their resilience to wildfire, and other threats like insects, disease and invasive species.

The initiative is producing recommendations on best management practices and tools that can help Western Governors, the federal government and local communities to strengthen their forests and rangeland habitats, revitalize forest health, and help break the current vicious cycle of catastrophic western wildfires.

Over the past year, Western Governors hosted workshops across the West. The Governors' bipartisanship and spirit of collegiality encouraged substantive and constructive conversations about forest and rangeland management. At the same time that we processed a wide range of divergent opinions, we were struck by a sincere and common desire among participants and contributors to improve the health, protect the beauty and ensure the abundance of our precious western lands for generations to come. As has been said many times, we do not inherit the earth from our ancestors; we borrow it from our children.

The Western Governors' Association looks forward to continuing the work initiated by Governor Bullock in the coming year, guided by the spirit of cooperation and collegiality continually modeled by Western Governors.



Respectfully,

James D. Ogsbury,
WGA Executive Director



EXECUTIVE SUMMARY

Upon assuming the role of Chair of the Western Governors' Association in July 2016, **Montana Governor Steve Bullock** proposed that WGA pursue the **National Forest and Rangeland Management Initiative**. The goals of the initiative are to:

- **Examine** existing forest and rangeland management authorities and programs to determine their strengths and weaknesses;
- **Perform** a detailed investigation of the role of collaboratives in landscape restoration;
- **Create** a mechanism for states and land managers to share best practices, case studies and policy options for forest and rangeland management; and
- **Recommend** improved forest and rangeland management authorities and encourage more effective collaboration.

The initiative has since assembled a wide range of experts and stakeholders from throughout the West to share insights on land management practices and identify improvements that will enable western states to develop healthy, resilient landscapes and communities.

That effort was greatly aided by the participation of Western Governors, who invested time and effort to host workshops in their respective states: **Montana Governor Steve Bullock; Idaho Governor C.L. "Butch" Otter; South Dakota Governor Dennis Daugaard; and Oregon Governor Kate Brown.**

The Initiative's reach was extended by livestreaming regional workshop sessions and posting those meeting sessions to WGA's YouTube page, as well as by posting live updates on Twitter. WGA also hosted webinars that addressed discrete topics in forest and rangeland management.

Based upon the input from state and federal land managers, private landowners, local governments, businesses and non-governmental organizations, WGA sought to identify best practices and offer recommendations to put western



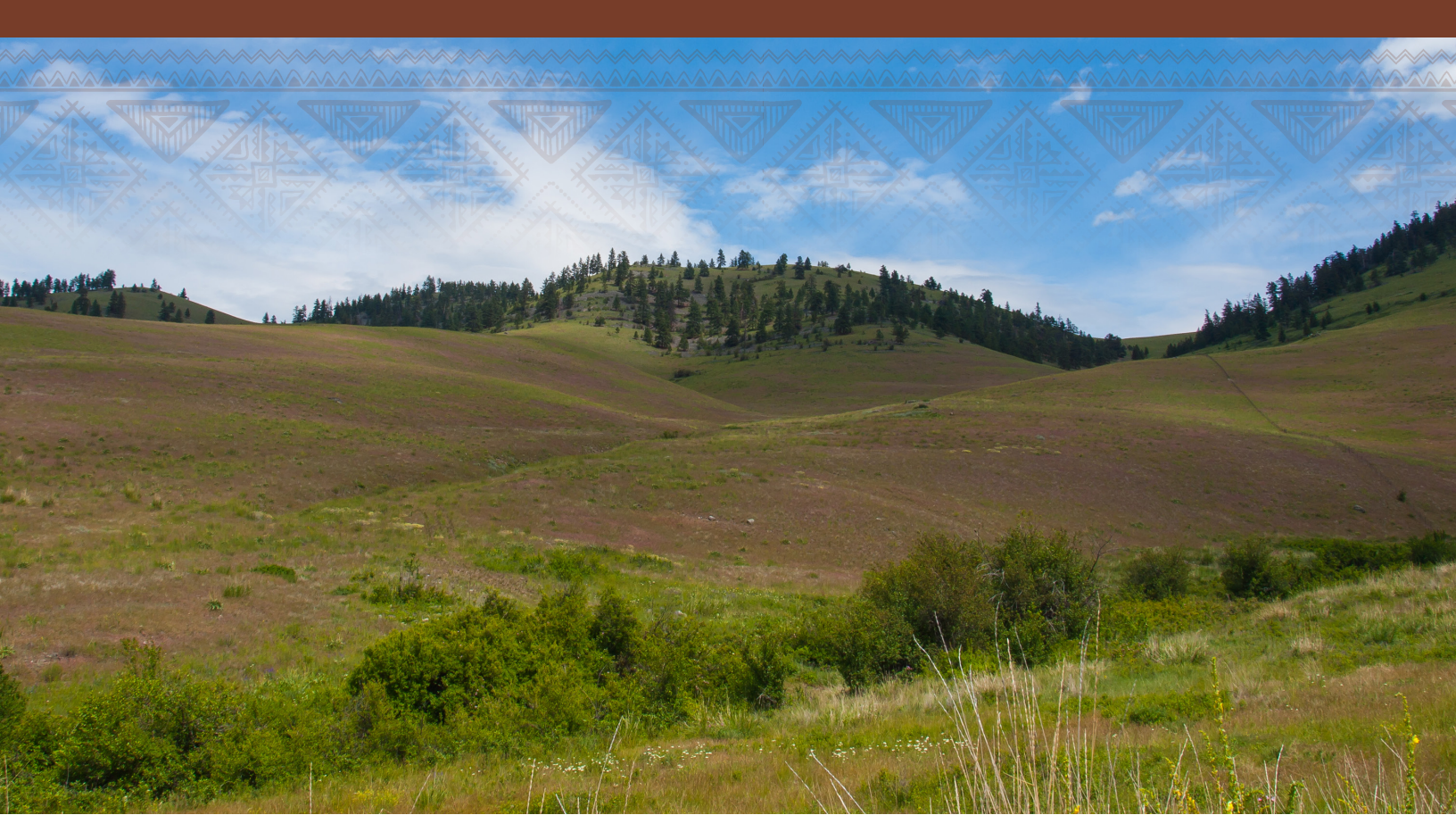
Montana Governor Steve Bullock launched the National Forest and Rangeland Management Initiative to bring states, federal land managers, private landowners and other stakeholders together to discuss issues and opportunities in forest and rangeland management.

states on a path toward healthier, more resilient ecosystems, while continuing to support diverse economic opportunities for western communities.

This report outlines the first year of Initiative work and includes both administrative and legislative recommendations that touch upon the following areas:

- Reforming federal wildfire budget practices to allow for more investment in efforts to build resilience and reduce catastrophic wildfire risk;
- Partnering to advance forest and rangeland management projects across ownership boundaries to achieve landscape-scale goals and streamline process;





Western Governors C.L. “Butch” Otter of Idaho, left, Dennis Daugaard of South Dakota and Kate Brown of Oregon hosted Chairman’s Initiative workshops in their respective states.

- Providing state-led investment to support collaboration, prioritize limited resources, and ensure coordinated and effective federal, state and local government engagement;
- Augmenting capacity and streamlining the effective and efficient environmental analysis and implementation of federal forests and rangeland restoration projects;
- Strengthening markets for forest products and diversified rangeland

goods and services that can support forest and rangeland restoration objectives; and

- Pursuing new statutory flexibility and authorities to advance landscape-scale restoration projects, and support high-impact programs.

The first year of the National Forest and Rangeland Management Initiative is just the beginning of WGA’s work in this arena. Recognizing that good policy

development and implementation takes time, WGA initiatives are designed to work across multiple years.

WGA’s focus now shifts from information-gathering to implementation of the launch year recommendations. Western Governors will encourage state and federal agencies to apply these recommendations to their management activities, and advocate for the adoption by Congress of the legislative reforms identified by the initiative.



BACKGROUND

How did we get here?

The West's forests and rangelands are facing an unprecedented health crisis. The causes are manifold, including a history of past fire suppression, an increase in large-scale outbreaks of insects, a changing climate, disease, and invasive species, and an increase in the frequency, size and severity of wildfires. The symptoms are staggering. Today our fire seasons are, by some estimates, 78 days longer than they were just two decades ago. Six western states have had their largest or most destructive wildfire events in the last six years. During that time, 32 million acres of national forests have succumbed to an unprecedented bark beetle epidemic, and over 100 million dead trees have littered the forests of California's Sierra Nevada mountains in the aftermath of the state's severe drought and changing climate. Amid these trends, the benefits our forests and rangelands provide (from food and fiber to recreation, water supplies and beyond) are in jeopardy.

A tumultuous and polarizing era in federal forest and rangeland policy – characterized by entrenched legal battles and punctuated by a great recession – has influenced the management of our forests and rangelands. This history – coupled with constrained budgets, high administrative costs, increasing fire suppression expenses, and other challenges – have left federal forests and rangelands exposed to health problems.

The capacity of local communities, states and federal agencies to respond to these threats has been diminished by forces beyond their control. In 1995, 16 percent of the United States Forest Service's (USFS) budget was dedicated to fire suppression. By 2015, that number had soared to more than half of the USFS's budget. Over two decades, non-fire staffing within the USFS has been reduced by 39 percent. Today,

the rising costs of fire suppression, and the complicating need to stop work mid-season to address and pay for urgent wildfires, have reduced agency capacity to support forest and rangeland restoration – including the very measures that can reduce risks of uncharacteristic wildfire in the first place.

Meanwhile, as communities have grappled with new costs from declining forest and rangeland health and increased wildfires, a global financial crisis exacerbated impacts to a key sector for restoration: the forest products industry. As new home starts plummeted from 2005-2010, the West lost 79,000 jobs in the wood products sector, and worker earnings declined by 22 percent. During 2009 and 2010, West-wide harvest and lumber output were at their lowest levels since the late 1940s. Ultimately, the region suffered the

permanent loss of more than 30 large mills and scores of smaller mills, while countless others significantly curtailed operations. Today, maintaining and strengthening the capacity of the restoration economy across all sectors and addressing the capacity constraints of federal agencies remains of paramount concern.

In the face of these increasing pressures, federal agencies, states, counties, conservation organizations, industry and a host of other partners have rallied to achieve considerable success in restoration activity and working towards land management goals. Since 2008, USFS has increased the acres treated to restore forest and watershed health, and increased timber volume sold by over 20 percent. Through the Collaborative Forest Landscape Restoration program alone partners have treated: more than



What do we mean by healthy and resilient ecosystems?

Healthy and resilient forests and rangelands are those that can regenerate naturally after disturbance and adapt to changes in climate, invasive species and insects and disease, wildfire, and precipitation. They are characterized by:

- Dynamic growth and complexity
- Diverse structure, able to sustain a wide range of wildlife and fish
- Healthy soils
- Tolerable levels of invasive species, insects and disease
- High quality and sustainable water supply
- Economic and ecological sustainability: maintaining ecosystem function while meeting needs for aesthetics, recreation, health, and forest and rangeland products.



1.45 million acres to reduce the risk of catastrophic fire; more than 84,570 acres to achieve healthier forest and watershed conditions through timber sales; more than 1.33 million acres for improved wildlife habitat; and more than 73,600 acres to address concerns from noxious weeds and invasive plants. New and extended authorities, such as those included in the Agricultural Act of 2014 (P.L. 113-79, aka the 2014 Farm Bill), have helped federal agencies work more efficiently and extensively with partners and further advanced restoration outcomes.

The evidence from across the West is clear: we can buck the trends and overcome an uneven history of federal forest and rangeland policy when we work together. States, industry and non-governmental organizations (NGOs) are playing an increasingly critical role in bolstering management capacity, reinvesting in restoration partnerships and advancing innovative approaches that not only restore degraded ecosystems, but also protect communities and provide economic engines for rural America. Equally important have been the locally and regionally-driven efforts that have emerged from federal agency partners. These parties have redoubled their commitment and leadership to foster effective collaboration, pursue efficiencies, and drive the flow of resources to achieve mutually agreed upon objectives to improve the health and resiliency of our western forests and rangelands.

Whether through collaborative efforts to determine appropriate timber and grazing prescriptions, reintroduction of fire to control fuels and support wildlife habitat, projects to combat invasive species, or improvements to watershed functions, new and diverse partnerships are emerging across land ownerships to help maintain the health and resiliency of western landscapes. Now more than ever, sustaining and building upon this progress in the face of unprecedented threats to our forests and rangelands requires our collective attention and action.



Workshops of the Chairman's Initiative gathered a wide array of stakeholders at workshops in Montana, Idaho, South Dakota and Oregon.

Why the Western Governors' Forest and Rangeland Management Initiative?

State-led innovation across the West – coupled with engagement from federal land managers, NGOs, industry and a diverse array of stakeholders – has created fertile ground for learning, dialogue and advancing a bipartisan reform agenda. To address the challenges we face, Western Governors recognize a need to examine these excellent but separate endeavors through a single lens: to encourage collaboration among those with different perspectives, capacities and expertise in a regional discussion of needs for the restoration and sustainable management of western rangelands and forests. The Initiative has brought together experts from a variety of sectors – from researchers to ranchers – and across a broad range of policy interests – from timber industry representatives to conservationists – to share the best available science and practical experience in examining

our current forest and rangeland management policies and practices.

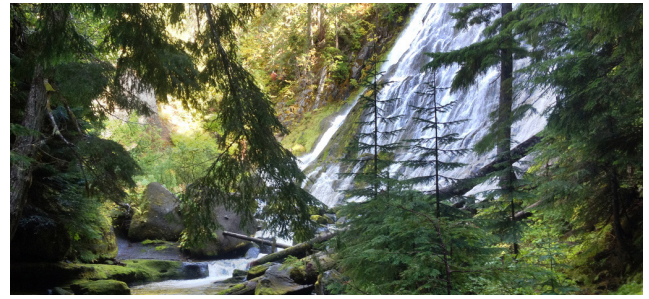
The Initiative also offers an opportunity to elevate successful and innovative ideas and better understand the impacts and effectiveness of a broad range of investments in collaboration and forest and rangeland restoration. As United States Supreme Court Justice Louis Brandeis said, a “state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.” This has certainly been true with land management practices. Different states have employed a wide variety of strategies to address needs ranging from wildlife and fish habitat conservation, to water quality and watershed protection, to timber management, livestock grazing, and extractive industries. The Initiative has enabled states to share their successes and, in some cases, their failures with each other and allow them to build on the insights of collective experience.

During the past year, the Initiative has



What do we mean by restoration?

Restoration is the process of creating and maintaining healthy, resilient forests and rangelands capable of delivering all the benefits that people get from them: clean air and water, habitat for native fish and wildlife, forest products, food sources, opportunities for outdoor recreation, and more. Restoration can foster economic opportunities to revitalize communities and benefit the environment at the same time.



brought together a host of different interests and all levels of government, and the cooperative dialogue has been highly encouraging. There is a strong sense that we must work together if we are to address the challenges facing western lands and communities, including invasive species, insects and disease, impacts to water quality and wildlife and fish habitat, a changing climate and the growing threat of uncharacteristic wildfire. Working together requires we put aside parochial interests and find ways to work across land ownership boundaries. The urgency of the threats requires all parties – states, tribes, landowners, federal agencies, nonprofit partners and Congress – to cooperatively implement, expand and refine the restoration management tools that currently exist, and reinvest in the many benefits our rangelands and forests provide.

What are the Initiative's management principles and philosophy?

Collaboration – Solutions born from bipartisan cooperation among diverse interests always yield the greatest returns. Collaboration is not easy: it requires participants to respect different viewpoints; consider ideas outside their normal comfort zones; and engage in the arduous work of incorporating a wide variety of views into a coherent and workable plan of action. Growing experience with collaboration offers an opportunity to assess best practices that improve the integrity and efficiency of decision-

making and help achieve solutions that are both innovative and durable.

Partnership – If collaboration is talking the talk, then partnership is walking the walk. Effective partnership involves a commitment to work together for mutual benefit and to invest the time, money, and effort needed to accomplish an objective. Partnership helps us prioritize limited resources and augment capacity when and where it is most needed. It also demonstrates that our commitments to common goals are substantive and establishes joint accountability to ensure that these goals are pursued and achieved.

Urgency – The pace, scale and quality of restoration must increase amid the threats to western forests and rangelands. Since 2010, over 102 million trees on 7.7 million acres of California's forests have succumbed to drought. In Colorado, it is estimated that 1 in every 14 standing trees is dead (a total of 834 million trees whose deaths are attributed to insect infestations, disease, and the suppression of natural wildfire). Invasive cheatgrass infests over 100 million acres of rangeland in western states. Every state in the West faces challenges in conserving forests and rangelands. While Western Governors and our partners acknowledge laudable progress to address the management of our lands, it is imperative that we scale up our successes to a landscape level and increase the pace of restoration efforts. Working at landscape scales not only will help address

urgent threats, it can help create predictability in the achievement of forest restoration, conservation and economic development objectives.

Resilience – Resilient forests and rangelands and communities go hand in hand. Managing for resilience ensures our lands can continue to provide for sustainable economies; optimize economic, social and environmental goals while enhancing our forests' and rangelands' production of clean air and water, as well as wildlife and fish habitat; and sequester biogenic carbon. It can also help us better protect communities and firefighters from increased risks, and expand and maintain diverse economic opportunities, customs and culture in rural America linked to public lands. Through provision of water supplies, recreational opportunities and the fiber needed to sustainably build and rebuild our cities of the future, resilient forests and rangelands also provide a critical linkage to our urban communities. Western Governors recognize that the long-term health of the forest and rangeland industries and enhanced markets for diverse forest and rangeland products, goods and services remains critical to meeting restoration goals. For the landowners, businesses and partners that comprise an emerging restoration economy supply-chain, a predictable and sustainable program of work helps foster a business environment conducive to investment that develops and maintains critical infrastructure and capacity.



RECOMMENDATIONS

The Western Governors' Forest and Rangeland Management Initiative is a multi-year effort to examine and improve federal forest and rangeland management. Montana Governor and WGA Chair Steve Bullock has led the effort to frame this work. Under his leadership, WGA has conducted an extensive examination of current land management practices, both at the federal and state level, to evaluate what is working (and what is not) in the management of western rangelands and forests. A broad range of stakeholders contributed their best ideas to the discussion of how to improve land management across the West. These recommendations represent a synthesis of the ideas presented at the Initiative workshops, webinars, and other Initiative opportunities.

The recommendations are divided into two sections. First, an administrative section presents those actions that can be implemented within the framework of current federal statutory authorities. Some of these recommendations have already been implemented on a limited basis in states or in connection

with specific projects. These recommendations are included in the hope that their use will be expanded in scale. Others have been identified by various stakeholders as worthy of consideration and implementation by states and federal agencies.

Second, a legislative section includes recommendations for consideration by Congress. These recommendations would create greater flexibility for federal and state land managers to address pressing restoration and resilience needs. Western Governors encourage Congress to examine these bipartisan reforms as it considers legislation to improve statutory authorities.

Finally, there is a section on implementation and next steps. This includes a short examination of issues that were discussed over the past year, but which require further consideration before concrete recommendations can be offered (e.g. issues surrounding litigation and the use of alternative dispute resolution) as the Initiative moves into its multi-year implementation phase.

Administrative Recommendations

States, federal agencies and other partners have made significant progress toward optimizing the use of existing statutory land management authorities. Scaling up these early successes is perhaps the most significant opportunity to improve efficiency, incentivize action and achieve sustained progress toward forest and rangeland restoration goals.

Many of these administrative recommendations are intended to be quickly actionable by federal and state land managers. It is possible that, in some cases, a proposed administrative reform would require state statutory authorization. None of these proposed reforms, however, should require new federal statutory authority. They do require the commitment and resources of state and federal managers for implementation. Western Governors encourage their state agencies and federal partners to collaborate on how to most effectively implement these recommendations.



Montana Governor Steve Bullock hosted the opening workshop of the Initiative in Missoula. He urged attendees in a keynote to “take a hard look at collaboration. What makes it succeed? Why does it fail? It’s a discussion that will set the stage and tone for more hard work to follow.”



PRIORITY 1:
Invest in all-lands /
cross-boundary
management opportunities
(all partners):

A1A: Identify business practice barriers to cross-boundary projects. Develop training on state and federal contracting procedures and administration for all partners to improve implementation of cross-boundary projects. Utilize Service First authorities, which allow multiple agencies to partner to share resources, procurement procedures and other authorities, and streamline and consolidate agency processes with partners. Establish multi-agency pilot projects, which can suggest models for subsequent formal agreements.

A1B: Increase participation of tribal governments in cross-boundary management plans and projects.

A1C: Expand opportunities to use tools developed in the 2014 Farm Bill, such as Good Neighbor Authority (GNA), Stewardship Contracting Authority (SCA) and Insect and Disease (I&D)

designation authority, in forest and rangeland systems on both USFS and Bureau of Land Management (BLM) lands.

A1D: Convene partners to explore the use of new technologies and data for collaboration, monitoring and decision-making, including the use of state data as outlined in WGA Policy Resolution 2016-08, Species Conservation and the Endangered Species Act. Integrate adaptive management approaches, using monitoring data, assessment, and other feedback to assess the efficacy of management practices and inform land management adjustments.

A1E: Provide federal funding to develop detailed state rangeland action plans addressing invasive species, wildlife and fish habitat, and water quality and quantity as a complement to State Forest Plans. These rangeland plans should include resource analyses of soil health, water, plants, animals and productive capacities to inform management decision-making.

A1F: 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, surface water quality and watershed health, soil health management, promotion of perennial plant health, and control of invasive species such as cheatgrass.

A1G: Promote grazing allotment flexibility on federal lands, within BLM's permitting system and across ownership boundaries, to respond to changing range conditions and environmental considerations.

A1H: 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.

A1I: Target funding from USFS, BLM, Natural Resources Conservation Service (NRCS) and state sources to address cross-boundary management goals (and supporting 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.

A1J: Consider fostering economically viable forest and rangeland products processing infrastructure to promote restoration activity and community development.

A1K: Explore the expanded use of youth, veterans, inmate crews and conservation corps to provide cost-effective capacity to support forest and rangeland restoration work across various land ownerships.



Rangelands support a wide range of multiple uses, from livestock production and recreation to wildlife habitat and water quality values, across federal, state and private ownerships.



WORKSHOP: MISSOULA, MONTANA (Sept. 20-21, 2016)

Keynotes: Steve Bullock, Governor of Montana, and Thomas Tidwell, Chief, U.S. Forest Service

SUMMARY

Montana Governor Steve Bullock led off the workshop series for the initial year of the Western Governors' Association's (WGA) National Forest and Rangeland Management Initiative in Missoula, Montana. The meeting started off with a look at the challenges Montana faces in forest management, and focused on the role of collaboratives in facilitating management on U.S. Forest Service (USFS) lands.

The Governor, in his keynote address, urged attendees: "Take a hard look at collaboration. What makes it succeed? Why does it fail? How do the federal land managers embrace it? It's a discussion that will set the stage and tone for more hard work to follow."

USFS Chief Tom Tidwell expressed optimism about the collaborative work of the Initiative. "I have high expectations if we meet these difficult challenges together and focus on the right challenges. The more we trust in that system, the more we can get done."



U.S. Forest Service Chief Tom Tidwell expressed optimism about the work of the Initiative in his remarks: "I have high expectations if we meet these difficult challenges together and focus on the right challenges. The more we trust in that system, the more we can get done."

WGA Executive Director Jim Ogsbury summed up the wide-ranging impact of the initiative in his opening remarks: "Public lands management ... sounds kind of dry and academic and bureaucratic. But what it connotes is rich and interesting and wildly important. Because when we talk land management, we're talking about nearly every activity taken on western lands.

"The work we do on these issues and the successes we've had are because people with very different ideologies have come together, project by project, and dollar by dollar," said Governor Bullock, emphasizing the importance of collaboration. "Our natural resources are a foundation of our quality of life, and how we manage them must transcend party politics."

PRIORITY 2: **Provide state leadership to bolster collaboration on US Department of Agriculture (USDA) and US Department of the Interior (DOI) planning and projects (Western Governors):**

A2A: Working with their legislatures, Governors could encourage funding to support effective collaboratives, collaboration on federal projects, and all-lands initiatives. Financial assistance could be targeted to address key priorities and capacity constraints, and contingent on the use of metrics

that measure performance and project deliverables. Possible opportunities include:

- Providing small grants to support collaboration through hiring facilitators, conducting needed planning, data collection and analysis, and incentivizing collaborative efforts to retain effective leadership and participation.
- Providing state funds to targeted federal projects to augment capacity, expedite project approvals and implementation, and add key state project priorities (including socio-economic elements) to the federal

program of work.

- Support cost-share grants to local governments and local and non-governmental organizations (NGOs) to enable their participation in federal project planning and implementation through collaborative processes.

A2B: Support regular meetings convened by collaboratives and encourage the development of local principles and best management practices for collaboration.

A2C: Invest in key liaison positions with decision-making authority to provide better engagement and understanding



between state forest, wildlife, and rangeland agencies and their federal counterparts (as well as with partners in industry, NGOs and academia).

A2D: Facilitate the participation of local governments in federal decision-making by dedicating staff to develop and provide technical assistance and enhance communications across local, tribal, state and federal partners.

A2E: Champion and encourage the efforts of municipalities, water utilities and corporate partners to collaborate on, and co-invest in, forest and rangeland restoration – including the support of collaborative groups – across ownership boundaries in key water supply source watersheds.

PRIORITY 3:
Address wildfire mitigation and suppression needs, with the ultimate goal of reducing suppression outlays in favor of active forest and rangeland management resulting in healthy, functional ecosystems (all partners):

A3A: 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 and community wildfire protection plans.

A3B: Improve interagency communication, fire response capability, and coordination, including the sharing of firefighting resources. 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.

WEBINAR: Managing Electricity Reliability Risks on Forests and Rangeland

Vegetation management experts discussed best-practices for maintaining electrical utility rights-of-way for the benefit of multiple resources, including transmission, conservation, grazing, timber, and wildfire mitigation. Moderated by Anne Beard, Manager of Vegetation Management and T&D Asset Management for Public Service Company of New Mexico, the webinar included a robust discussion of vegetation management challenges. Panelists recommended that transmission corridors be viewed as areas of opportunity, and that planning decisions include early engagement with relevant stakeholders. A sample of panelists' comments:

- “We need to stop looking at utility rights-of-way as sacrifice areas, and begin to look at them as areas of opportunity that can be managed for other plant communities to supply habitat for pollinators, small mammals, small lizards, and songbirds, etc. This is because meadow and prairie plant communities are lacking and, in some cases, almost extinct in some states.” **Randy Miller, Director, Vegetation Management, PacifiCorp**
- There is a need for more early engagement with utilities and federal land managers. Engaging early in the process helps to better develop a cooperative plan to evaluate the current conditions, identify high risk areas, address those risks, and develop a plan for maintenance of the remainder of the line. Integrated Vegetation Management and greater education about early and frequent communications with land managers is needed.” **Reggie Woodruff, Energy Program Manager, U.S. Forest Service**
- “The Right-of-Way Stewardship Council is really all about trying to promote environmental stewardship, and taking advantage of this area of opportunity, in terms of how these millions of acres across the country can be better managed to meet a broad array of societal benefits, including environmental benefits.” **Tom Sullivan, Audit Committee Chair, Right-of-Way Stewardship Council**



WORKSHOP: BOISE, IDAHO (Oct. 20-21, 2016)

Keynotes: C.L. "Butch" Otter, Governor of Idaho, and Jim Lyons, U.S. Department of the Interior

SUMMARY

The second initiative workshop was hosted by Governor C.L. "Butch" Otter in Boise, Idaho. The meeting opened with an examination of the many forest and rangeland management issues throughout the state. Idaho has been especially active in the implementation of projects using Good Neighbor Authority, and roundtable discussions examined the state's success in taking advantage of this authority, which allows federal agencies and the state to enter into cooperative agreements to advance management priorities. The Idaho workshop also examined the success of Rangeland Fire Protection Associations (RFPAs), which engage private landowners with Bureau of Land Management wildland fire monitoring and suppression efforts.

These collaborative efforts were a centerpiece of Governor Otter's message to attendees. Before 2012, ranchers were not allowed to assist federal land managers on wildfire suppression activities. The Governor, legislature, and federal and state fire agencies subsequently created the RFPAs, which have now grown to eight



Idaho Gov. C.L. "Butch" Otter emphasized finding projects of value during his address at the Boise workshop: "I want you all to discuss all of your ideas for improving land management and let's find those with the greatest value."

districts with nearly 300 volunteers overseeing more than 7 million acres.

Governor Otter also emphasized finding projects of value. "People talk to me all the time about the cost of doing things and I understand cost. But when someone comes to me and explains the value of something, that really gets my interest. I want you all to discuss all of your ideas for improving land management and let's find those with

the greatest value."

Jim Lyons, then-Deputy Assistant Secretary of Interior for Land and Minerals Management at the Department of the Interior, discussed collaboration's role in blunting the impact of wildfires and invasive species, noting "these are not public land issues or private land issues; they are resource issues that know no political or administrative boundaries."

A3C: Facilitate the expanded use of prescribed fire:

- Convene state and federal air quality specialists to identify reforms that 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.
- Provide liability protection for licensed burn managers who

execute approved prescribed burns, and address compensation for private property owners negatively affected by escaped prescribed burns.

- Identify new tools for evaluating and managing prescribed fire risk in cooperation with federal, tribal and local governments.
- Engage with state and local prescribed burn associations, established for the responsible use and application of prescribed fire for rangeland management.

A3D: 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 (WUI).





The benefits of healthy forests and rangelands include the protection of environmental values and the promotion of sustainable economic opportunities.

**PRIORITY 4:
Pursue opportunities to further enhance federal agency staff capacity and efficiency in the environmental analysis, review and implementation of projects (federal partners):**

A4A: Further explore the use of strike teams, interagency Endangered Species Act (ESA) consultation support, and other modular capacity to accelerate restoration in priority areas, including the expanded use of existing statutory authorities.

A4B: 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.

A4C: 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.

A4D: Support independent research and analysis from NGO, academic, and other partners to inform National Environmental Policy Act (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.

A4E: 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.

A4F: 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.

A4G: Continue to implement agency NEPA streamlining efforts that promote best practices or procedural innovations, including the use of



landscape-scale, programmatic, adaptive and iterative analyses.

PRIORITY 5:

Take coordinated state and federal action to expand markets for forest products and diversified rangeland goods and services that can support forest and rangeland restoration objectives (all partners):

A5A: Expand opportunities for existing U.S. Department of Agriculture (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.

A5B: 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. Ensure research, development and deployment is 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.

A5C: Western Governors should identify initiatives to support markets that can achieve restoration goals and foster near-term opportunities for economic development in rural communities. Opportunities include:

- Advancing the use of mass timber (such as cross-laminated timber) in construction of taller buildings and community facilities through research, demonstration projects, and revisions to national, state and local building codes.

WEBINAR:

The Future of Wild Horse and Burro Management: Challenges and Opportunities

The conversation focused on the economic and environmental impacts of wild horse and burro overpopulation on western rangelands. During the webinar, moderated by U.S. Representative Chris Stewart, panelists encouraged federal land managers to take quick, proactive actions to bring herds within Appropriate Management Levels (AML), including the use of new technologies and management practices. A sample of panelists' comments:



- “In Nevada, and across the West, wild horse management is no longer an emergency, it is a disaster. The program is at a breaking point ... We must gather 100 percent of horses in an HMA (Herd Management Area). Those horses that are to be returned to the range, but be treated with permanent or near permanent fertility control. We cannot continue to round up horses and not curb reproduction. We will be removing 1,000 to 1,100 horses from this HMA again in a few years if we don't slow reproduction.” **J.J. Goicoechea, Eureka County Commission Chair, Eureka County, Nevada**
- “If we had proper management and the horse populations were within AML, you would have good range, healthy horses, healthy wildlife, healthy livestock, and healthy local economies for these rural communities... This is, and will be, the worst case of inhumane treatment of animals and man-made ecological disasters in the history of the West.” **Tammy Pearson, Commissioner, Beaver County, Utah**
- “By 2030, we will have spent over \$1 billion on the wild horse problem. We are reaching the point where something has to give: it is becoming more cost prohibitive. One of the problems is that the economic impacts from wild horses is not felt evenly across the country. Your average citizen in an urban setting, and even some other rural counties, doesn't feel the impacts of wild horses.” **Dr. Eric Thacker, Professor of Wildland Resources, Utah State University**
- “The need for proactive management on these western rangelands cannot be stated strongly enough. The fact that we typically have five to, at best, 15 inches of annual precipitation makes it critical that we do proactive management and not let rangelands get degraded, because once they pass a threshold, they cannot be reclaimed.” **Callie Hendrickson, Executive Director, White River & Douglas Creek Conservation Districts in Rio Blanco County, Colorado**
- “This is a call to action. Let's get the Congress educated, and let's overcome our fear of the politics of this and have a clear mandate to the BLM (Bureau of Land Management) to follow the law. They've got the tools they need right now to do what needs to be done, but they are intimidated by the politics of the national activists.” **Kathleen Clarke, Director of Utah Public Lands Coordinating Office**



- Expanding utilization of low-value woody biomass for thermal, electric and liquid-fuel energy. Engage rural electric cooperatives, public utilities, community facility managers and other partners in the research, testing and deployment of new and modified heat and electric generation projects and liquid-fuel facilities from hazardous fuels reduction, conifer removal and other forest and rangeland restoration efforts.
- Exploring opportunities to support new and diversified rangeland products, markets and processing infrastructure, such as mobile meat processing, renewable energy production (wind and solar), local and regional food hubs, and recreation.

A5D: The federal government should negotiate a fair and equitable U.S.-Canada Softwood Lumber Agreement as an element of maintaining and strengthening domestic markets for wood products.

Legislative Recommendations

Legislative action must address chronic capacity constraints and develop and expand additional authorities that build on past progress. One of the most significant steps Congress can take to increase the scale and pace of restoration activities is to comprehensively address federal agency budgeting. The decline of federal staff and resources for land management, in large part due to the shifting of funds to pay for the increasing cost of wildfire suppression, must be resolved in order to meet the challenges facing federal agencies. The 2014 Farm Bill made real progress in elevating an implementation role for states in federal land management by providing new statutory tools, and permanently authorizing and expanding other authorities with the goal of accelerating forest and rangeland restoration. Further action and improvements are needed in the 2018 Farm Bill or other federal legislation, with particular focus on

actions to achieve landscape-scale restoration objectives.

PRIORITY 1: Reform federal fire funding management procedures:

L1A: Provide a comprehensive fix for the two challenges posed by the present wildland fire budget approach: 1) the cost of fire suppression (10-year average) as a share of the agencies' budgets continues to increase, as budgets remain relatively flat; and 2) the need to transfer funds from non-fire to fire accounts mid-season when budgeted funds are insufficient.

L1B: Address the associated impacts of wildfire funding on federal natural resource management capacity, planning and project implementation. Ensure budget actions continue to support state wildfire and forestry capacity, including the USFS State and Private Forestry programs.

PRIORITY 2: 2014 Farm Bill modifications:

L2A: 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.

L2B: 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.

L2C: Authorize the use of stewardship and GNA funds for recreation improvements and forest and rangeland restoration planning and implementation activities.

L2D: Consider extending the length of stewardship or timber contracts up to 20 years, or allowing for periodic review and extension of contracts to provide economic certainty to restoration industry partners and address related cancellation ceiling constraints. Allow for a portion (up to five percent) of



The cost of fire suppression continues to increase, as budgets remain relatively flat, which results in the need to transfer funds from non-fire to fire accounts when budgeted funds are insufficient.



WORKSHOP: DEADWOOD, SOUTH DAKOTA (Dec. 1-2, 2016)

Keynote: Dennis Daugaard, Governor of South Dakota

SUMMARY

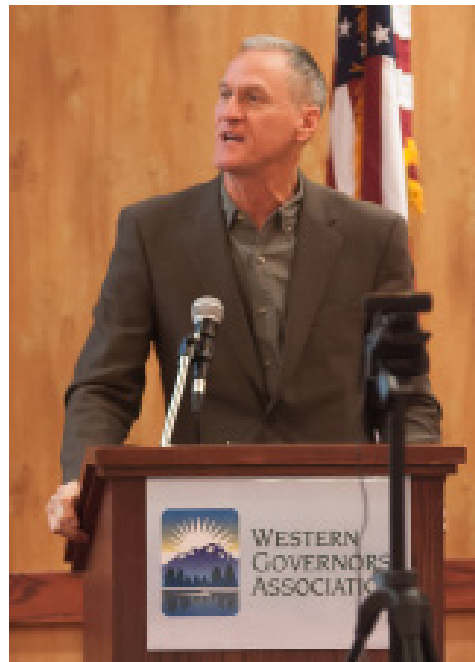
South Dakota was the scene of the third National Forest and Rangeland Management Initiative workshop, hosted by Governor Dennis Daugaard in Deadwood. The Governor encouraged practical solutions to land management challenges. "I'm so glad to see so much expertise here," said the Governor. "But we don't want to use this workshop to just clap each other on the back. We want to use this to think about how to do things better."

The Governor pointed out that the city of Deadwood earned its name from a pine beetle infestation back in the 1800s, and insect depredation is still a significant challenge. The worst beetle outbreak in South Dakota history has taken place in recent years, but collaborative efforts with the USFS have had a

successful effect in blunting the current invasion.

The Black Hills has been one of the most actively managed areas in the U.S., and provided excellent examples of how timber operations, the use of prescribed fire, and livestock grazing can contribute to the health and resilience of forest and rangeland systems.

"Proper land management is critical," said Governor Daugaard. "It helps control fire danger and supports economic growth and tourism. The Black Hills have been a great success story for active management. Despite vibrant timbering, it is still a beautiful forest, attractive to recreationalists. And this has worked because of the great relationships developed over time between the state and USFS."



"We don't want to use this workshop to just clap each other on the back," Gov. Dennis Daugaard said at the Deadwood workshop. "We want to use this to think about how to do things better."

retained receipts from stewardship contracting to be used for subsequent project planning and analysis.

L2E: 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 (RCPP), 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.

PRIORITY 3: Update the federal legislative framework to bolster and clarify the appropriate use of NEPA tools, support collaborative efforts and provide additional flexibility in the development and execution of restoration projects:

L3A: 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:

- 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



WEBINAR: Rangeland Management Strategies and Tools: Promoting Resiliency and Addressing Invasive Species

A panel of rangeland ecologists and researchers discussed emerging technologies that increase the resilience of western rangeland plant communities to invasive weeds. Panelists emphasized that, as new species appear and range use patterns

change, land managers must remain adaptable, experimental, and innovative. The panel was moderated by Jeremy Maestas, Sagebrush Ecosystem Specialist with the U.S. Department of Agriculture's Natural Resources Conservation Service. A sample of panelists' comments:

- "I think it's really important that we take to heart, not just in words but in actions, that it's not the year 1850 anymore. We have a fundamentally different disturbance ecology that's present within the annual grass zone. We are going to have to think outside the traditional box and embrace that new ecology if we are going to be able to maintain resilient landscapes."
Chad Boyd, Rangeland Ecologist, Research Leader, Burns, Ore., Agricultural Research Service
- "Our strategic approach to weed and rangeland management in Wyoming is to try to do the right thing, at the right place, at the right time. It's not as easy as going out and killing some weeds; it's about understanding what the situation is, and knowing about how the species that you're dealing with fits into that situation. It's important to find leverage points that are driven by ecological understanding, and to find where we can put a small amount of effort and have a large amount of result."
Brian Mealor, Director, University of Wyoming's Sheridan Research and Extension Center
- If our choice is to spend a lot of money and fail repeatedly with native seeds or be successful with exotic seeds and establish an exotic monoculture, that's a tough choice in terms of conservation values in the long run. I don't think we're going to get all the societal outcomes were looking for if we don't find some other solutions and new routes to establish native plant communities." **Jay Kerby, Southeast Oregon Project Manager, The Nature Conservancy**



- Provisions allowing for the implementation of project-level actions barring the introduction of new information or unforeseen circumstances.

Congress should consider creating a limited and short-term Categorical Exclusion (CE) under NEPA available to expedite work in these pilot landscapes while the environmental analysis is being developed, available for use at the agency's discretion provided the analysis achieves defined progress milestones.

L3B: 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.

L3C: Develop a new NEPA restoration Categorical Exclusion (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.

L3D: Allow federal 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.

L3E: Reward successful implementation of collaborative projects through increased funding, retained-receipt authority, or other capacity to pursue subsequent projects.

L3F: Resolve outstanding issues with potential requirements to reinstate endangered species consultations following the adoption, amendment or revision of an appropriate management plan.

PRIORITY 4: Strengthen and expand high impact programs:

L4A: Codify and fully fund the USFS State and Private Landscape Scale Restoration Competitive Grant program to prioritize work consistent with state forestry goals and action plans.

L4B: 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.

L4C: Pass legislation to promote forest and rangeland product markets and technologies, and expand funding for the Community Wood Energy Program. Use program funds to create and incentivize state, federal and tribal partnerships in support of these objectives.

L4D: Pass legislation, such as the 21st Century Conservation Service Corps Act, to make it easier for young people and veterans to complete quality, cost-effective maintenance and improvement projects on public and tribal lands and waters across the country. These programs could address the backlogged maintenance needs of land and water management agencies; enhance outdoor recreation opportunities; improve the accessibility of public lands; and respond to wildfires and other natural disasters.

L4E: Codify and direct funding for the Joint Chiefs Landscape Restoration



Nearly 400 attendees from across a wide spectrum took part in the regional workshops held in Montana, Idaho, South Dakota and Oregon.

Program to facilitate continued partnership and investment between the Forest Service and NRCS to support restoration projects where federal and private land ownership and management goals intersect.

Implementation and Next Steps

As the Initiative enters its second year, Western Governors will be primarily focused on the implementation of these recommendations, within their own states, collaboratively through WGA and in various legislation being considered by the U.S. Congress. Several matters were raised over the past year that deserved additional attention, but time constraints or subject complexity prevented a thorough consideration of these issues. WGA intends to continue the conversation on these matters and other emerging items with the goal of providing concrete recommendations in these areas as well.

Litigation/Alternative Dispute Resolution (ADR)

Although litigation over federal forest management decisions has declined

considerably over the past two decades, lawsuits can still frustrate forest collaborative efforts and have a ripple effect on broader federal practices and policy. The topic of litigation and its potential alternatives is both complex and controversial. There are no easy or simple answers, but it is necessary to explore whether better procedures and outcomes can be achieved.

During the past year, Western Governors heard from workshop participants about issues associated with litigation. This feedback led to a WGA-sponsored webinar that explored the present and future role of forest litigation, potential alternatives to traditional adjudication in federal courts, or other alternatives that might expedite review or allow for a certain set of projects to proceed while claims are considered. A broad spectrum of conservation and timber industry representatives, public officials, and other interested parties participated in the webinar.

The webinar panel explored Alternative Dispute Resolution (ADR) as a means of resolving forest management disagreements. The most frequently cited alternative to litigation was arbitration. Engaging an arbitrator – instead of a federal judge – to



WORKSHOP: BEND, OREGON (Jan. 23-24, 2017)

Keynotes: Kate Brown, Governor of Oregon, and Leslie Weldon, Deputy Chief, U.S. Forest Service

SUMMARY

Governor Kate Brown hosted the fourth workshop of the National Forest and Rangeland Management Initiative in Bend, Oregon. The meeting highlighted collaboration's role in creating economic opportunities, fostering robust rural economies, and preserving natural resources.

"We know we accomplish more working together. We have benefited tremendously from this collaboration in Oregon," Governor Brown observed in her opening remarks.

"I am focused on creating jobs in our timber and rural communities," she continued. "In Oregon, we continue to pursue strategies to accelerate the pace, scale, and quality of restoration of our federal forests."

As an example, Governor Brown noted that in 2006, the timber sale program on the Malheur National Forest was effectively zero. Disagreements over forest management were grinding restoration activities to a halt. The formation of the Blue Mountain



Governor Kate Brown noted during her opening remarks at the Bend workshop that "In Oregon, we continue to pursue strategies to accelerate the pace, scale, and quality of restoration of our federal forests."

Forest Partners collaborative has resulted in the reinstatement of active management. That has led to a 200 percent increase in home sales in the area, as well as school enrollment increases and a decrease in unemployment.

USFS Deputy Chief Leslie Weldon commended the work of the initiative, noting that the workshops "are really helping us chart a strong path for

shared stewardship with the states, with federal land managers, and tribes, and communities."

Deputy Chief Weldon encouraged initiative participants to "not be limited by conventional thinking" in looking for innovative solutions to the threats facing forests and rangelands in the West. "Our challenges are great," Governor Brown observed, "but I am confident our resolve is greater."

adjudicate claims is appealing to industry and conservation interests. As there are different systems of arbitration (and widespread dissatisfaction with the current system), a more thorough examination of arbitration as an alternative to litigation is warranted.

Most current litigation on behalf of environmental organizations is concentrated in the Northern Rockies region. Some participants expressed concern that Congress could change the current system for everyone to address the actions of a few. Others emphasized the importance

of retaining the ability to challenge government actions due to substantive or procedural violations of law, and expressed reservations that ADR could be implemented in a way that safeguards these principles. It was also suggested that a limited-scale ADR pilot program could provide valuable insights on the feasibility of different ADR approaches.

Despite a variety of views on the merits and efficacy of ADR, many agree that plaintiffs should have an appropriate venue in which to air opposition to, or grievances over, forest and rangeland projects. At the same time, litigation

intended to stall or halt collaboratively developed projects – without consideration of a project's merits, quality, or the collaborative process used in project design and decision-making – undermines the objectives of all parties and fosters disincentives for achieving restoration and management objectives.

Western Governors see a need for further dialogue to determine recommendations that can help resolve chronic litigation challenges, while allowing for the appropriate adjudication of claims. Strategies should explore the full range of



ADR tools, potential variations in the timing and scope of these tools in project development and decisions, and other strategies that can be deployed administratively or legislatively to significantly reduce litigation delays and risks beyond the use of ADR. Western Governors look forward to pursuing options and recommendations further in year two of the initiative in consultation with federal agencies and interested stakeholders.

Pacific Islands Land Management Challenges

The flora and fauna of the state of Hawaii and U.S.-flag island territories in the Pacific Ocean differ markedly from in the continental U.S. Many of the land management challenges faced by the Pacific Islands are instantly familiar to any continental state forester or federal land manager. These include:

- water quantity and quality;
- invasive species;
- insect and disease control;
- changing climate;
- wildfire and public safety; and
- watershed function.

WGA will examine the challenges faced by the Pacific Islands and develop a strategy for these areas that can be integrated into the broader WGA National Forest and Rangeland Management Initiative. WGA plans to convene a Pacific Islands workshop or webinar (or combination) to explore the land management challenges in the state of Hawaii and the U.S.-flag territories, including island challenges identified in their Forest Action Plans. WGA will also examine how individual islands collaborate with federal agencies to accomplish restoration and seek information on the level of engagement of non-federal entities in the execution of restoration activities. Finally, WGA will explore additional opportunities for partnerships to advance collective priorities and needed restoration actions in Hawaii and the U.S.-flag territories.

Tribal Practices and Additional Collaboration Opportunities

Tribal lands and tribal traditional ecological knowledge (TEK) are an important component of forest and rangeland management in the West. In the United States, more than 55 million acres of land are held in trust by the federal government for various Native American tribes and individuals, the vast majority of which are located in western states. These lands are owned and managed by the 567 federally recognized American Indian tribes and Alaska Natives in the United States. The federal Bureau of Indian Affairs (BIA) is responsible for the administration and management of the surface land and 57 million acres of subsurface minerals estates held in trust for Native American and Alaska Natives.

Tribes possess nationhood status and retain inherent powers of self-government, and states have no authority over tribal governments unless expressly authorized by Congress. The relationship between tribes and states is that of one sovereign government to another. States and tribes frequently collaborate and cooperate through compacts or other agreements on

matters of mutual concern (such as environmental protection and law enforcement).

The Tribal Forest Protection Act (P.L. 108-278) does allow the Secretaries of Agriculture and Interior to give special consideration to tribally-proposed SCA or other projects on federal lands to protect the Indian trust resources from fire, disease, or other threats. It is clear, however, that there are additional opportunities for collaboration with Tribes. For example, the integration of tribal lands into cross-boundary land management discussions has proven to be of great benefit in many instances. While some aspects of tribal involvement were discussed at the initiative workshops, opportunities to include tribes in the planning and execution of restoration activities should be examined further. In the coming year, WGA plans to convene a western tribal forest and rangeland restoration workshop or webinar to explore increased collaboration opportunities to achieve mutual tribal and state land management objectives.

Enhanced Tracking and Performance Metrics

WGA plans to pursue emerging ideas to better track and measure impacts of



U.S. Forest Service Deputy Chief Leslie Weldon commended the work of the Initiative at the Bend workshop, noting that participants “are really helping us chart a strong path for shared stewardship with the states, with federal land managers, and tribes, and communities.”



forest and rangeland restoration in collaboration with federal agencies, academic partners and Congress. Improved tracking and metrics are needed to chart progress, better understand the ramifications of inaction, and assist in prioritizing future work. Preliminary recommendations include:

- Examine the creation of a Federal Forest and Rangeland Planning and Project Dashboard to enable periodic and real-time monitoring of federal project planning and implementation, including improved measures of restoration outcomes. As a part of this, explore the opportunity for a pilot project to develop a collaborative online geographic information system (GIS).
- Research and establish common interagency metrics to better assess the economic, social and ecological value of forest and rangeland restoration activities, including avoided costs of catastrophic wildfire, and economic impacts to other linked sectors (such as the livestock, timber, water supply and outdoor recreation industries). Develop recommendations on how these metrics of the economic value of restoration can be better incorporated into decision-making. Research and establish common interagency metrics of large-scale community wildfire resilience to track progress across multiple projects and resilience strategies.
- Integrate rangeland assessment metrics (soil, water, plants, animals, productive capacity) to create a rangeland sustainability report that addresses ecological, economic and social impacts of restoration activities. Use these metrics to identify and prioritize restoration activities on rangelands.

WEBINAR: Land Management Conflict: Current Litigation and the Future of Alternative Dispute Resolution

Citizen-suits, collaboration, and alternative dispute resolution (ADR) was the focus of the conversation. Moderated by David Dreier, President of Foresight LLC, a diverse panel discussed how collaboratives can be structured to avoid lawsuits, when ADR is appropriate, and how an equitable outcome can be reached when litigation does occur. A sample of panelists' comments:



- “If you were to ask anybody, ‘Has litigation been a benefit to the whole process?’ I think an objective answer would be, ‘No.’ Today, we are re-litigating the same issues under fundamental laws that we have litigated for several decades. The courts are not a good place to resolve what are the fundamental questions here, and we have to seek alternative venues.” **Jim Riley, Principal, Riley and Associates**
- “20 years ago, or 30 years ago, litigation over forest planning and sales was really hammering out big questions about what was the Forest Service’s duty to implement forest plans that manage for multiple purposes. Many of those big overarching questions have been worked out through that environmental litigation. Trout Unlimited believes that a sort of sale-by-sale litigation strategy looks in the rearview mirror, as opposed to a strategy that really moves forward National Forest management in a way that’s helpful for both wildlife species and rural communities.” **Laura Ziemer, Senior Counsel and Water Policy Advisor, Trout Unlimited**
- “The Forest Service is very open to any idea that fosters a mechanism that allows us to collaborate and engage with people more effectively than the set of tools we have right now. Any process that we can use to help us focus more on working closer with people, getting the project right, getting wider support for the actions we are going to do, as opposed to the more process-oriented pieces that focus on preparing for what may occur during litigation, is very helpful to the agency.” **Chris French, Director, Ecosystem Management Coordination, U.S. Forest Service**
- “People want to be part of success. They want to be part of solving problems locally, of having their own local flair be part of how local lands are managed. You want to incentivize working together and coming up with projects that are durable and can get implemented. That is really where the future of land management lies, but I don’t think that it is a silver bullet. You can’t force people to collaborate, so there has to be a way for them to continue to engage. These are public lands. If they feel that laws have been violated, substantive and procedural, they should have their day in court.” **Susan Jane Brown, Wildlands Program Director and Staff Attorney, Western Environmental Law Center**





The Custer Gallatin National Forest, Montana

CASE STUDIES

MONTANA

Montana has initiated a multi-faceted strategy called Forests in Focus to accelerate forest and rangeland restoration across all land ownerships and reinforce the positive benefits of state engagement in federal land management. Through the strategy, the state has built capacity and advanced priority projects through a variety of strategies, such as:

- **Chessman Reservoir Stewardship Project:** Designed to help protect the Helena water supply, this 490-acre project on the Helena-Lewis and Clark National Forest was administered by the Montana Department of Natural Resources (DNRC). Completed in late 2016, this project reduced hazardous fuels on approximately 500 acres of dead and dying forests adjacent to the reservoir, as well as difficult hand thinning and fuel removal along

the length of the water conveyance flume. About four million board feet of wood products were also generated by the project, helping to underwrite the cost of the fuel reduction treatments.

- **Investing in Coordination and Implementation of Federal Forest Restoration:** Montana created a Federal Forest Liaison position in 2014. Doing so has proven instrumental in providing clear communication and coordination to support state investments in priority federal projects, advance new tools under the 2014 Farm Bill, and ensure state equities are reflected in forest plan revisions.

Montana has also invested over \$2 million of state funds in 27 USFS forest restoration projects, which will help bring them online more quickly. All told, the investments are expected to treat approximately 285,000 acres

and produce 165 million board feet of timber. The efficacy of DNRC investment is being analyzed to form the basis for future investments of state funds in federal forest projects.

Direct Investment in State, Tribal and Private Forest Projects: Since 2014, Montana has invested \$5.5 million in more than 34 projects on state, tribal, and private forest lands. The majority of these projects have been implemented, completing forest restoration and fuel reduction on approximately 10,000 acres, and producing 22 million board feet and 71,000 tons of pulp logs.

Assistance to Local Governments: Through the DNRC Local Government Forest Advisor, Montana has helped bring county commissioners and USFS leadership together to improve dialogue and coordination on federal forest planning and management. Montana has provided financial





Sawtooth Valley, Idaho.

assistance to counties to help pay for travel, analysis, and facilitate their efforts to engage with their federal counterparts. In the fall of 2016, DNRC helped plan and host the first annual “County Forest Summit,” which facilitated dialogue between federal and state officials around forest management issues. DNRC is also planning to provide financial and technical assistance to four Montana counties as they intervene in court on priority USFS projects that are under litigation.

Good Neighbor Authority: Montana signed a Master Good Neighbor Agreement (GNA) in July 2016, and completed the pilot Jumping Creek Campground GNA project soon after. Analysis has started for the Pintlar-Prison GNA Project on the Beaverhead-Deerlodge National Forest and adjacent lands owned by the Montana Department of Corrections and private landowners. Two other GNA projects on the Lolo and Kootenai National Forests are in the planning stages as well. A master GNA Agreement with

the Bureau of Land Management (BLM) has been finalized and is awaiting signature; several GNA projects are anticipated to be initiated between DNRC and the BLM in 2017.

Collaboration: The DNRC Federal Forest Liaison and Local Government Forest Advisor have been active in several forest collaborative groups around the state, and helped form the Montana Forest Collaboration Network in late 2016.

IDAHO

Idaho has been a state leader in the use of Good Neighbor Authority (GNA), which allows states to enter into cooperative agreements with certain federal agencies and permits them to perform various land management activities on federal lands.

GNA Statewide Master Agreement: The state has already established a GNA Statewide Master Agreement between the Idaho Department of Lands (IDL) and Regions 1 and 4 of the

U.S. Forest Service. It has also entered into a five-year agreement with three forest products industry cooperators, who have committed to providing up to \$1 million over five years to cover partial startup costs for GNA projects. Additionally, IDL has entered into a three-year contract with five environmental firms to support NEPA through the state’s GNA agreements. This contract allows the environmental firms to supplement the individual forests’ NEPA teams as needed, or complete the full analysis from start to finish on any National Forest that the state has a GNA agreement with.

Supplemental Project Agreements: Supplemental Project Agreements (SPAs) have been developed and signed on the Nez Perce-Clearwater, Payette, and Idaho Panhandle National Forests. The SPAs authorize and describe how IDL will implement GNA forest restoration projects on those National Forests. Successes include:

- The first GNA timber sale (Wapiti timber sale) on the Nez Perce-



Clearwater National Forests, which is expected to generate approximately 4.5 million board feet and \$1.2 million in net program income for Idaho GNA.

- Field work for the Lost Creek Boulder Creek and Brundage Vegetation Management Projects. On Lost Creek Boulder Creek, approximately 150 acres have been designated for harvest, and on Brundage, 180 acres with 14 treatment units have been identified for treatment.
- Reconnaissance work on the 3,000-acre Hanna Flats project, a thinning and fuel reduction project, has started near Priest Lake on the Idaho Panhandle National Forest. The field reconnaissance work provided the basis to begin the collaborative conversation with the public for a proposed action within the NEPA process.

SOUTH DAKOTA

South Dakota's effort to address Mountain Pine Beetle (MPB) infestation is an excellent example of successful cross-boundary management.

Black Hills Forest Initiative: Governor Dennis Daugaard led a Black Hills Forest Initiative focused on state and private lands as a part of the overall MPB effort, and later expanded to federal lands. The state legislature supplied almost \$11 million over several years to complete work on priority landscapes across private, state and federal lands. In addition, two Landscape Scale Restoration grants provided by USFS State and Private Forestry over three years added another \$600,000 to the MPB suppression effort.

Since 2011, this initiative has resulted in the survey of 278,149 acres of state and private land and the completion of 4,807 acres in Black Hills National Forest timber sales, identifying 672,000 infested trees and the treatment of 557,000 trees.

County Mountain Pine Beetle Initiative:

Supported by state and county funds, the County Mountain Pine Beetle Initiative identified over 121,000 infested and dead trees in four key counties, and by the end of 2015 had treated more than 84,000 of those trees. The result of these concentrated efforts, coupled with 1.4 million infested trees harvested by local forest products industry, has achieved a dramatic reduction in the amount of MPB-caused pine mortality in the Black Hills.

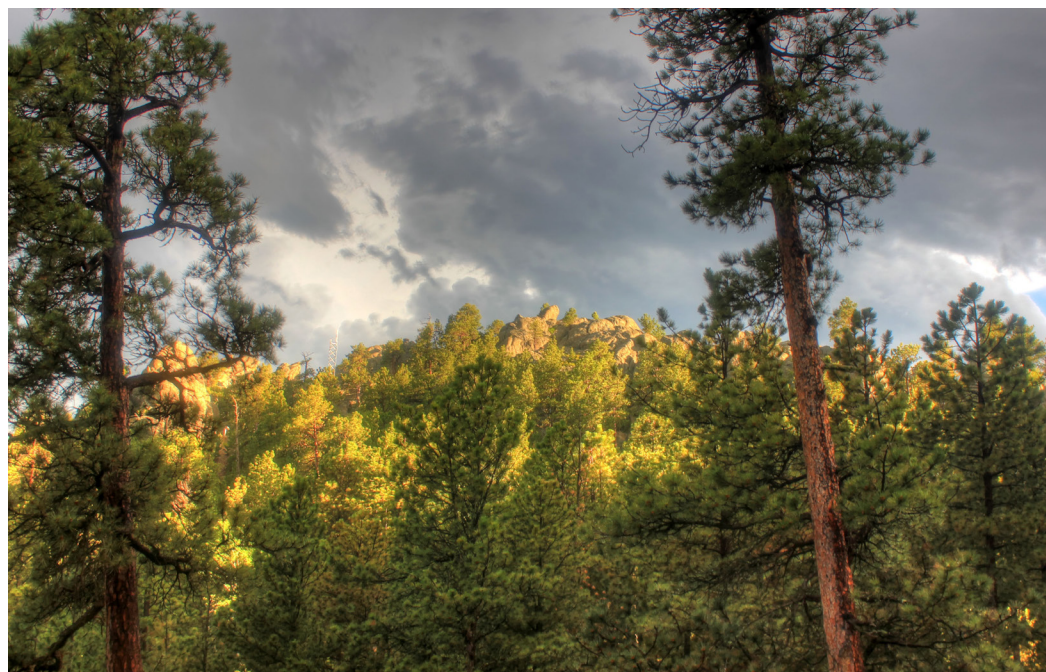
OREGON

The Federal Forest Restoration Program has been instrumental in accelerating the pace, scale and quality of restoration projects in Oregon. About 10 percent of program funds have been awarded as grants to local collaborative groups to procure facilitation services and technical assistance to reach agreements for landscape scale projects.

- One example of success is the Blue Mountain Forest Partners, which switched from a project-by-project approach to an issues-based approach to collaboration. This has allowed the group to expand their agreements to keep up with

the accelerated pace of restoration. Since 2013, the Malheur National Forest has tripled its timber output and expanded the boundary of the Southern Blues CFLR project area by 300,000 acres. In addition to grants, the state has used funds to assist the Forest Service with data collection to reduce NEPA timeframes. The state has also used firefighting staff on the shoulder seasons to assist with pre-sale layout on 54 timber sales statewide to increase the pace of treatment implementation. On the Willamette National Forest, the state is estimated to have completed 55 percent of all pre-sale layout in the fiscal year and helped the forest exceed its timber target.

- Another notable success is the Blue Mountains Cohesive Strategy Pilot Project, which is located on 7.5 million acres of mixed land ownership in northeastern Oregon, southeastern Washington and western Idaho. Federal Records of Decision were signed on 137,487 acres of collaborative projects within the Blue Mountains region from 2012-2014, with planning work proceeding on an additional 465,356 acres. In addition to treatments



Black Hills Forest, South Dakota.



on both federal and private lands, the Department of Forestry and Department of Fish and Wildlife (ODFW) partnered to implement a timber sale on a property owned and managed by ODFW.

WYOMING

Wyoming Governor Matt Mead established a Task Force on Forests in 2013. The group was charged with examining all forests in the state, regardless of jurisdiction, and providing recommendations to assess and address the challenges affecting forest conditions and management. The final report had 12 major recommendations and 53 sub-recommendations for the Governor's consideration. The task force's efforts have served as a blueprint for improving forest management practices throughout the state.

NEW MEXICO

The Watershed Restoration Initiative, started by New Mexico Governor Susana Martinez in 2014, has enabled forest restoration projects designed to improve and protect water quality. Approximately \$12.2 million in state funds and an additional \$9.475 million of matching federal funds have been committed to carry out initiative

work. The state and its partners have undertaken 50 separate projects covering 27,263 acres in 14 watersheds identified as high priority in the New Mexico Forest Action Plan – and many of are located on federal lands.

One notable success has been the Mescalero Apache Tribe Watershed Restoration Project. The project targeted three watersheds listed as high priority by New Mexico State Forestry, as part of a statewide assessment that looked at watershed areas that are considered at-risk. The project was completed ahead of schedule due, in large part, to the collaboration of the state and the tribe. The restoration work reduced tree density throughout the watersheds, promoting forest resiliency, benefiting overall forest health and lowering the threat of uncharacteristic wildfire. This will not only improve the watersheds on Mescalero tribal land, but extend protection to water resources and communities downstream within the Tularosa Basin.

COLORADO

Soil health impacts from uncharacteristic catastrophic wildfires along Colorado's Front Range, including the 1996 Buffalo Creek and 2002 Hayman wildfires, have led to severe

erosion and sediment accumulation in reservoirs supplying drinking water for the greater Denver area.

From Forests to Faucets is a partnership between the Colorado State Forest Service, USFS, the Natural Resources Conservation Service, and the Denver Water Department. The partnership began in 2010 with the goal of restoring forests affected by wildfire and mitigating wildfire risk in critical watersheds to reduce future water quality impacts. To date, more than 40,000 acres of National Forest System (NFS) lands have been treated for fire mitigation and restoration.

In February 2017, the partnership was renewed until 2021 and \$33 million pledged to complete projects across NFS and private lands in support of watershed protection for Denver's water supply.

CALIFORNIA

Governor Jerry Brown established the Tree Mortality Task Force (TMTF) to address the effects of bark beetle infestation and prolonged drought. The TMTF includes state and federal agencies, local governments, utilities and various stakeholders working cooperatively to coordinate emergency protective actions and monitor on the ground conditions.

The state estimates that since 2010, more than 100 million trees have succumbed to the stress of beetle infestation or drought. Of California's 32 million acres of forestland, over 6 million acres have been classified as either Tier I or Tier II High Hazard Zones. The TMTF coordinates federal, state and local governments to ensure that restoration activities are organized effectively, ensuring that these high-hazard areas receive priority treatment. It also serves as an important focal point of communication between different layers of government, non-governmental organizations, tribes, and private landowners, providing regular updates on tree mortality and the status of restoration activities.



Firefighters on the 2002 Hayman Fire, whose long-term impacts dramatically affected water quality and supply for the Front Range of Colorado.



ON THE WEB

A central objective of the Chairman’s Initiative is to enable participants to engage in discussions designed to deliver insights on current land management practices and identify improvements that will put western states on a path to developing healthy, resilient landscapes and communities. To ensure the conversation reached the widest possible audience, WGA launched an online resource that includes videos of all Workshops, our Webinar series, and a variety of other resources. We’ve also created the Chairman’s Initiative Appendix, a document that delivers expanded detail on the conversations at each workshop, as well as responses to questionnaires shared with participants.



WORKSHOPS

Nearly 400 attendees took part in the four regional Chairman’s Initiative Workshops. The workshops were “livestreamed” on the web and subsequently posted to YouTube. Workshops were hosted by Gov. Steve Bullock in Montana, Gov. C.L. “Butch” Otter in Idaho, Gov. Dennis Daugaard in South Dakota and Gov. Kate Brown in Oregon.

A graphic for a webinar series. At the top, it says 'WESTERN GOVERNORS' National Forest and Rangeland Management INITIATIVE WEBINAR SERIES'. Below that, the date 'NOV. 10, 2016' is shown. The main title is 'The Future of Wild Horse and Burro Management: Challenges and Opportunities'. The moderator is 'U.S. Representative Chris Stewart (UT-2)'. The panelists listed are JJ Goicoechea (Eureka County Commissioner Chair, Eureka County Nevada), Tammy Pearson (Commissioner, Beaver County Utah), Dr. Eric Thacker (Professor of Wildlife Resources, Utah State University), Callie Hendrickson (Executive Director, White River & Douglas Creek Conservations Districts in Rio Blanco County, CO), and Kathleen Clarke (Director, Utah Public Lands Coordinating Office). At the bottom, a small text box says 'Learn more about the Chairman's Initiative of Gov. Steve Bullock at westgov.org/initiatives/forest-and-rangeland-initiative'. The graphic includes a photo of a wild horse in a grassy field with mountains in the background.

WEBINARS

The Chairman’s Initiative Webinar Series featured the leading thinkers on topics such as “The Future of Wild Horse and Burro Management,” “Rangeland Management Strategies and Tools,” and “Land Management Conflict,” which explored litigation and Alternative Dispute Resolution.

Find the Chairman’s Initiative online resource and join the conversation at:

westgov.org



ACKNOWLEDGMENTS

WGA appreciates the time and effort that workshop panelists provided to the initiative. We would also like to thank the following for their assistance throughout the past year:

- **Bob Harrington**, Montana State Forester
- **Tim Baker**, Member, Northwest Power and Conservation Council
- **Patrick Holmes**, Natural Resources Advisor, Montana Governor's Office
- **Christine Dawe**, Director of Renewable Resources Management, U.S. Forest Service
- **Kelsey Delaney**, Policy Director, Council of Western State Foresters
- **Carol Ekarius**, Executive Director, Coalition for the Upper South Platte
- **Jonas Feinstein**, State Conservation Forester, Natural Resources Conservation Service
- **Tom France**, Senior Director, Western Wildlife Conservation, National Wildlife Federation
- **Tom Fry**, Western Conservation Director, American Forest Foundation
- **Ron Gray**, Wood Fuel Manager, Avista Utilities
- **Buddy Green**, Wyoming Deputy State Director, US Bureau of Land Management
- **Joseph Hansen**, Conservation Forester, Jefferson Conservation District
- **Bob Harrington**, Montana State Forester
- **Wayne Hedman**, Bitterroot Restoration Committee
- **Jennifer Hensiek**, Missoula District Ranger, Lolo National Forest, USFS
- **Bill Imbergamo**, Executive Director, Federal Forest Resource Coalition
- **Denny Iverson**, Blackfoot Challenge
- **Dyrk Krueger**, Enhanced Forest Management, Inc.
- **Rich Lane**, Willis Enterprises
- **Tera Little**, Farm Bill ID Team Leader, USFS
- **Tim Love**, Montana Forest Collaboratives' Network
- **Sarah Lundstrum**, National Parks Conservation Association
- **Leanne Marten**, Regional Forester, USFS Northern Region
- **Mary Mitsos**, National Forest Foundation
- **Cassandra Moseley**, Director, Institute for a Sustainable Environment, University of Oregon
- **Mark Peck**, Lincoln County Commissioner, MT
- **Mike Petersen**, Lands Council
- **Ralph Rau**, Regional Fire and Aviation Director, USFS-Region 1
- **Chuck Roady**, General Manager, F.H. Stoltze Land and Lumber
- **Gordy Sanders**, Resource Manager, Pyramid Mountain Lumber
- **Dave Schulz**, Madison County Commissioner, MT
- **John Tubbs**, Director, Montana DNRC
- **Russ Vaagen**, Vice President, Vaagen Bros Lumber Co.
- **Chas Vincent**, Kootenai Forest Stakeholders Coalition

Panelists and Speakers

Missoula, Montana Workshop

September 20-21, 2016

- **Honorable Steve Bullock**, Governor of Montana
- **Tom Tidwell**, Chief, US Forest Service
- **James D. Ogsbury**, WGA Executive Director
- **Matt Arno**, Local Government Forest Advisor, Montana DNRC
- **Tim Baker**, Montana Governor's Office
- **Rebecca Barnard**, National Forestry Programs Manager, National Wild Turkey Federation
- **Mo Bookwalter**, DNRC-USFS Liaison
- **Caroline Byrd**, Executive Director, Greater Yellowstone Coalition
- **Cecilia Clavet**, Senior Policy Advisor, The Nature Conservancy
- **Tony Colter**, Plant Manager, Sun Mountain Lumber Company
- **Christine Dawe**, Acting Director of Forest Management, USFS
- **Kelsey Delaney**, Council of Western State Foresters
- **Ryan Domsalla**, West Fork District Ranger, Bitterroot National Forest, USFS

Boise, Idaho Workshop

October 20-21, 2016

- **Honorable C.L. "Butch" Otter**, Governor of Idaho
- **Jim Lyons**, US Department of the Interior
- **James D. Ogsbury**, WGA Executive Director
- **Steve Acarregui**, BLM Fire and Aviation Directorate
- **David Anderson**, Natural Resource Results
- **Zoanne Anderson**, Maggie Creek Area Manager, IDL
- **Dennis Becker**, University of Idaho
- **Bob Boeh**, Idaho Forest Group
- **Mike Courtney**, Twin Falls District Manager, US Bureau of Land Management
- **Gordon Cruickshank**, Valley County Commissioner
- **Christine Dawe**, USFS Acting Director of Forest Management
- **Kelsey Delaney**, Council of Western State Foresters
- **Don Ebert**, Clearwater County Commissioner



- **Mary Farnsworth**, USFS Acting Deputy Regional Forester
- **Craig Foss**, IDL
- **David Groeschl**, Idaho Department of Lands (IDL)
- **Toni Hardesty**, The Nature Conservancy
- **Darcy Helmick**, RFPA Member
- **Alex Irby**, Clearwater Basin Collaborative
- **Liz Johnson-Gebhardt**, Priest Community Forest Connection
- **Don Kemner**, Idaho Department of Fish and Game
- **Shawn Keough**, Associated Logging Contractors - Idaho
- **Gina Knudson**, USFS Salmon-Challis National Forest
- **Terry Kramer**, Twin Falls County Commissioner
- **Keith Lannom**, USFS Payette Forest Supervisor
- **Charles Lyons**, RFPA Member, Percy Ranch
- **Jeremy Maestas**, Natural Resources Conservation Service
- **Joe Merrick**, Owyhee County Commissioner
- **Mikal Moore**, National Wild Turkey Federation
- **Peg Polichio**, IDL GNA Contractor
- **Cheryl Probert**, USFS Nez Perce-Clearwater Forest Supervisor
- **Brenda Richards**, Owyhee County Rancher
- **John Robison**, Idaho Forest Restoration Partnership
- **Allen Rowley**, USFS Rangeland Management Director
- **Tom Schultz**, Director, Idaho Department of Lands
- **Julia Sullens**, IDL
- **Rick Tholen**, Payette Forest Coalition
- **Troy Timmons**, WGA
- **Will Whelan**, The Nature Conservancy

Deadwood, South Dakota Workshop December 1-2, 2016

- **Honorable Dennis Daugaard**, Governor of South Dakota

- **Troy Timmons**, WGA
- **Craig Bobzien**, USFS, Black Hills National Forest Supervisor - Retired
- **Ryan Brunner**, Commissioner of South Dakota School and Public Lands
- **Chance Davis**, Heart Tail Ranch, LLP
- **Christine Dawe**, USFS
- **Kelsey Delaney**, Council of Western State Foresters
- **Jay Esperance**, SDDA Wildland Fire Director
- **Mike Jaspers**, Secretary, South Dakota Department of Agriculture (SDDA)
- **Eric Jennings**, Hollow Valley Ranch
- **Karl Jensen**, South Dakota Association of Conservation Districts
- **Greg Josten**, State Forester, South Dakota Department of Agriculture (SDDA)
- **Lori "Chip" Kimball**, BLM
- **Steve Kozel**, USFS, District Ranger, Black Hills National Forest
- **Jim Neiman**, Neiman Enterprises Inc.
- **Dave Ollila**, Sheep Field Specialist, South Dakota State University Extension
- **Jeff Parrett**, Wheeler Lumber, LLC
- **Bob Paulson**, The Nature Conservancy
- **Hunter Roberts**, South Dakota Governor's Office
- **Allen Rowley**, USFS
- **Bill Smith**, South Dakota Department of Agriculture
- **David Steffen**, Mid Missouri River Prescribed Burn Association
- **Dan Svingen**, USFS
- **Dave Thom**, Custer Conservation District & Coordinator of the MPB Working Group
- **Nancy Trautman**, Pennington County Commissioner
- **Mark Van Every**, USFS, Black Hills National Forest Supervisor
- **Mike Wood**, High Ridge Leadership
- **Ben Wudtke**, Black Hills Forest Resource Association
- **Mary Zimmerman**, Black Hills National Forest Advisory Board

Bend, Oregon Workshop January 23-24, 2017

- **Honorable Kate Brown**, Governor of Oregon
- **Leslie Weldon**, Deputy Chief, US Forest Service
- **James D. Ogsbury**, WGA Executive Director
- **Ron Alvarado**, State Conservationist, NRCS
- **Bill Aney**, Former Eastside Restoration Coordinator, USFS
- **Steve Beverlin**, Malheur National Forest Supervisor, US Forest Service
- **Pete Caligiuri**, The Nature Conservancy
- **Nils Christofferson**, Wallowa Resources
- **Peter Daugherty**, Oregon State Forester
- **Chad Davis**, Partnership and Planning Program Director, Oregon Department of Forestry
- **Steve Grasty**, Judge (Retired), Harney County, Oregon
- **Karen Hardigg**, Rural Voices for Conservation Coalition
- **Paul Henson**, Oregon State Director, US Fish and Wildlife Service
- **Paul Hessburg**, US Forest Service
- **Tom Insko**, Eastern Oregon University
- **Travis Joseph**, American Forest Resource Council
- **Jason Miner**, Governor Brown's Natural Resource Policy Manager
- **Cassandra Moseley**, University of Oregon
- **John O'Keefe**, Oregon Cattlemen's Association
- **Jim Pena**, Regional Forester, US Forest Service
- **Sally Russell**, Mayor Pro Tem of Bend, Oregon
- **Mark Stern**, The Nature Conservancy
- **Sean Stevens**, Oregon Wild
- **John Stromberg**, Mayor of Ashland, Oregon
- **Troy Timmons**, WGA
- **Mark Webb**, Blue Mountains Forest Partners



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MEMORANDUM OF UNDERSTANDING
Between
THE WESTERN GOVERNORS' ASSOCIATION
And The
UNITED STATES DEPARTMENT OF AGRICULTURE
19-MU-11132001-027

This Memorandum of Understanding (MOU) is hereby made and entered into by and between the Western Governors' Association, hereinafter referred to as "WGA," and the United States Department of Agriculture (USDA), Forest Service, hereinafter referred to as the "Forest Service."

Background:

WGA is an instrument of the Governors of 19 western states and three U.S. Pacific territories for bipartisan policy development, information exchange, and collective action on issues of critical importance to the West. Governors possess primary decision-making authority for management of state resources, including many resources on federal lands.

The mission of the Forest Service is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. The Agency manages 193 million acres of public land, works with tribal governments, state and private landowners, and maintains the largest forest research organization in the world. Being a "good neighbor" is an essential component in all of the Agency's work.

I. PURPOSE

The purpose of this MOU is to establish a framework to allow the Forest Service and WGA to work collaboratively to accomplish mutual goals, further common interests, and effectively respond to the increasing suite of challenges facing western landscapes. Federal, state and private managers of forests and rangelands face a range of urgent challenges, among them catastrophic wildfires, invasive species, degraded watersheds, and epidemics of insects and disease. The conditions fueling these circumstances are not improving. Of particular concern, are longer fire seasons, the rising size and severity of wildfires, and the expanding risk to communities, natural resources, and firefighters. To address these issues, the Forest Service announced a new strategy outlining plans to work more closely with states to identify landscape-scale priorities for targeted treatments in areas with the highest payoffs.

The Forest Service will partner with state leaders and work shoulder-to-shoulder to co-manage risks, and identify land management priorities, using all available tools to reduce hazardous fuels, including mechanical treatments, prescribed fire, and management of unplanned fire in the right place at the right time, to mitigate them.

A key component of the Forest Service's new shared stewardship strategy is to prioritize investment decisions on forest treatments—in direct coordination with states—using the most advanced science tools to increase the scope and scale of critical forest treatments that protect communities and create resilient forests and rangelands.

As the chief elected officials of states, Governors expect to engage with federal officials on the formulation and execution of public policy. Governors also have specialized knowledge of their states' environments, resources, laws, culture, and economies that is essential to informed federal decision-making. By operating as authentic collaborators, the states and federal government can improve their service to the public by creating more efficient, effective, and long-lasting policy.

In consideration of the above premises, the parties agree as follows:

II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

The Forest Service and WGA seek to proactively carry out projects to reduce hazardous fuels and improve forest and rangeland conditions in western states. To achieve landscapes that are more resilient to fire and other disturbances, the Forest Service and WGA will take a more integrated approach to prioritizing investments where they will have the greatest impact, and will work together to set priorities that address risk across broad landscapes. A collaborative approach that addresses risk across different ownership boundaries and habitat types will have direct and positive effects on land management practices and the constituents of western states.

III. WGA SHALL:

- A. Identify a key staff member within WGA to act as a coordinator/liaison in this relationship.
- B. Facilitate the involvement of western states and stakeholders in working with the Forest Service to achieve the purposes of this MOU.
- C. Collaborate on mutually agreed upon projects and other work in the pursuit of this MOU's overarching goals. Such projects may be defined within separate agreement(s).
- D. Meet with representatives of the Forest Service to identify strategic areas for collaboration and develop proposals to meet the purpose of this MOU.
- E. Encourage the development of projects and initiatives that promote collaboration in mutually-identified priority areas, including habitat conservation, water quality protection, restoration of wildfire and insect and disease-affected ecosystems.

- F. Evaluate risk through a joint commitment to examining options for managing western cross-boundary landscapes and providing a forum for state officials to collaborate with the Forest Service on actions to take.

IV. THE FOREST SERVICE SHALL:

- A. Work collaboratively with states to share decision space to reach agreements on priority areas that require treatments.
- B. Collectively evaluate risk through a joint commitment to examining options for managing risk and deciding with WGA what actions to take.
- C. Make reasonable efforts to: achieve consistency and avoid conflicts between federal and state objectives, plans, policies, and programs; and address and resolve all issues and concerns raised by states unless precluded by law.
- D. Collaborate on mutually agreed upon projects and other work in the pursuit of this MOU's overarching goals. Such projects may be defined within separate agreement(s).
- E. Consider and incorporate state and local data and expertise, including socioeconomic data, in development and analysis of federal actions.

V. IT IS MUTALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

- A. The Forest Service and WGA are bound by all applicable federal, state, and local statutes and regulations.
- B. Both parties will communicate on a regular basis to enhance and develop the institutional arrangements necessary to facilitate the above activities.
- C. The Forest Service and WGA will jointly identify a list of initial projects, prioritized by greatest potential effect to meet the purpose of this MOU, with a target of summer 2019. The list should emphasize projects that can be successfully initiated during fiscal year 2020.
- D. The Forest Service, WGA and relevant state agency officials will conduct business pertaining to this agreement by means of in-person meetings, conference calls, or other means. In each calendar year, the Forest Service and WGA will meet at least once in person.
- E. **PRINCIPAL CONTACTS.** Individuals listed below are authorized to act in their respective areas for matters related to this agreement.

Principal Cooperator Contacts:

Cooperator Program Contact	Cooperator Administrative Contact
Name: Bill Whitacre Address: 1600 Broadway, Suite 1700 City, State, Zip: Denver, CO 80202 Telephone: (303) 623-9378 Email: bwhitacre@westgov.org	Name: Dan Baer Address: 1600 Broadway, Suite 1700 City, State, Zip: Denver, CO 80202 Telephone: (303) 623-9378 Email: dbaer@westgov.org

Principal Forest Service Contacts:

Forest Service Program Manager Contact	Forest Service Administrative Contact
Name: Debbie Pressman Address: 1400 Independence Ave., Suite 202W City, State, Zip: Washington, DC 20250 Telephone: 202-720-7173 Email: Debbie.Pressman@osec.usda.gov	Name: Erin Connelly Address: 201 14 th Street SW City, State, Zip: Washington, DC 20250 Telephone: 202-205-1676 Email: econnelly@fs.fed.us

- A. **NOTICES.** Any communications affecting the operations covered by this agreement given by Forest Service or WGA is sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the Forest Service Program Manager, at the address specified in the MOU.

To WGA, at WGA's address shown in the MOU or such other address designated within the MOU.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

- B. **PARTICIPATION IN SIMILAR ACTIVITIES.** This MOU in no way restricts the Forest Service or WGA from participating in similar activities with other public or private agencies, organizations, and individuals.
- C. **ENDORSEMENT.** Any of WGA's contributions made under this MOU do not by direct reference or implication convey Forest Service endorsement of WGA's products or activities and does not by direct reference or implication convey the cooperator's endorsement of the Forest Service products or activities.
- D. **NONBINDING AGREEMENT.** This MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity. The parties shall manage their respective resources and activities in a separate, coordinated and mutually

beneficial manner to meet the purpose(s) of this MOU. Nothing in this MOU authorizes any of the parties to obligate or transfer anything of value.

Specific, prospective projects or activities that involve the transfer of funds, services, property, and/or anything of value to a party requires the execution of separate agreements and are contingent upon numerous factors, including, as applicable, but not limited to: agency availability of appropriated funds and other resources; cooperators availability of funds and other resources; agency and cooperator administrative and legal requirements (including agency authorization by statute); etc. This MOU neither provides, nor meets these criteria. If the parties elect to enter into an obligation agreement that involves the transfer of funds, services, property, and/or anything of value to a party, then the applicable criteria must be met. Additionally, under a prospective agreement, each party operates under its own laws, regulations, and/or policies, and any Forest Service obligation is subject to the availability of appropriated funds and other resources. The negotiation, execution, and administration of these prospective agreements must comply with all applicable law.

Nothing in this MOU is intended to alter, limit, or expand the agencies' statutory and regulatory authority.

- E. USE OF FOREST SERVICE INSIGNIA. In order for WGA to use the Forest Service insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted from the Forest Service's Office of Communications. A written request must be submitted and approval granted in writing by the Office of Communications prior to use of the insignia.
- F. MEMBERS OF U.S. CONGRESS. Pursuant to 41 U.S.C. 22, no U.S. member of, or U.S. delegate to, Congress shall be admitted to any share or part of this agreement, or benefits that may arise therefrom, either directly or indirectly.
- G. FREEDOM OF INFORMATION ACT (FOIA). Public access to MOU or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552).
- H. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All cooperators, their employees, volunteers, and contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official Government business or when performing any work for or on behalf of the Government.

- I. FOREST SERVICE ACKNOWLEDGED IN PUBLICATIONS, AUDIOVISUALS AND ELECTRONIC MEDIA. WGA shall acknowledge Forest Service support in any publications, audiovisuals, and electronic media developed as a result of this MOU.
- J. NONDISCRIMINATION STATEMENT – PRINTED, ELECTRONIC, OR AUDIOVISUAL MATERIAL. WGA shall include the following statement, in full, in any printed, audiovisual material, or electronic media for public distribution developed or printed with any Federal funding.

In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. (Not all prohibited bases apply to all programs.)

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

If the material is too small to permit the full statement to be included, the material must, at minimum, include the following statement, in print size no smaller than the text:

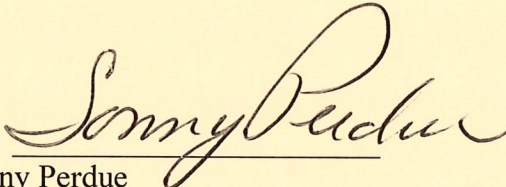
"This institution is an equal opportunity provider."

- K. TERMINATION. Any of the parties, in writing, may terminate this MOU in whole, or in part, at any time before the date of expiration.
- L. DEBARMENT AND SUSPENSION. WGA shall immediately inform the Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part 180. Additionally, should WGA or any of their principals receive a transmittal letter or other official Federal notice of debarment or suspension, then they shall notify the Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.
- M. MODIFICATIONS. Modifications within the scope of this MOU must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change.
- N. COMMENCEMENT/EXPIRATION DATE. This MOU is executed as of the date of the last signature and is effective five years past the date of its signature at which time it will expire.

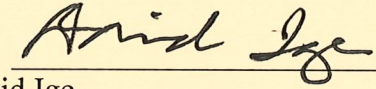
- O. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this MOU.

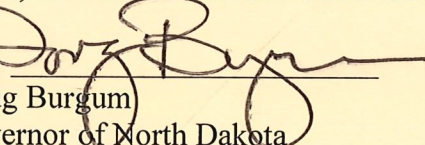
In witness whereof, the parties hereto have executed this MOU as of the last date written below.

U.S. Department of Agriculture

Date: 12/13/2018 By: 
Sonny Perdue
Secretary of Agriculture

Western Governors' Association

Date: 12/13/2018 By: 
David Ige
Governor of Hawai'i
Chair, Western Governors' Association

Date: 12/13/2018 By: 
Doug Burgum
Governor of North Dakota
Vice Chair, Western Governors' Association