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Subject: [EXTERNAL] Follow Up From Last Week's Meeting

Date: Thu, 20 Jun 2019 13:59:53 +0000

Importance: Normal

Attachments: Land_Management_Activities_Draft_Workplans.docx;
Strawman_MOU_WGA_DOI_v3.docx

Dear Mr. Secretary:

Thank you again for taking the time to meet with us last week. Please see the attached for a description of the activities discussed during our meeting, and a copy of the strawman MOU our staff have discussed with DOI personnel.

We appreciate your goal of delivering high-value results for U.S. taxpayers and your efforts to include state priorities in agency decision-making processes. The activities described in the attachment are consistent with those aims.

As discussed, I will contact Tim Williams to discuss appropriate next steps and respond to any concerns or questions you may have.

Yours sincerely,
Troy

Troy Timmons

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WGA Land Management Activities Work Plans

Background

WGA has sought to increase the durability of efforts to implement the administrative recommendations of the Western Governors' [National Forest and Rangeland Management Initiative](#), now an element of WGA's [Working Lands Roundtable](#). This work culminated in the [signing of a Memorandum of Understanding \(MOU\)](#) with the U.S. Department of Agriculture (USDA) at the WGA 2018 Winter Meeting.

The MOU provides a structure for WGA and the U.S. Forest Service (USFS) to cooperate on the implementation of Western Governors' priorities through USDA's [Shared Stewardship](#) initiative. Under the Shared Stewardship initiative, USDA envisions developing individual MOUs with interested states. The WGA-USDA MOU facilitates the consideration of regional priorities identified by Western Governors. The MOU tasked WGA and USFS to "jointly identify a list of initial projects [to meet the objectives of the MOU] ...with a target of summer 2019."

Activities Rationale

WGA was guided by two primary principles in identifying potential activities:

- Efforts should not be specific to a single WGA state, but should address matters of regional significance. State-specific projects should be negotiated by states and USDA as they develop their specific state-USDA MOUs; and
- Efforts should contain a significant cross-boundary component, involving multiple federal, state, local and private landowners and managers.

This memo provides draft work plans for four potential activities meeting these criteria. The work plan for a fifth, Socioeconomic Data, is being developed separately.

Another important element was to recommend activities that build on existing work activities. The intent is to leverage these existing efforts toward near-term goals and outcomes; eliminate duplication of effort between federal agencies and states; and accomplish these objectives with minimal need for additional federal funding resources.

Next Steps

WGA and USDA announced that the activities on Interagency Wildfire Disaster Response, Vegetation Management, and Cheatgrass would be pursued under the MOU at WGA's Annual Meeting in Vail, Colorado, on June 10, 2019. WGA and USDA will now begin developing specific work plans on the efforts; the following work plans are strawman proposals intended to generate discussion with USDA personnel and produce a mutually-agreed final work plan.

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WGA is aware that several states are developing their own MOU agreements with USDA. To date, Idaho, Washington, Utah and Montana have reached some form of agreement with USDA. Discussions are underway with several other states; USFS has indicated that it hopes to complete additional state-specific MOUs in coming months.

With the strong cross-boundary elements of the proposed activities, WGA would like to encourage collaboration with U.S. Department of the Interior (DOI) agencies as well, notably the Bureau of Land Management and U.S. Fish and Wildlife Service. WGA's hopes that several joint activities could be announced between WGA and DOI either at the WGA fall 2019 Working Lands Roundtable or the WGA 2019 Winter Meeting.

WGA Staff: [Troy Timmons](#), [Zach Bodhane](#), [Bill Whitacre](#), and [Britta Beckstead](#)

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Work Plan: Interagency Wildfire Disaster Response

Background

After a wildfire, multiple federal agencies can be involved with response activities: the affected land management agency or agencies, the Natural Resources Conservation Service (NRCS) (to assist private landowners), and the Federal Emergency Management Agency (FEMA). FEMA issues mission assignments to a variety of federal agencies to support emergency response. For example, after the 2017 wildfires in California, the top five agencies issued mission assignments by FEMA were: U.S. Army Corps of Engineers, U.S. Department of Defense, U.S. Department of Transportation, EPA, and USFS.

States and local governments are also integral to disaster response: under the *National Response Framework*, local governments have the lead role in response and recovery. Federal agencies are called in to support local and state governments when the scale of an emergency overwhelms them. Funding for these activities comes primarily from the Disaster Relief Fund (DRF) managed by FEMA.

There are a host of other emergency response programs. For example, the USFS Burned Area Emergency Response (BAER) program assesses wildfire effects and can use its funds to conduct response activities on USFS lands. The NRCS Emergency Watershed Protection (EWP) program can assess wildfire effects on watersheds and can provide states and local governments with matched funding for response activities on private lands. In recent discussions with the Department of Homeland Security (DHS), DHS staff estimated that at least 19 different federal agencies administer over 90 different post-disaster restoration programs.

WGA Policy Resolution 2018-03, *Federal Disaster Recovery Assistance for Communities in the West*, expresses the Governors' policy on federal disaster assistance programs, and notes the importance of improving inter-agency collaboration in disaster response:

FEMA and other applicable federal agencies should work directly with individual states and territories, through governors or their designees, to jointly identify disaster risks and methods by which such risks may be addressed. Additionally, in collaboration with governors or their designees, federal agencies should re-assess the administrative mechanisms to establish the most effective means to determine the necessity and provision of federal disaster assistance. Federal agencies should provide state and local government officials with accessible and clear information on available federal resources and programs and the most effective utilization of those resources in disaster recovery.

Activity Description

The Interagency Wildfire Disaster Response activity will examine current federal disaster response programs and provide a framework to improve coordination of these activities.

Goals and Objectives

The activity will:

- Develop a “roadmap” of federal assistance available to local governments and states after a disaster.
- Promote interagency cooperation in post-disaster response and better coordination and communications with state and local governments.
- Examine the need for greater coordination and information flow between federal agencies to ensure response actions are efficient, effective, and appropriately address needs in disaster-affected communities.
- Study the eligibility criteria for federal grants to, and the required level of matching funds from, state and local governments seeking monies for response actions and assess the efficacy of these eligibility criteria.

Key Strategies / Tasks

WGA will lead an effort to compile information on current federal disaster assistance programs and provide an overview of these programs, including restoration activities that can be executed under the program, eligibility criteria, overall funding availability and cost estimates for local government participation, and any limitations, including timeframes, for participation in the program.

WGA and affected federal agencies will develop a “roadmap” of federal assistance available to local governments and states after a disaster. The roadmap should provide a comprehensive overview of available assistance and guide federal, state, and local governments in deploying this assistance for disaster response and restoration activities.

Federal agency, state, and local government personnel will convene to assess the roadmap and its value as a resource to ensure better coordination and communications with state and local governments in post-disaster situations. Improved communication between federal, state and local governments about program availability, funding requirements, and permitted uses of program monies would provide affected communities with a more complete understanding of how they can best address their emergency response and restoration needs.

Federal agency personnel will convene to examine actions that would produce greater coordination and information flow in post-disaster situations and improve agency decision-making processes. The goal of this improved coordination is to provide efficient, effective and appropriate response actions for affected communities.

WGA will lead a study of eligibility criteria for federal disaster assistance programs available to state and local governments, including an examination of matching fund requirements. The study will further study the efficacy of these eligibility criteria and matching fund requirements, and examine their appropriateness for distressed communities in post-disaster situations.

The effort will examine case studies of disaster scenarios, comparing actual response and restoration actions with optimal response and restoration actions under the proposed roadmap. The examination will consider the cost-effectiveness and restoration effectiveness of actions under

the proposed roadmap. It will also evaluate the governmental and landowner effects of improved coordination between different response programs and consider the potential cost savings and improved outcomes from such coordination.

The effort will consider the need for regulatory and/or statutory modifications to accomplish improved outcomes and make such recommendations as necessary to achieve them.

Resources / Responsibilities

The activity would be managed by WGA and the Wildland Fire Leadership Council (WFLC), an intergovernmental committee of federal, state, tribal, county, and municipal government officials convened by the Secretaries of the Interior, Agriculture, Defense, and Homeland Security dedicated to consistent implementation of wildland fire policies, goals, and management activities.

WGA would undertake the task of compiling existing information on federal disaster assistance programs, using WFLC resources as needed to integrate federal agency information on these programs. This effort will require WGA and WFLC staff time, as well as time from relevant agency personnel.

Assessing the roadmap will require convening appropriate numbers of federal, state, and local government personnel, preferably sourced from WFLC members as these personnel already have a familiarity with wildland fire mitigation, response and restoration activities. The meetings can be conducted by teleconference to minimize activity costs; however, the effort will require the expenditure of WGA, WFLC, and involved personnel staff time.

WGA would host a meeting of participants as part of its Fall 2019 and/or Spring 2020 Working Lands Roundtable. The session would incur meeting costs and travel and per diem expenses for the participants.

Schedule

May 2019

- Activity presented at the WFLC May 2019 Meeting.

June 2019

- Activity is designated at the WGA 2019 Annual Meeting.
- Activity participants are selected.

July-November 2019

- WGA and WFLC staff assemble information on current federal disaster assistance programs.
- WGA hosts teleconferences as needed to discuss progress with participants.

October 2019

- WGA convenes work session at its Fall 2019 Working Lands Roundtable.

December 2019

- WGA and WFLC complete compilation of current federal disaster assistance programs, provides draft roadmap to participants, and provide an update at the WGA 2019 Winter Meeting.

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January-May 2020

- Participants assess and refine roadmap.
- Participants identify opportunities to enhance coordination and communications between federal agencies, and states and local governments.

March 2020

- WGA convenes work session at its Spring 2020 Working Lands Roundtable.

June 2020

- Revised draft roadmap is publicly released at the WGA 2020 Annual Meeting.

July-September 2020

- Participants examine eligibility criteria and matching fund requirements, consider roadmap's value in case study scenarios, and modifies roadmap as needed.

October 2020

- Final roadmap is released at the WGA Fall 2020 Working Lands Roundtable, including any recommendations for regulatory or statutory changes to improve the efficiency and effectiveness of federal disaster response programs.

WGA Staff: [Troy Timmons](#)

Work Plan: Vegetation Management

Background

WGA Policy Resolution [2017-10](#), *National Forest and Rangeland Management*, states that “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 and adjacent to federal transmission rights-of-way without fear of strict liability. Vegetation management and its connection to wildfire also intersects with Governors’ policies on grid reliability, emergency management, wildlife, invasive species, clean air, clean water, and public lands.

This issue is also a priority for the Administration and Congress. [Executive Order \(EO\) 13855](#), *Promoting Active Management of America’s Forests, Rangelands, and Other Federal Lands to Improve Conditions and Reduce Wildfire Risk*, directs the U.S. Department of the Interior (DOI) and USDA to develop a strategy for federal fire management decisions by December 31, 2020. The EO also requires DOI and USDA to develop this strategy in collaboration with state, local, and tribal partners and generally expand collaboration with states and communities, including by reducing fuel loads and by pursuing long-term stewardship contracts with states.

Section 211 of the Consolidated Appropriations Act, 2018 ([Pub. L. 115-141](#)) directed DOI and USDA to issue and periodically update guidance on vegetation management. The legislation stated that this guidance should take into account the 2016 [Memorandum of Understanding](#) on Vegetation Management for Powerline Rights-of-Way between the Edison Electric Institute, Utility Arborist Association, DOI, USDA, and the Environmental Protection Agency (EPA). It also authorizes DOI and USDA to enter into agreements with smaller owner/operators in lieu of filing a vegetation management plan, which has been a challenge for resource-constrained electric utilities and co-ops.

In addition, Section 8630 of the Agriculture Improvement Act of 2018 ([Pub. L. 115-334](#), 2018 Farm Bill) created a pilot program to encourage owners or operators of rights-of-way on National Forest System land to partner with USFS to voluntarily conduct vegetation management projects to protect utility infrastructure from wildfire.

Activity Description

WGA will facilitate a collaborative effort to improve the efficiency and effectiveness of vegetation management in or near transmission and distribution corridors to reduce the likelihood of wildfire in the West. This effort will address regulatory barriers to vegetation management activities; expand authorized activities to areas adjacent to the right-of-way; and improve coordination across jurisdictions to increase the efficiency and reduce the costs of these activities. It will focus on the complexities of vegetation management on and adjacent to transmission corridors that cross different land ownerships and are owned/operated by entities of varied sizes and levels of resources.

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Goals and Objectives

- Improve the efficiency and effectiveness of vegetation management in or near transmission and distribution corridors to reduce the likelihood of wildfire in the West and increase the resiliency of transmission corridors.
- Identify regulatory and legislative barriers to vegetation management on and adjacent to transmission and distribution rights of way, as well as develop solutions to those barriers.
 - Address how non-federal efforts can coordinate or advance the objectives of the Executive Order and how federal efforts on the Executive Order can further local, state, and private vegetation management goals.
 - Examine the potential expansion or use of Good Neighbor Authority and Stewardship Contracting Authority for vegetation management.
 - Learn from the pilot program established by the 2018 Farm Bill and/or state efforts, such as Master Permit Easements in California.
 - Investigate how DOI and USDA could facilitate proactive vegetation management in the West-wide energy corridors.
 - Discuss how USFS and Bureau of Land Management (BLM) regulatory efforts under the National Environmental Policy Act (NEPA) and categorical exclusions could be used to benefit vegetation management.
- Create protocols for coordinating the vegetation management activities of public and private entities across different land ownerships, including the use of technology, predictive software, and data-sharing.

Key Strategies / Tasks

- Form an advisory committee with members from public utilities, investor-owned utilities, rural electric cooperatives, other electricity providers, local governments, and state and federal agencies.
- Develop a report with recommendations for federal regulatory and legislative changes to make cross-jurisdictional vegetation management more efficient and protocols for coordinating vegetation management activities among public and private entities.
- Identify next steps, including potentially continuing the advisory group to begin a broader discussion on grid reliability issues.

Resources / Responsibilities

This activity will require minimal resources outside of WGA staff time. WGA will facilitate this collaborative effort with guidance from an expert, voluntary committee. If an in-person meeting would be helpful, it will require a location, food, and other elements typical of WGA meetings.

Schedule

June 2019

- MOU activity announced at WGA 2019 Annual Meeting.

July 2019

- Establish advisory committee.

July 2019

- Develop a survey for the advisory committee to frame subjects of future committee calls.

August-December 2019

- Hold advisory committee calls.

September 2019

- Host an in-person meeting as part of the WGA Fall 2019 Working Lands Roundtable to further develop what the advisory committee should examine.

January-April 2020

- Draft a report with recommendations, best practices, and next steps.

April-June 2020

- Advocate for the report's recommendations in Congress and with federal agencies and implement next steps.

WGA Staff: [Britta Beckstead](#)

Work Plan: Cheatgrass Mitigation

Background

The [June 2017 special report](#) of the WGA *National Forest and Rangeland Management Initiative* recommends that Western Governors provide state leadership to bolster collaboration on USDA and DOI planning and projects, including “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.” The report also prioritizes:

opportunities to improve flexibility and integration of grazing management and targeted grazing as tools to achieve restoration and land management goals, including wildlife habitat improvements, drought and wildfire mitigation and resilience, water quality and watershed health, soil health management, promotion of perennial plant health, and control of invasive species such as cheatgrass.

In [Executive Order \(EO\) 13855](#), Promoting Active Management of America's Forests, Rangelands, and Other Federal Lands To Improve Conditions and Reduce Wildfire Risk, the Administration identifies the spread of invasive species as one of the conditions that has weakened forests, rangelands, and contributed to catastrophic wildfires, and directs USDA to increase active forest and rangeland management by working with state, tribal and local governments to “coordinate the deployment of appropriate assets and skills to restore our landscapes and communities after damage caused by fires and to help reduce hazardous fuels through active forest management.”

Activity Description

This effort would address the large-scale infestation of cheatgrass and other invasive annual grasses on western forests and rangelands. WGA would form a working group of federal and state agencies, non-profit organizations and private entities. The group would identify best practices, new technologies, and innovative management techniques to reduce the spread of invasive annual grasses to western forests and rangelands. An emphasis would be placed on management practices that: 1) have been effectively implemented by existing local invasive species management coalitions; 2) address the use of alternative management techniques, such as integrated pest management and outcome-based grazing; and 3) could be applied at a multiple scales and in cross-boundary situations. The group would serve as an information sharing network to support innovative on-the-ground invasives management.

Goals and Objectives

The primary goal is to create a new multi-agency/multi-stakeholder network to develop new approaches to invasive cheatgrass management, support local efforts to implement those approaches, and share best practices between land managers.

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Key Strategies / Tasks

The key strategy/guiding principle for this effort is exercising regional leadership in support of local invasive management activities. An emphasis would be placed on new cheatgrass management approaches that utilize existing local- and regional-level weed management coalitions.

The effort would encompass the following discrete tasks:

- WGA will form a working group comprised of federal and state agencies, non-profits, and private entities. This working group will define a specific work scope, develop a set of guiding principles and establish a process for coalition and stakeholder engagement.
- The working group will identify new approaches to invasive cheatgrass management.
- The working group will consider stakeholder input and develop recommendations and best management practices.
- The working group will share information on recommendations, best practices, and technical tools to improve cheatgrass management in the West. It will also provide support to local-level coalitions interested in implementing recommendations and best management practices.

Resources / Responsibilities

WGA staff will provide coordination and support of the working group. Grants or other funding may be sought to support travel and meetings.

Schedule

June 2019

- WGA and USDA publicly announced the activity at WGA's 2019 Annual Meeting.

July-September 2019

- Working group members identified.
- Working group formed.

October-November 2019

- Working group develops a set of guiding principles, goals, and objectives.
- Working group develops a process for stakeholder and coalition engagement.

January-May 2020

- Working group engages stakeholders and coalitions.

June 2020

- Stakeholder engagement process completed. Working group findings announced at WGA Annual Meeting.

July 2020-May 2021

- Working group shares best practices and supports local deployment of cheatgrass practices.

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June 2021

- Activity update given at WGA Annual Meeting.

July 2021-June 2022

- Working group assists with information sharing.
- Working group provides support for implementation of recommendations, if applicable.

WGA Staff: [Bill Whitacre](#)

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Work Plan: Task Force on Collaborative Conservation

Background

Western states are home to diverse and bountiful wildlife populations that contribute to economic opportunity and quality of life. At the same time, a working landscape operating on the principles of multiple use is key to the prosperity of western communities. Throughout the history of the West, species conservation and working land development have been characterized as competing interests. The Western Governors' Task Force on Collaborative Conservation (Task Force) will challenge this narrative by providing a venue for developing holistic, collaborative solutions to the challenges facing western wildlife populations and communities.

Collaborative approaches to species conservation developed in consultation with private landowners, industry and conservation organizations will seek to incentivize more effective and efficient conservation results. While collaborative efforts have successfully conserved species to the point that they do not warrant listing under the Endangered Species Act (ESA), western states need a proactive approach that incentivizes conservation of at-risk species and habitat well *before* they become subject to a possible listing as threatened or endangered under the ESA. A proactive and incentive-based approach to species conservation is supported in WGA Policy Resolution 2017-11, [*Species Conservation and the Endangered Species Act*](#).

Similar approaches to collaborative conservation in the Southeastern and Northeastern Regions of the U.S. Fish and Wildlife Service (FWS) have successfully incentivized voluntary species conservation and precluded the need to list numerous species under the ESA. Those efforts were commended by Congress in the explanatory statement accompanying H.R. 1625, the Consolidated Appropriations Act of 2018, which also directed FWS to expand this collaborative model nationwide.

Activity Description

The Western Governors' Task Force on Collaborative Conservation (Task Force) was launched by WGA in 2018 to promote and facilitate the development of proactive and collaborative conservation for at-risk species and habitat in the West.

Goals and Objectives

Among other things, the Task Force seeks to:

- Promote cooperation and coordination among western states in identifying at-risk species (particularly species of greatest conservation need identified in State Wildlife Action Plans [SWAPs]) that are not currently listed under the ESA.
- Provide a forum for western states, federal agencies and stakeholder groups to: prioritize conservation and management actions of at-risk species; discuss threats to working landscapes posed by fire, invasive species, drought and other factors; exchange information of collective interest; identify data deficiencies and gaps in scientific understanding of at-risk species and landscapes; and share opportunities to incentivize voluntary conservation efforts.

- Develop efforts that: 1) enhance the viability of priority working landscapes spanning numerous western states; 2) identify opportunities to utilize regulatory flexibility and create incentives to conserve at-risk species before they become subject to a listing as threatened or endangered; 3) prioritize conservation and management actions for at-risk species to maximize the value of collective expertise and limited resources; and 4) utilize cross-boundary and interdisciplinary approaches to address large-scale threats to essential working landscapes.
- Review data on progress toward implementing activities and initiatives to achieve collaboratively-developed goals and benchmarks developed through the Task Force in consultation with stakeholder groups.

Key Strategies / Tasks

State/Federal Engagement

Success of the Task Force is predicated on strong communication and coordination among western Governors, state departments of fish and wildlife, and federal agencies within DOI and USDA.

To formalize coordination between Governors and federal agencies, WGA will pursue the establishment of a charter and cooperative agreement to be signed by the DOI and Western Governors. WGA staff will also look to expand upon existing agreements between WGA and federal agencies (such as USDA) to implement collaborative at-risk species conservation.

As a first step, WGA will convene a small scoping committee of key state and federal experts to develop a suggested roster of potential Task Force members. WGA will execute outreach to identified prospects. Following the initial round of outreach and roster development, the Task Force will develop a detailed work plan and plan to meet again in the summer or early fall in conjunction with a future WGA meeting (at a time and location to be announced).

WGA will transmit regular updates on Task Force business through email, conference calls and webinars, and may hold *ad hoc* working group sessions relating to specific activities and initiatives of the Task Force.

Activity Development

The Task Force will focus primarily on assessing and prioritizing conservation needs for at-risk species as identified by state and federal task force members. Early Task Force activities will focus primarily on assessing the status of at-risk species in the West and identifying opportunities for regional or sub-regional coordination and action. Potential 2019 Task Force initiatives and efforts include:

- At-Risk Species Census – The Task Force would undertake an expansive effort to analyze SWAPs and identify state-identified species of greatest conservation need that could benefit from coordinated regional or sub-regional action. Upon identifying an appropriate suite of species or habitat, the Task Force would catalogue existing conservation efforts (identifying data such as dollars expended, acres affected and relevant collaboratives). The Task Force could then identify gaps in funding, information and coordination that could be addressed through a multi-state response.

- Data Sharing and Stewardship – The Task Force would assess data collection, reporting and sharing protocols related to at-risk species identified in SWAPs. Following an evaluation of data collection practices, the Task Force could develop best practices for data stewardship and evaluate obstacles to sharing data while protecting private landowner privacy.
- Understanding Migration – Following the issuance of Department of the Interior Secretarial Order 3362, a large federal emphasis has been placed on understanding impediments to species migration and removing migration barriers. To the extent that these efforts implicate at-risk species, the Task Force could help build scientific understanding and develop policy recommendations to enhance key wildlife migration corridors.
- Working Landscape Blueprint – Borrowing from lessons learned from the range-wide effort to conserve the greater sage-grouse, the Task Force could identify key working landscapes threatened by a number of factors and develop a non-prescriptive path toward restoration and recovery. This effort could be linked with the at-risk species census but tailored more specifically to address regionwide threats to critical western working landscapes.

Coalition Building and Communication

The primary objective of the Task Force is to facilitate coordination between state, federal and stakeholder groups for the purpose of at-risk species conservation and cross-boundary land management. Following an initial round of state-federal discussions to determine joint objectives and focal areas, extensive outreach to stakeholder groups will be essential to the integrity of the Task Force.

Prior to the initiation of formal Task Force initiatives, WGA will engage in extensive outreach to stakeholder groups and invite input and scoping assistance on the platform. Through this outreach, WGA will build out a formal Task Force roster; solicit Governors' recommendations for industry, NGO and landowner representation on the Task Force; and communicate progress through email newsletters and the WGA website.

Resources / Responsibilities

The task force will require expenditures of staff time from its state and federal membership. It will also require an expenditure of WGA staff time that will be dependent upon the scope of the Task Force's activities. The Task Force will likely require periodic in-person meetings; in these cases, travel expenses and meeting costs will be incurred by Task Force members and WGA.

Schedule

May-June 2019

- Assess stakeholder interest and refine Task Force focus and objectives at the WGA Working Lands Roundtable workshop in Denver, Colorado.
- Finalize initial research on At-Risk Species Census and develop questionnaire for state fish and wildlife agencies to guide early Task Force focal species and objectives.
- Analyze findings from state fish and wildlife agency at-risk species questionnaire and propose high-priority focal species for Task Force consideration.
- Possible in-person meeting at WGA Annual Meeting in Vail, Colorado.

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July 2019

- Possible in-person meeting at the Western Association of Fish and Wildlife Agencies (WAFWA) Summer Meeting in Manhattan, Kansas.
- Following in-person meeting, WGA will develop working groups on sub-regional efforts to increase coordination on conservation efforts for species identified as high-priority species in the At-Risk Species Census and resulting questionnaire, or other issue specific-concerns like data availability.

December 2019

- Publish report on Task Force activity and progress to be shared at WGA Winter Meeting.

WGA Staff: [Zach Bodhane](#)

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MEMORANDUM OF UNDERSTANDING
Between the
WESTERN GOVERNORS' ASSOCIATION
And the
UNITED STATES DEPARTMENT OF THE INTERIOR

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 the Interior (DOI),

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.

DOI manages approximately 417 million acres of public land, primarily in the West, and 700 million acres of Federal mineral resources. The agency's mission is to protect and manage the Nation's natural resources and cultural heritage; provide scientific and other information about those resources; and honor its trust responsibilities or species commitments to American Indians, Alaska natives and affiliated Island Communities.

I. PURPOSE:

The purpose of this MOU is to establish a framework to allow DOI 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 wildlife habitat, 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.

DOI will partner with state leaders and work shoulder-to-shoulder to manage risks and identify land management priorities, using all available tools to preserve the principles of multiple use while sustaining the viability of western working lands.

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.

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

II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

DOI and WGA seek to proactively carry out projects to improve forest and rangeland conditions in western states. To achieve landscapes that are more resilient to wildfire and other disturbances, DOI 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 DOI 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 DOI 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 DOI on actions.

IV. DOI 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.

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- 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. DOI 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. DOI 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 fall 2019. The list should emphasize projects that can be successfully initiated during fiscal year 2020.
- D. DOI, 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, DOI 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 DOI Contacts:

DOI Program Manager Contact	DOI Administrative Contact
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Name: Address: City, State, Zip: Telephone: Email:	Name: Address: City, State, Zip: Telephone: Email:
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- A. NOTICES. Any communications affecting the operations covered by this agreement given by DOI 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 DOI 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 DOI or WGA from participating in similar activities with other public or private agencies, organizations, and individuals.
- C. 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 any particular expenditure or transfer funds or 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; cooperator 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 DOI 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.

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- D. ESTABLISHMENT OF RESPONSIBILITY. This MOU is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.
- E. 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.
- F. 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).
- G. TERMINATION. Any of the parties, in writing, may terminate this MOU in whole, or in part, at any time before the date of expiration.
- H. DEBARMENT AND SUSPENSION. WGA shall immediately inform DOI 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 DOI without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.
- I. 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.
- J. 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.
- K. 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 the Interior

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Date: _____ **By:** _____
David Bernhardt
Secretary of the Interior

Western Governors' Association

Date: _____ **By:** _____
David Ige
Governor of Hawai'i
Chair, Western Governors' Association

Date: _____ **By:** _____
Doug Burgum
Governor of North Dakota
Vice Chair, Western Governors' Association