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To: RCRC Board of Directors
From: Cyndi Hillery, Legislative Advocate
Staci Heaton, Regulatory Affairs Advocate
Date: August 15, 2011
Re: Memorandum of Agreement with the U.S. Forest Service and Bureau of Land Management

Summary

This memo provides an overview of the development of a draft Memorandum of Agreement (MOA) between the United States Department of Agriculture, Forest Service, Region 5 (USFS), the California Bureau of Land Management (BLM), Regional Council of Rural Counties (RCRC), and the California State Association of Counties (CSAC) regarding land management activities.

Background

In March 2010, RCRC Supervisors and staff met with representatives from the U.S. Department of Agriculture (USDA) in Washington D.C. to discuss the strained relations some California counties had been experiencing with local representatives of USFS Region 5. At that meeting, RCRC was strongly encouraged to work with Region 5 staff to jointly develop a strategy to help counties alleviate some of the difficulties with their local forests before pursuing other means to force better relationships. Specifically, the concept of developing and signing a Memorandum of Understanding or Memorandum of Agreement between relevant federal land management agencies and the counties was recommended.

As a step towards solving some of those difficulties, RCRC and CSAC staff members have been negotiating with USFS and BLM to create a statewide voluntary MOA outlining a structure under which counties and federal public land management agencies consent to communicate and work with one another. RCRC and CSAC began discussions with USFS and BLM in mid-2010.

After months of negotiations, RCRC and CSAC staff reached a tentative agreement with USFS and BLM staff on draft MOA language in late May 2011. RCRC and CSAC requested that Jennifer Henning, Executive Director of the County Counsels Association of California review the draft to ensure that the MOA in no way preempts or precludes

any rights that counties currently have under state or federal law. She has concluded that the language in no way restricts or violates existing rights.

In June, RCRC and CSAC staff presented the draft MOA to the members of the RCRC Wildfire Advocacy Team and the Chair and Vice Chair of CSAC's Agricultural and Natural Resources Policy Committee for their review and comment. The recommendations received at that meeting were incorporated into the draft which was presented at the June 16, 2011 RCRC Board of Directors Meeting.

At the June Board Meeting, RCRC staff requested that Board Members review the document and share it with the other members of your individual county Boards, as well as County Counsels and to provide comments to RCRC by July 15. RCRC received comments from four member counties. Some of those comments were officially sent from entire Boards of Supervisors, while others were sent by individual supervisors. As appropriate to the principles of the document, comments received were incorporated into a revised draft of the MOA, which is attached for your review. The current draft has also been reviewed by BLM and USFS staff.

RCRC staff is not seeking action on the draft MOA at this meeting. RCRC, CSAC, USFS, and BLM have tentatively scheduled a larger stakeholder meeting on September 28th at the RCRC offices to "roll out" the draft to all of California county supervisors and to solicit additional comments and recommendations. RCRC anticipates the participation of both Randy Phillips from the USFS and Cynthia Moses-Nedd from BLM. We are also working with USFS staff to secure the participation of a representative from the Council on Environmental Quality (CEQ) to discuss the draft and give a "third party" perspective.

Once these steps are completed, RCRC staff expects to present a final draft MOA for Board approval at the December 7, 2011 Board of Directors Meeting with the MOA to become effective on January 1, 2012.

Staff Recommendation

Additional comments on the draft can be sent to Cyndi Hillery at chillery@rcrcnet.org, Staci Heaton at sheaton@rcrcnet.org, or you can call either Cyndi or Staci at (916) 447-4806 with comments or questions.

Attachment

- Draft Memorandum of Agreement with the U.S. Forest Service and Bureau of Land Management