



"Serving Western Legislatures"

RESOLUTION NO. 2003 – 03

**WITHDRAWAL OF THE FEDERAL LAND MANAGERS GUIDANCE (FLAG)
WHICH IMPEDE NEEDED ENERGY PROJECTS**

(Requests the FLAG Be Replaced by Complete Federal Agency and Public Reviews)

Introduced by the Energy & Public Lands Committee

WHEREAS, new federal guidelines threaten Western states' and local communities' abilities to foster and sustain economic growth. The Federal Land Managers' (FLMs) Air Quality-Related Values Workgroup (FLAG) process was adopted by the National Park Service (NPS), the U.S. Forest Service and the U.S. Fish and Wildlife Service; and

WHEREAS, FLAG directs how Federal Land Managers (FLMs) identify air quality-related values' (AQRVs`) and evaluate the effect of air pollution from new proposed power plants on AQRVs in federal Class I (certain national parks and wilderness areas) and Class II areas (all other federal, state and tribal lands). Included in AQRVs are visibility, flora, fauna, soil and water quality and recreation; and

WHEREAS, FLAG was approved through a "policy directive," rather than through the federal rulemaking process, and the standards imposed by FLAG are ambiguous and based on questionable science; and

WHEREAS, the FLAG policy directive places the critical elements to determine whether and how FLAG is triggered in the hands of FLMs and EPA-not states. Because FLAG has not been subject to a formal rulemaking process, FLMs are left with unfettered discretion to apply varying standards and assumptions to any given project; and

WHEREAS, several natural gas and coal-based power plants have been delayed by FLMs using the FLAG guidance as reasons to oppose state permits of new projects in several Western states; and

WHEREAS, the Department of Interior (DOI) has had to rescind NPS objections to certain power plants because the park service managers had mistakenly contended the projects exceed the emission criteria of the FLAG process; and

NOW, THEREFORE, BE IT RESOLVED that the Council of State Governments-*WEST* (CSG-*WEST*): requests that the U.S. Department of Interior Secretary Gail Norton and the U.S. Department of Agriculture Secretary Anne Veneman withdraw the FLAG guidance document for a complete agency and public reviews. Such a process will ensure federal land managers have guidance that requires the use of accurate technology, is consistently applied by all FLMs, and is in accordance with the statutory authority provided by the applied by all FLMs and is in accordance with the statutory authority provided by the Clean Air Act (and amendments) to ensure environmental protection of all 'air quality related values' while enabling Western states to pursue needed energy projects.

**Adopted by the CSG-*WEST* Executive Committee on August 1, 2003
Assembled in Annual Meeting in Honolulu, Hawaii.**