

**RESOLUTION# 2014-XX**  
**DECLARING AN EMERGENCY IN IDAHO COUNTY, IDAHO**  
**DUE TO DEGRADED CONDITIONS, UNDER-UTILIZATION, MANAGEMENT**  
**CURTAILMENTS AND IMMINENT THREAT FROM CATASTROPHIC FIRE AND**  
**INSECT INFESTATION ON FEDERALLY MANAGED LANDS**

**WHEREAS**, it is the responsibility and within the scope of authority of the Idaho County Commission to exercise powers necessary and proper to protect public safety, health, promote public prosperity and improve the morals, order, comfort and convenience of the inhabitants of Idaho County pursuant to the provisions of the Constitution and laws of this State.

**WHEREAS**, the 10th Amendment to the Constitution for the United States is clear when stating, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the States respectively, or to the people."; and,

**WHEREAS**, the states and their political subdivisions, the counties, have derived specific and reserved powers from the 10<sup>th</sup> Amendment of the Constitution for the United States, referred to as Police Powers Of The State; and,

**WHEREAS**, the counties under these 10th Amendment and subsequent state powers has the duty to pass laws and regulations to protect the safety, health, welfare and morals for the benefit of their communities; and,

**WHEREAS**, the Board has a fiduciary responsibility under its statutory police powers to protect the health, safety and welfare of its residents; and, the County reserves the right to take whatever actions necessary to do so; and,

**WHEREAS**, historically, the Idaho County Commission has been periodically required to exercise those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and welfare of the County in appropriate instances; and

**WHEREAS**, The Idaho County Sheriffs Office has an obligation to protect the health, safety and welfare of the residents and visitors of Idaho County; and that existing state and local laws are not being routinely followed on federally managed forest lands in Idaho County; and

**WHEREAS**, Federal laws (e.g. the National Environmental Policy Act, etc.) and regulations contain reciprocal requirements concerning cooperation,

consultation and coordination by Federal agencies with state and local governments and such coordination and cooperation has not been forthcoming; and

**WHEREAS**, Multiple-Use Management, Timber Sales, Mineral Utilization and Livestock Grazing have been curtailed to the point of causing greatly diminished health on our forests and have created catastrophic health, safety, welfare and economic affects to Idaho County; and

**WHEREAS**, 150-feet on each side of a road is 18.18 acres per side (36.36 acres cumulatively) per mile of road. Approx. 3500 miles of roadway would equate to 127,260 acres of treatment perimeter. With a twenty-percent loss due to areas of special concern, lack of needed treatment, previous treatments, etc. this equates to 101,808 Acres. A minimum volume of 5000 bf per acre would equate to 509,040,000 bf; and,

**WHEREAS**, McGuire Fire had approximately only one-percent of timber area treated under post-fire salvage sales within a burn perimeter of 45,000 acres. Silviculture and Fire/Fuel specialists were not invited to McGuire Fire assessment meetings to provide their expertise and input to planning teams; and,

**WHEREAS**, Pack Fish needs to be constrained and not allowed to dictate as a blanket one size fits all policy when there have been approved treatment areas and proven feasible techniques by Hydrologist and Engineers in the Dixie area of drainages.

**WHEREAS**, During fire suppression efforts on the McGuire Fire, clear-cut treatments were utilized in proclaimed "Inventoried Roadless Areas", yet are not utilized in timber sales and wildfire fuels reduction; and,

**WHEREAS**, No mechanism exists to react and respond via Categorical Exclusion processes, Emergency District Ranger decision towards fire, insect infestation, etc.

**WHEREAS**, A Stand-by team of forest personnel is necessary to instantly react to emergencies on each forest, being pre-designated experts within each Ranger District to be pulled from normal tasks of the day and react to the emergencies at hand within the district; and,

**WHEREAS**, In 1998 agency Silviculture and Fire/Fuel staff sounded the alarm for "red trees", beetle infestation, and other imminent threats to our forest, again

showed project details to Forest Leadership Team in 2005, yet the project was shelved and never investigated. This treatment would have been a massive curtailment to the McGuire Fire, preserving air, water and habitat quality. Burpee Road down to 222 road, a large block of forest recommended for treatment, contains a full road network as does the Red River and West Fork of the Red River areas that are pre-existing and can be utilized for thorough treatments; and,

**WHEREAS**, The largest wilderness airstrip available, critical to ingress and egress, emergency supply operations, firefighting operations, medical evacuations, etc. had treatment proposals which were ignored yet would protect critical health, safety and welfare functions within the region and our communities;

**NOW THEREFORE**, hereby be it resolved that the Idaho County Commission, Idaho declares a State of Emergency and Disaster to exist in and around the communities and watershed both around and within the Nez Perce-Clearwater National Forest including the Wildland Urban Interface areas identified as critical in the Idaho County Community Wildfire Protection Plan; and

**BE IT FURTHER RESOLVED** that the Idaho County Commission hereby formally demands that State and Federal officials take immediate action to eliminate hazardous conditions in and around the communities and watersheds in and around the Nez Perce-Clearwater National Forest and any other Federally Managed land in Idaho County, including the Wildland Urban interface areas identified as critical in the Idaho County Community Wildfire Protection Plan; and

***BE IT FURTHER RESOLVED*** that the Idaho County Commission invoking the inherent police powers of the state hereby formally gives notice to all relevant State and Federal officials that pursuant to its duty outlined above, after consulting with the State Forester and the Regional United States Forester, taking surveys, holding those public hearings as may be necessary and developing a plan to mitigate the effects of the disaster and as a county in which a disaster has been declared, we intend to unilaterally take such actions as are necessary to clear and thin undergrowth and to remove or log fire-damaged trees within the area of the disaster and to assess all attendant costs to those agencies charged with wise management of our forests and whose neglect has caused the dangerous conditions therein;

**BE IT FURTHER RESOLVED** that this Resolution be called immediately to the attention of the United States Secretary of Agriculture, Idaho Congressional

Delegation, Idaho Governor Butch Otter, the Idaho Legislature, the Idaho Department of Lands and the Idaho Division of Emergency Management, and

**BE IT FURTHER RESOLVED**, that the Governor of the State of Idaho and the Idaho Division of Emergency Management are hereby called upon in the name of the State of Idaho to declare a State of Emergency and Disaster in Idaho County and its national forests effected by threatened watersheds and air quality, high fire danger and catastrophic losses caused by wild fires and insect infestation; and

**BE IT FUTHER RESOLVED**, that United States Forest Service personnel are hereby called upon to immediately respond to the communication, consultation and coordination with, and provide immediate notification to Idaho County of all their activities, programs, planning, NEPA processes etc. having as their object to abate fire and insect infestation dangers, support economic activities and contribute to the health, safety and welfare in Idaho County, all within 30-days of passage of this resolution; and

**BE IT FUTHER RESOLVED**, that the Idaho County Commission calls upon the U.S. Department of Agriculture, U.S. Congress, the Idaho Legislature, and the Idaho Governor's office to immediately provide emergency funding to accomplish tree thinning, timber sales, dead tree removal, fuel-load reduction and livestock grazing to protect affected areas from catastrophic wildfire; and

**BE IT FUTHER RESOLVED** that the Idaho County Commission calls on State and Federal officials to immediately coordinate a meeting with Idaho County officials to address the issues raised by this Resolution within 30-days of passage of this resolution; and

**BE IT FUTHER RESOLVED** that the Idaho County Commission calls upon the U.S. Department of Agriculture and the U.S. Congress to conduct an investigation to determine why the requirements of County, State and Federal ordinances, laws and regulations are not being routinely followed in relation to public safety, recreation, wildfire and economic issues of Idaho County forest lands and other federally managed lands.

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