

# Federal Issues

## 2024

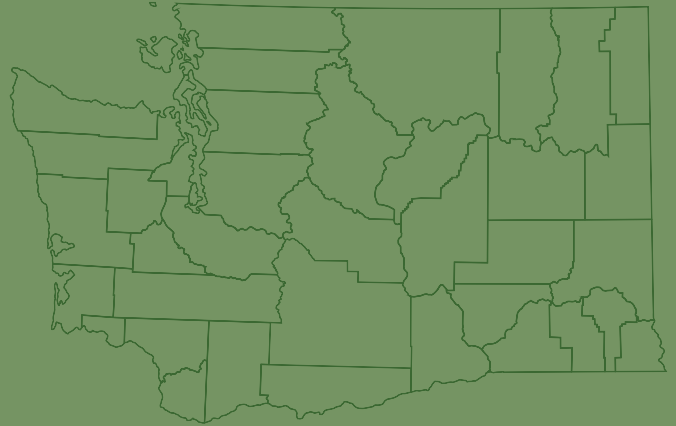
JANUARY 2024

# About WSAC

## THE VOICE OF WASHINGTON COUNTIES

Created in 1906, the Washington State Association of Counties (WSAC) serves the counties of Washington State. WSAC members include elected county commissioners, council members and executives from all of Washington's 39 counties. WSAC provides a variety of services to its member counties including advocacy, training and workshops, and a forum to network and share best practices.

**On federal issues, WSAC works in conjunction with the National Association of Counties (NACo).**



### Collaborative Opportunities

- Gather input and survey counties about your issues.
- Disseminate information.
- Coordinate response/action on common issues.
- Provide venues for presentations and dialogue amongst members.

### Core Member Services

- Professional Development & Training
- Business Programs and Services
- Advocacy with the Legislature and Executive Branch Agencies

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# Budget, Finance, and Elections

## Protect Defense Spending in Washington State

Federal military spending in Washington State is critical to the state's economy and many of our counties. Washington State is fortunate to contain a number of significant military installations including:

- Joint Base Lewis - McChord (Pierce/Thurston Counties);
- Yakima Firing Range (Kittitas and Yakima Counties);
- Fairchild Air Force Base (Spokane County);
- Puget Sound Naval Shipyard (Kitsap County);
- Naval Base Kitsap (Kitsap County);
- Everett Naval Station (Snohomish County);
- Whidbey Island Naval Air Station (Island County);
- Naval Undersea Weapons Engineering Station (Kitsap and Jefferson Counties);
- Camp Murray – State of Washington Military Department (Pierce County); and
- Coast Guard Assets and Missions (Clallam, King, Whatcom, Pacific, Grays Harbor).

**Washington's counties seek collaboration to address military installation impacts on communities** including housing availability, local land use, and natural resources while supporting the military objectives of these installations. Mitigation strategies, stronger bilateral and transparent communication with county government, and technical support are necessary to balance the competing needs in our local communities.

In addition to the federal military installations, our Washington State National Guard and Military Department are vital to providing support and response to state and federal disasters including floods, earthquakes, catastrophic forest fires, and other emergencies that outpace the ability of local emergency responders. **WSAC supports the findings**

**of the National Commission on the Future of the Army which recommends sustainable resources for the Washington State National Guard.**

## International Trade

Trade between the United State and other nations is vital to the economy of our counties and Washington State. Approximately 40 percent of jobs in Washington State are linked to international trade.

**Appropriate legislation, policies, and investments are important to sustain and increase Washington's global competitiveness in the marketplace, including:**

- Programs that increase present market share or develop new product markets;
- Eliminating trade barriers that limit the export of Washington based products; and
- Increasing federal, state, and local investment in freight mobility.

## Maintain Local Control of Budget, Finance, Accounting, and Reporting

Washington's counties oppose unfunded federal mandates and pre-emption of our state and local budget, finance, accounting, and reporting processes that would occur through legislation such as the Financial Data Transparency Act (S. 4295).

**Washington's 39 counties support government and accounting transparency.** As financial stewards, our counties value transparency, adhere to governmental reporting standards established by the Governmental Accounting Standards Board (GASB), are subject to annual financial and accountability audits by the Washington State Auditor's Office. Counties are concerned that the Financial Data Transparency Act

creates additional standards that are not merited, redundant, and cost a significant amount of money to hire consultants, acquire new technology, and require an upgrade to our financial systems with no federal funding to assist with this transition nor sustain ongoing costs.

## Elections

Washington State's elected County Auditors (and the King County Election Supervisor) conduct elections in Washington State. Our counties are responsible to provide election staff, register voters, ensure the voter database is accurate and correct, acquire and maintain voting tabulation systems, voting centers, and all associated security for ballot drop boxes, facilities, physical, and cyber. Federal funding and support, such as that provided by the Help America Vote Act were often passed through to counties and used to:

- Continuously upgrade voting systems;
- Register voters in statewide voter registration databases;
- Develop, enhance, and maintain statewide voter registration/election management system;
- Provide provisional voting options;
- Improve voter accessibility;
- Ensure the integrity of elections; and
- Implement other improvements to the administration, outreach, and access, to voting.

**WSAC supports elections being managed and conducted locally for security, integrity, and accountability. Further, counties encourage timely active military voting participation through secure and flexible mechanisms.**

## Protect County Revenue and Investment Strategies - Tax-Exempt Municipal Bonds

Protect the legitimate use, and expansion of, tax-exempt municipal bonds. This federal policy is no "loophole." Tax-exempt municipal bonds help reduce the cost of debt service and program costs to citizens. **Washington's counties support the tax-exempt status of municipal bonds** to provide vital investment in public facilities from jails to roads, courthouses to parks, stormwater and wastewater treatment facilities, and other important community

infrastructure. **Washington's counties also urge Congress to restore the use of tax-exempt advance refunding bonds**, which allow local governments to be good stewards of taxpayer dollars by refinancing outstanding debt. Advance refunding bonds saves Washington State, counties, other municipalities, and taxpayers over \$110 million annually.

## Payments in Lieu of Taxes

Payments in Lieu of Taxes (PILT) is a vital funding mechanism to ensure counties receive property tax-like compensation for federal lands within their boundaries.

37 of 39 Washington counties receive PILT.

There are two other important payments provided to counties by the Federal Government:

- Refuge Revenue Sharing Act Payments
- Department of Energy PILT (Hanford) for three Counties (Benton, Franklin, and Grant)

Federal PILT is an important component of many counties' budgets even though it does not generate as much money as private landowner property taxes. **WSAC asks Congress to extend full, predictable, long-term (10+ years) and/or permanent, mandatory funding for the PILT program, which fully and fairly compensates counties for tax-exempt federal land within their boundaries** and for the services they provide on tax-exempt public lands within their boundaries.

## Secure Rural Schools

Equally important to PILT is long-term or permanent reauthorization and funding of the Secure Rural Schools (SRS) program. In the short term, we support:

- Maintaining the current level of SRS payment;
- Restoring full funding of SRS;
- Providing for yearly election of Title II/III designation; and
- Allowing Resource Advisory Committee appointments to be made at the regional or local forest level.

**We support restoring SRS funding levels back to historic 25 percent funding level counties received with inflation built into the payment mechanism.**



# Public Safety, Health, and Human Services

## Medicaid Inmate Exclusion

The Social Security Act (Sec. 1905(a)(A)) prohibits the use of federal funds and services, Children's Health Insurance Program (CHIP) and Medicaid, for medical care provided to "inmates of a public institution." This federal law, known as the "Medicaid Inmate Exclusion Policy" does not differentiate between a convicted inmate and a person incarcerated prior to conviction.

**Congress needs to ensure rapid reinstatement of federal health care benefits for non-convicted justice-involved individuals.** Congress must address the crisis caused by this callous Medicaid inmate exclusion policy (MIEP) that strips individuals, who are still presumed innocent, of their federal benefits. The disruption in continuity of care for individuals caused by this federal regulation, especially for those with complex medical and behavioral health conditions, is of primary concern. This regulation impairs the ability to achieve good health outcomes as individuals transition in and out of our county jails and corrections system. Counties also struggle to contain uninsured costs when inmates lose benefits, driving medical costs up even further. This can result in early release and dropped charges to contain medical costs

Congress:

WSAC is supportive of the SUPPORT ACT (Substance Use Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities (SUPPORT) Act) - Reauthorization that contains elements of the Due Process Continuity of Care Act, which:

- Allows for state option to maintain Medicaid benefits for pre-trial detainees for 7 days following arrest;

- Limit Medicaid coverage just to individuals experiencing a substance use disorder;
- Limit this option to states that suspend and not terminate benefits;
- Requires a licensed medical professional to diagnose the individual while they are detained in order to receive Medicaid coverage for service.

WSAC supports the following bills within the 118th Congress:

- Reentry Act of 2023 (H.R. 2023/S.1165): Allows Medicaid payment for medical services furnished to an incarcerated individual during the 30-day period preceding the individual's release;
- The Due Process Continuity of Care Act (H.R. 3074/S.971): Allows pretrial detainees to receive Medicaid benefits at the option of the state; and
- The Equity in Pretrial Health Coverage Act (S.2194): Removes limitations under Medicaid, Medicare, CHIP, and the Department of Veterans Affairs on benefits for persons in custody pending

## County Veteran Service Officers

**WSAC desires to have Veteran Service Officers serving all 39 counties.** With the high presence of active and retired military personnel, WSAC supports the Commitment to Veteran Support and Outreach Act (H.R. 984/S.106), to authorize federal funding to expand and strengthen County Veteran Service Officers (CVSOs).

CVSOs are local county employees who work in partnership with the federal and state VA. CVSOs are often a veteran's first point of contact in the

community for accessing services. CVSOs assist veterans in accessing a range of benefits, including service-connected benefits, enrollment in VA health care, VA home loans, education benefits and available job placement assistance. Veterans are not always aware of the benefits available to them, and CVSOs are often the first to inform them about their eligibility.

Though CVSOs' primary focus is helping veterans navigate the federal benefits system, these offices are currently funded almost entirely by counties, with some state assistance. This creates challenges for areas with high demand or counties that serve veterans in rural areas. Local resource constraints can significantly hinder the ability of county governments to expand our CVSOs staff and services to sufficiently meet rising caseloads, resulting in long waiting lists that compound ongoing backlog issues at the VA. There is currently no federal funding directly available for CVSOs.

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## Post Covid Pandemic Response and Recovery

**Washington's 39 counties express thanks and appreciation to Congress for important investments that will allow counties to assist our communities, families, businesses, and individuals in recovering from the devastating health and economic impacts of the ongoing COVID-19 pandemic.**

We also ask Congress and the Administration to continue to respond with foundational public health funding that provides additional direct, flexible, federal aid to counties of all sizes to support post-pandemic community impacts including poor educational achievement, public health, social, economic, and health effects from the pandemic, including increases in substance use (opioid and fentanyl), mental health, behavioral health needs, and suicide prevention.

## Stable and Consistent Federal Funding for Public Health

Local public health has a critical and unique public safety role that is focused on protecting and improving the health of families and communities. Demand for governmental public health services has increased with the changing nature of preventable diseases, the resurgence of "historical" diseases, and the surge of new diseases and emergencies. In Washington State, we are working to implement Foundational Public Health Services with increased State and local funding, yet there is still inequitable funding for these services. **Stable and consistent funding of key federal grants helps counties build resiliency in the event of health emergencies, outbreaks, economic changes, and natural disasters.**

The Prevention and Public Health Fund (PPHF), Pandemic, and All-Hazards and Preparedness Act (PAHPA), and the Maternal and Child Health Services (MCH) grants provide local governments with funding to protect communities from threats and hazards to keep families safe and healthy.

- PPHF funds local prevention programs such as childhood immunization, vaccinations, communicable disease outbreaks, and chronic disease prevention.
- PAHPA funds local public health emergency response efforts in areas such as wildfire smoke and air quality, public health emergencies, and mass casualty events.
- MCH block grant supports projects that create a system of care for children and families.

Reductions in any of these federal grants will likely cause local programs to diminish with reduced or eliminated services to residents.

## Aging Adult Services

WSAC supports vibrant programs and services for our aging and senior population in our 39 counties. County Commissioners and Councilmembers often comprise the Area Agency on Aging's Board of Directors and **many counties are purveyors of senior programs, centers, and services.** To this end, WSAC supports:

- Full Fiscal Year (FY) 2024 funding for Older Americans Act (OAA) programs at or above the level of \$2.46 billion as authorized in the Supporting Older Americans Act of 2020 (SOAA, P.L. 116-131)
- The Senior Hunger Prevention Act of 2023 (S.1036)
- Aging Well at Home by Investing in Older Americans Act Programs and Services
- Recognition and Support for Caregivers
- Medicaid Home and Community-Based Services Options to Reduce Unnecessary Institutionalization
- Connecting Health Care and Aging Sectors to Improve Care and Reduce Costs
- Case Management Services

## Vaping and E-cigarettes

Nothing in federal law should pre-empt a local public health jurisdiction from creating more stringent local ordinances that protect the public from harmful substances, promote and implement nicotine cessation services, or prevent youth access to tobacco and other nicotine products.

## Behavioral Health

Elected and appointed county leaders are fully engaged in reforming the behavioral health system in Washington State. Our county jails continue to be the largest mental health institutions in the state which is both morally and financially unacceptable. Further, the behavioral health workforce is woefully inadequate to meet the steadily increased need and demand for services. Counties will need federal support to increase workforce development, training, and retention.

Twenty-two counties and one city have implemented a 1/10th of one percent sales and use tax (approximately \$100 million) to support behavioral

health services (accounting for approximately 90percent of available revenue). Counties have worked with the state to expand and integrate behavioral and physical health care services and create a seamless system of care.

## Mental/Behavioral Health Parity

Congress and Federal Agencies can assist by focusing on several items:

- U.S. Department of Treasury, Labor and Health and Human Services' has proposed a rule to further enforce provisions under the Mental Health Parity and Addiction Equity Act (MHPAEA), enacted in 2008. WSAC is concerned as written, the policy could potentially subject county health plans and governments to non-compliance penalties. Therefore, counties recommend the final rule:
  - Provide clear language on how third-party administrators can comply with MHPAEA when assisting counties in providing non-federal government health plans.
  - Adopt a tiered penalty system that adjusts based on violation severity and frequency to boost compliance and ease financial burdens.
- **Sustain Federal Funding to Support Local Crisis Response Infrastructure Through Medicaid.** **Counties support legislative and regulatory action that provides flexibility and direct funding for the launch, infrastructure, and modernization of local crisis response systems, to include support for the 988 national suicide prevention lifeline and related services.**

The American Rescue Plan Act provided a 3-year enhanced federal matching rate under Medicaid for states to expand access to mobile crisis intervention services. These services are led by behavioral health professionals and help de-escalate behavioral health crises, while also connecting them to community-based services for treatment. Crisis response services also reduce the fiscal burden of behavioral health crises faced by counties by minimizing emergency department visits and hospitalizations and contributing to lower rates of arrest and incarceration of people with behavioral health conditions, who are disproportionately represented in local jails.

- Enforcing policies that ensure equal coverage of treatment for mental illness and addiction. Mental

health and addiction care should be covered at the same level as care for other health conditions. In 2008, Congress passed the Mental Health Parity and Addiction Equity Act (MHPAEA), which required comprehensive standards for equitable coverage of mental health and substance use disorder treatment and coverage of medical/surgical treatment. The 2010 Affordable Care Act expanded the reach of the parity laws by requiring most health plans cover mental health and substance use disorder care as well as expanding the scope of MHPAEA to reach smaller insurance plans;

- Removing limitations on mental health coverage and requiring parity in reimbursement rates. There are still forms of insurance such as Medicare, certain state Medicaid programs, Veterans Administration, and short-term, limited-duration health plans that continue to place limitations on mental health coverage. Additionally, federal laws do not require parity in reimbursement rates and, consequently, Americans are facing barriers to access care as people cannot find in-network mental health care providers.

Counties support efforts to address these issues and achieve mental health parity in all forms of health coverage, programs, and strategies including:

- Providing funding to implement 988 center operations for things like adequate staffing, including bi-lingual staff, to handle call volume;
- Creating large-scale training programs to rapidly bring new behavioral health workers into the workforce;
- **Supporting current workforce retention by increasing federal Medicaid matches in order to help state and local jurisdictions offer more competitive pay and reimbursement;**
- Permanently revising the federal Institutions for Mental Disease (IMD) exclusion rule to allow Medicaid to be used for brief acute behavioral health care stays or support a Section 1115 Waiver that provides for this long-term in Washington State. This IMD rule prohibits Medicaid from reimbursing for both mental health and chemical dependency inpatient services in facilities with more than 16 beds. If this rule were to be suspended or eliminated there would immediately be additional detox, triage, and inpatient treatment beds available;
- Revising 42 CFR Part 2 confidentiality rules for federally funded programs that treat substance use disorder (SUD) patients to align with the Health Insurance Portability and Accountability Act (HIPAA);

- Expanding funding to implement electronic client management systems and technology to integrate with electronic health records to better integrate primary care, behavioral health, and social determinants of health;
- Expanding access to medication-assisted treatment and provide additional Medicaid-funded Suboxone treatment slots;
- Supporting federal legislation, such as H.R.3432 Telemental Health Care Access Act
- Providing flexibility when implementing federal legislation, programs, policies, and rules associated with behavioral health programs and services to meet the most pressing local needs and the most prevalent mental health issues for clients;
- Funding:
  - Workforce training and retention;
  - Substance use disorder services;
  - Detox services;
  - Youth early intervention and substance abuse disorder programs;
  - Supportive housing opportunities for individuals with behavioral health issues as these are foundational to people's well-being and ability to stabilize and seek treatment, including low-barrier housing;
  - Transportation – as it is often an obstacle to sustain treatment for clients and access services; and
  - Increase Medicare and Tri-Care reimbursement rates for behavioral health treatment for older adults to improve access to care for those most vulnerable within the Center for Medicare and Medicaid Services;
- Providing opportunities for best practice programs and services partnering with the courts, criminal justice system, and co-occurring service providers to manage system impacts and reduce costs;
- Increasing availability of evidence-based programs for early detection and intervention of children and youth who are developing mental health issues, including psychosis;
- Providing national education on drug takeback so citizens know why and how to dispose of their no longer needed prescription drugs;
- Removing barriers to and creating additional support for telehealth opportunities; and
- Removing barriers to licensing and cross-licensing of professionals.

## Opioid Dependence, Overdose, and Fatalities

We appreciate Congressional legislative efforts to address one of the most pressing public health and safety challenges facing Washington State today.

According to the Washington's Department of Health, 2,646 people died of a drug overdose (of which 1,803 were synthetic opioids) in 2022. In 2020 Washington State had 1,731 drug related deaths (of which 672 were synthetic opioids).

The consequences of opioid addiction are reverberating throughout society, devastating families, and overwhelming health care providers, law enforcement, first responders, social services, and foster care, with particularly dire consequences for rural and underserved communities. **Turning the tide on the opioid epidemic will require a coordinated and aggressive response across all levels of government.** It is important to act swiftly in addressing this national emergency by providing additional resources and taking the steps outlined below. Recognizing that government cannot tackle this issue alone, **county leaders are also calling upon private sector and non-governmental partners, including, but not limited to, manufacturers, pharmacies, and health care providers to be part of the solution.**

### Ongoing Support for Comprehensive State and Local Efforts

- Provide ongoing supplemental funding to help states and communities turn the tide on the substance use disorder epidemic.
- Continue support for local and state efforts to reduce dependence on opioids and all other addictive substances, overdoses, and fatalities by providing additional emergency supplemental funding through existing federal grant programs.
- Support continued legislation, like the Comprehensive Addiction and Recovery Act 2.0 (CARA) that aims to stem the SUD crisis by providing federal support for local efforts to curb substance abuse. Programs authorized by CARA should be broadened in scope in eligible activities and fully funded through the annual appropriations process to provide local communities the resources they need to fight the substance use crisis.

### Preventing & Identifying Addiction

- Increase funding to support youth early prevention and intervention programs to include funding for evidence based prevention programs. A focus on children with focus on strategies and activities that build social competence, self-regulation and academic skills. Specifically, prevention programs should focus on developing these skills:
  - self-control;
  - emotional awareness;
  - communication;
  - social problem-solving; and
  - academic support, especially in reading
- Increase support for Pediatric DeTox beds in Washington State.
- Improve provider education and training on pain management and safe opioid prescribing.
- Improve access to, and encourage the manufacturing and evaluation of, abuse-deterrent formulations (ADFs) of opioid painkillers.
- Support pharmacies and law enforcement agencies in establishing and expanding permanent take-back programs for disposing of unneeded controlled substances.
- Provide funding to support local harm reduction strategies and programs.

### Expanding Access to Treatment & Recovery

- Needs to be easier to get treatment services than to get fentanyl.
- **Change SAMHSA's intake and assessments from a 14-day requirement to a 90-day requirement.** This gives MAT (Medical Assisted Treatment) providers a chance to immediately stabilize a patient and create a relationship with them before asking difficult assessment questions about their previous criminal history or other sensitive areas. The ASAM (American Society of Addiction Medicine) assessment is a complex 31-page document that they're required to complete within 2 weeks of first meeting a patient, for instance. It's noteworthy that patients often go through these assessments' multiple times (they're not portable) and in practice we end up learning a lot less about each patient by subjecting them to intense questioning before they're stabilized.

- **Increase flexible funding to support a variety of harm reduction programs desired and supported by communities.**
- Update program rules and regulations related to medical assisted treatment modalities.
- Increase 72 hour rapid response detox beds for fentanyl use abuse.
- Develop additional guidance regarding best practices for addiction treatment and the distribution of MAT/MOUD.
- Reduce regulations that create barriers to providers accessing the supplies for supporting MAT/MOUD treatment and fentanyl testing supplies, including CLIA (Clinical Laboratory Improvement Amendments Waivers. Encourage FDA approval of a CLIA-waived point of care test for fentanyl. If this is truly an epidemic, we should have quick testing tools to identify fentanyl, just like we have for COVID.
- Eliminate bureaucracy. For example, the oversight of treatment medications used in MOUD/MAT remains a “multilateral system” involving states, SAMHSA, the Department of Health and Human Services (HHS), the Department of Justice (DOJ), and Drug Enforcement Administration (DEA). Too many different federal and state agencies regulate treatment facilities, which creates confusion and duplication of effort.
- Permanently eliminate the IMD exclusion to help provide the long-term certainty that states, counties, non-governmental organizations, and private providers must fully expand access to inpatient treatment for Medicaid enrollees with an SUD.

#### **Enhancing Support for Law Enforcement**

- Reinstate equitable sharing payments under the Department of Justice (DOJ) Asset Forfeiture Program.
- Expand the federal Heroin Response Strategy to support coordination among regional High Intensity Drug Trafficking Areas (HIDTAs) and a public health-public safety approach to combatting all illegal trafficking of addictive substances.
- Law enforcement diversion programs.
- Provide flexibility in federal funding to support local Law Enforcement Embedded Social Worker (LEESW) Program that helps clients navigate the complex social service system and to remove the barriers that exist between addiction and homelessness, to sobriety and housing.

#### **Strengthen Interstate Collaboration to Stop Drugs Entering Washington State**

- Collaborate with state and local governments to emphasize the prohibition of transporting drugs into Washington both interstate and across international borders. Fentanyl, in particular, has had devastating effects on our communities. Action needs to be taken to disrupt the flow of drugs from entering the U.S. and our state.

## **Air Ambulance**

Rural, remote, and island counties in Washington State depend on air ambulances as the fastest way to get patients that need emergency services, trauma care, and access to burn units. Yet, air ambulance availability and the denial of coverage by insurance companies is a growing crisis limiting this important service. Additionally, the need for air ambulances is compounded by the growing reduction of services in rural hospitals. **WSAC supports the following as two mechanisms by which Congress can ensure access, affordability, and insurance coverage of this important emergency service:**

- **S 1895, Lower Care Costs Act; and**
- **H.R. 3784, The Air Ambulance Affordability Act.**

## **Veterans Emergency Transportation**

The Association opposes the Department of Veterans Affairs proposed rule to no longer reimburse ambulance transportation for veterans if the veteran is not taken to a VA medical center for services. This proposed change is set to become effective February 2024.

This proposed rule creates an unfair burden on veterans in rural areas who do not have access to a VA medical facility. Veterans should not have to bear the burden of an ambulance cost because a VA medical center has been shut down in their community or they do not live close to a VA medical center.

**The Association supports proposed legislation that has been introduced in both the House and Senate to prohibit this proposed rule from being implemented:**

- **S.2757 - VA Emergency Transportation Access Act**
- **H.R.5530 - VA Emergency Transportation Access Act**

## Veteran Service Officers

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## Disaster Preparedness, Community Resiliency, and Emergency Management

Strong emergency management and preparedness are crucial to ensuring our communities can protect from and mitigate the impacts of natural disasters, which are occurring with increasing frequency and severity.

Lack of personnel is Washington State's biggest gap in emergency management. Only eight out of 39 counties have at least one full-time emergency manager. The other 31 counties have an emergency manager who is part-time, meaning the emergency manager is also responsible for many other duties and cannot make this their sole focus.

Federal grants provide the majority of funds for county preparedness offices and additional support is needed to maximize federal investment.

- **The criteria for Federal Emergency Management Agency (FEMA) Individual Assistance must be modified to ensure rural residents are dealt with in a fair and equitable manner.** FEMA should immediately pursue a change to its policies to allow communities impacted by wildfires access to the agency's Individual Assistance Programs. Current FEMA criteria requiring "concentration of damage" unfairly denies Individual Assistance to rural residents with losses from flooding, landslides, earthquakes, and catastrophic fires.
- Increase and Adjust Match for Emergency Management Preparedness Grants (EMPG). EMPGs are flexible funds that most Washington counties use to fund staffing positions and directly meet the needs of their local jurisdiction. EMPGs currently require a 1:1 match. Many smaller counties must return funds every year because their jurisdictions cannot match the full amount of federal funds. Changing to a .50/1 match would help those counties maximize federal dollars. Increasing the total amount of EMPG would also help counties fund much-needed staffing positions.
- Deliver FEMA Personal Assistance (PA) Grants to states as Block Grants. Currently, individuals must apply directly to FEMA for grants, a process that is cumbersome for both applicants and

administrators. Further, applications are often slowed by conflicts between state and local requirements that vary from federal requirements. Delivering block grants directly to states would allow states to tailor PA grants to state needs in accordance with federal requirements and accelerate the process. Consider a 1:1 match with states to incentivize state participation in the process.

- Create personal grants/loans through Small Business Administration to support emergency management planning in businesses. Many employers want to plan, but do not have the capacity to do so. Resilient businesses, including businesses with up to 250 employees, will improve disaster outcomes at the county level.
- Develop personnel grants with federal agencies other than FEMA. FEMA is crucially important to disaster preparedness but is not the only federal agency with a nexus to planning and preparation. Army Corps of Engineers could create grants to fund flood mitigation experts; BLM could support wildfire mitigation specialists; and the U.S. Department of Health and Human Services could help counties pay for evacuation and sheltering experts.
- Expand the response to catastrophic wildfires event recovery. **FEMA must do more to help communities recover from wildfires, such as providing for Burned Area Emergency Response teams, replanting grants, and community restoration funding for infrastructure, businesses, and homes. If modification of the Stafford Act is required, WSAC supports these changes.**
- Transportation risk tax .001 cent. Consider a transportation risk tax of .001 cent, applicable to every gallon of hazardous material that passes on federal roads, delivered directly to the counties through which the hazard passes.
- To make counties more resilient to the potential impacts of climate change, we ask Congress to invest in:
  - Infrastructure to protect against drought and floods and to expand weatherization capabilities;
  - Research and development for advanced transmission and electricity distribution technologies and promote smart grid technologies that deliver flexibility and resilience for communities; and

## National Flood Insurance Program and Biggert-Waters Act

There must be a sustainable, fiscally responsible National Flood Insurance Program (NFIP) to protect the businesses and homeowners who built according to code and have followed all applicable laws. Congress and the Administration shall keep flood insurance rates affordable for citizens while balancing the fiscal solvency of the program. Any reforms made to the program should address modernization of flood risk mapping, increased investment in mitigation activities at the county level, and consumer affordability.

## Building Resilient Infrastructure and Communities (BRIC)

Washington State has over 3,000 miles of coastline and our coastal counties are active in preparing and planning for increased impact from king tides, coastal flooding, and rising sea levels.

**WSAC supports BRIC funding as we plan and implement hazard mitigation projects, reducing the risks we face from disasters and natural hazards including the impacts along our coastlines.**

## Mt. St. Helens Sediment Management, Environmental Protection, and Economic Resilience

During the 1980s, Mt. St. Helens erupted several times causing catastrophic flooding, destruction of roads and houses, eliminating miles of habitat for endangered species, blocking river navigation on the Columbia River, and killing over 60 people. The dislocation of three cubic miles of rock, soil, and sediment (sediment) during the eruptions sent one-third of the sediment into the atmosphere while depositing ash on the ground as far away as Missoula, Montana. One-third of the sediment quickly traveled down the Toutle/Cowlitz River Systems, blocking the Columbia River until it was removed by Corps of Engineers (COE) dredging operations. And, one-third of the sediment was deposited in hills and valleys to be contained in a COE-built sediment retention structure that was filled by 2014. Because an unstable debris plug blocks the natural outlet of Spirit Lake on the northern shore of the volcano, the US Army Corps of Engineers built a bypass tunnel as a temporary solution. But, since the 1980s, earth movement has caused constant maintenance challenges. Needless to say, the sediment is continuing to threaten the river systems including the Columbia River.

WSAC supports the efforts of the Collaborative. In 2018, the National Academy of Science, Engineering, and Medicine recommended that long-term decisions for Mt. St. Helens sediment management, environmental protection, and economic resilience be based on a collaborative process involving tribal, federal, state, and local government agencies. As a result, the Spirit Lake/Toutle/Cowlitz River Systems Collaborative was formed by the Cowlitz and Yakima Nations, the USFS, US Army Corps of Engineers, the National Oceanic and Atmospheric Administration, the National Fish and Wildlife Service, U.S. Geological Survey, and FEMA, DOE, WDFW, and DNR, plus the Lower Columbia Fish Recovery Board, the Cowlitz-Wahkiakum Council of Governments, Cowlitz County, the Cities of Longview, Kelso, and Castle Rock, the Port of Longview, the Cowlitz County PUD, the Cowlitz County Consolidated Diking District #1, and the Cowlitz Conservation District.

WSAC supports the efforts of the Collaborative because of the continuing potential risk of catastrophic flooding, environmental damage, economic disruption, and threats to public health and safety resulting from continued sediment flow from the 1980s eruption of Mt. St. Helens. The economic disruptions alone would affect cities and counties along the lower Columbia River from Bonneville Dam to the confluence of the Cowlitz River at Longview.

## National Weather Service – Coverage Gap

The National Weather Service has a gap in coverage along the eastern slopes of the Cascades and part of the Columbia Basin extending from the Canadian border in Okanogan County south into Klickitat County (portions of seven counties). **WSAC supports the provision of resources (estimated at \$400,000) to complete a feasibility study as a first step in attempting to fill the weather radar gap and give the National Weather Service the opportunity to alert communities when potentially devastating weather events are approaching and/or occurring.** The feasibility study intends to identify strategic locations to place weather observation/prediction technologies and equipment in the region. This will also aid in addressing fire suppression efforts and providing emergency notifications of post-wildfire flood events that directly affect communities throughout the state.

# Workforce Development



Counties, like most employers, are facing unprecedented workforce shortages. This is particularly true in a number of specialized, technical, and professional fields such as behavioral health professionals, planners, prosecutors, public defense attorneys, finance and accounting, public health nurses, information technology, law enforcement and correctional officers, engineering, and traditional and green infrastructure public works.

**WSAC supports activities that enhance the ability for counties and other employers in our communities to recruit and retain a dedicated professional and technical workforce:**

- Support and funding for public service loan forgiveness.
- Support for reskill-upskill programs through expansion of the Workforce Innovation and Opportunity Act (WIOA) like programs.
- Improving access to childcare facilities through investments in early childhood educators and facilities.
- Providing funding to support those transitioning from prison, to find sustainable work.
- Investing in funding science and technology education pathways to ensure optimum medical, technical and other professionals in our workforce.
- Provide support for those veterans looking for new careers as well as support their partners while they are in service to the US Military through transfers of licensure and certifications.
- Expand support for youth aging out of foster care to access vocational and higher education opportunities.



# Homelessness and Housing

The lack of affordable housing at the state and local level is a national crisis. Over the years, housing has become more and more unaffordable. Homeowners are forced to either live beyond their financial resources and/or live long distances from the communities in which they work. This commute creates transportation, transit, and social issues that put demands on counties' programs and services. This is certainly true in Washington State.

From the Columbia Basin to the Olympic Peninsula, all Washington counties are struggling with available and affordable housing options. Our challenges are diverse, ranging from whether it is finding housing for our: residents; county staff relocating to fill vacant positions; farmworkers; or unhoused residents. One thing we can all agree on is that housing for all residents, whether permanent or seasonal, has grown increasingly difficult over the past few years. In many regions, rising real estate prices make home ownership out of reach for our local workforce. In other areas, the proliferation of vacation rentals has made the long-term rental market anemic. In our agricultural areas, there are possibilities for creative seasonal use of farmworker housing. Each of these challenges provides an opportunity for innovative policy solutions to house those in our communities.

It is important that all levels of government collaborate, along with private sector and non-governmental organizations, on their respective roles in reducing housing costs and increasing the supply of affordable housing options, including the federal/county partnership. **WSAC supports the work of our Congressional delegation to strengthen housing availability in our region via a wide range of programs and legislative proposals** including:

- Legislation and programs that provides funding to state and local governments to address affordable and workforce housing needs including important Community Project Funding requests which include housing projects.

- The Department of Housing and Urban Development's Pathways to Removing Obstacles (PRO) Housing program, similar to the Yes in my Back Yard Act.
- Funding to implement the Rebuilding Economies and Creating Opportunities for More People to Excel (RECOMPETE) Act being implemented by the Economic Development Administration (EDA). 565 applications from 49 states came in for the Phase I pilot, more than any other national competition in EDA's history.
- The following entities applied from Washington State: City of Yakima, Clallam County, Foundation for Sustainable Community DBA Farmer Frog, Greater Grays Harbor, Inc., Lummi Indian Business Council, Mason County, NWIRC, Peninsula School District, Research & Development Services of America, Inc., Spokane Tribe of the Spokane Reservation, Swinomish Indian Tribal Community, Tacoma Pierce County Employment & Training Consortium, The Suquamish Indian Tribe of the Port of Madison Reservation and Walla Walla Community College.
- Introducing tax reform that protects key tax code incentives that stimulate private investment in single-family and multifamily affordable housing and neighborhood revitalization;
- Providing National Housing Trust Fund (HTF) funds to local governments;
- Preserving the Low-Income Housing Stock. Many low-income rental housing units receive federal assistance, and many are insured through the Federal Housing Administration;
- Easing federal regulatory burdens that have increased the cost of operating Section 8 housing for owners and the cost of subsidizing such housing to HUD;

- Preserving and increasing Section 8 housing and preventing displacement of tenants;
- Amending the Housing Choice Voucher Program to improve its use in the development and preservation of housing for low- and moderate-income families;
- Initiate a study to explore additional ways to fund low income and workforce housing
- Fully funding federal homeless assistance programs including dedicated funding for existing Shelter Plus Care programs that are separate from the HUD McKinney Act Supportive Housing Program, while maintaining current Shelter Plus Care;
- Introducing legislation to provide additional federal resources to develop housing with supportive services, including mental health services, to help reintegrate “public safety” ex-offenders into the community and the housing market. These additional federal resources must not be at the expense of existing HUD programs, Low-Income Housing Tax Credits, or any other federally funded domestic program; and
- Introducing an initiative to End Veteran Homelessness with the goal to end homelessness among veterans and military families, including using temporary assistance and shelter resources to assist with permanent housing placement.
- Expand housing support for youth aging out of foster care.
- Provide additional funding to the HUD HOME Investment Partnerships Program (HOME) to increase funding to counties and others to partner to fund a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people.
- Building Housing with Care Act (H.R. 3207) To establish a grant program to address the crises in accessing affordable housing and child care through the colocation of housing and child care.
- Affordable Housing Credit Improvement Act (H.R. 3238/S. 1557) is comprehensive legislation to expand and strengthen the Low-Income Housing Tax Credit (Housing Credit), our nation’s most successful tool for encouraging private investment in the development and preservation of affordable housing.
- HAVENS Act (H.R. 3326) to establish a pilot program to build tiny homes for homeless veteran.
- Build More Housing Near Transit Act (H.R. / S.) to encourage the construction of low- and middle-income housing in transit-served, walkable locations.
- Reintroduction of The Rural Prosperity Act of 2022 (H.R.7019) which establishes the Office of Rural Prosperity to address the social, economic, and community well-being and resilience of rural areas in the United States by addressing unique structural challenges experienced by rural communities, including housing, education, healthcare, small business development, and job creation;
- The Choice in Affordable Housing Act (H.R. 4606) which increases the number of landlords participating in the Housing Choice Voucher program which is the Federal Government’s largest program helping low-income families, the elderly, and persons with disabilities to afford decent, safe, and sanitary housing in the private market.
- A fix to the Low-Income Housing Tax Credit income averaging rule;
- The Yes in My Backyard Act (H.R. 3507) legislation to that encourages localities to eliminate discriminatory land use policies and remove barriers that prevent needed housing from being built around the country by updating data collection and reporting under the Community Development Block Grant (CDBG) program;
- The VA Loan Informed Disclosure Act (VALID Act) (H.R. 4335) to help ensure more veterans are made aware of VA Home Loans. The VALID Act proposes to update the U.S. Department of Housing and Urban Development’s “Informed Consumer Choice Disclosure Notice” to ensure more veterans are notified of the VA home loan financing option.



# Transportation and Infrastructure

The Infrastructure Investment and Jobs Act (IIJA) was a significant step towards providing important infrastructure investments for Washington's 39 Counties. County roads, bridges, transit systems, and airports will benefit from these resources. Broadband, ferries, EV charging, ports, and other important community needs will receive an influx of much-needed capital resources. Even with this investment, **Washington's counties are still faced with finding additional federal, state, and local resources to meet the need of an expected two million new residents over the next 20 years. It will take significant and ongoing infrastructure investment to ensure we maintain and sustain a strong, competitive economy with thriving communities.** While WSAC supports and appreciates the IIJA, more must be done, including reforming the National Environmental Policy Act and streamlining permits in a way that still protects the environment while at the same time allows projects to be completed in a manner that is timely, collaborative, and cost-effective.

A collaborative project in 2017, and updated in 2020, of four Washington State associations (Business, Ports, Cities, and Counties) found that "Washington's infrastructure needs are estimated to

be more than \$190 billion." This study, *Building the Economy: Infrastructure Needs in Washington*, found the total investment would result in an estimated 600,000 to 660,000 direct and indirect jobs. The Washington State Association of Counties (WSAC) supports additional federal funding for critical public infrastructure to support a vibrant economy, public health and safety, and a sustainable environment. Specific examples of identified critical infrastructure include:

Bridges	Water Supply	Energy and Distribution
Transit and Roads	Stormwater	State and Local Ferries
Freight Rail	Natural Resources	Water Storage and Distribution
Aviation	Fish Barrier Removal	Infrastructure Resiliency
Wastewater	Jails/ Courthouses	
Marine Ports	Renewable	
Broadband		

# Transportation

Washington State's 39 counties are responsible for a significant amount of the transportation infrastructure in Washington State including:

- Over half of the centerline road miles in Washington State – 39,221 miles;
- 3,389 bridges greater than 20 feet, of which 600 are structurally deficient or functionally obsolete;
- 3,000 small bridges and thousands of culverts that likely impede adult salmon and other fish species from returning upstream for spawning;
- Five counties (Pierce, Whatcom, Wahkiakum, Skagit, and King (passenger only)) operate ferry systems;
- San Juan County has no state or Federal roads. With the exception of one small incorporated area, all public roads are solely maintained by the County;
- Paying for county transportation infrastructure largely through competitive grants and special programs creates barriers for small counties that do not have the resources to write proposals with little guarantee of funding;
- King County operates the eighth-largest bus transit system in the nation;
- Washington's counties are making significant investments in light rail and transit systems; and
- Regional and rural airports (in addition to Boeing Field (King) and Paine Field (Snohomish) many counties own airports).

It is important for Congress and federal agencies to understand that counties are major owners of transportation infrastructure and should be provided levels of funding and authority that adequately reflect their role in the nation's transportation systems. We support:

- Using Highway Trust Fund revenue for a total public transportation program (roadways and transit) and retaining the existing budget treatment of the highway and mass transit accounts within the Highway Trust Fund;
- Providing robust funding for the Surface Transportation Block Grant so counties can access vital infrastructure funds;

- Ensuring the long-term solvency of the Highway Trust Fund by considering revenue sources that will better capture all users of the nation's highways and account for all vehicles;
- Streamlining and adding flexibility to the administrative requirements of federal grant programs, as well as federal permitting regulations (e.g. NEPA), to direct more funding toward necessary road, bridge, and highway improvements, especially when counties are required to undertake construction projects necessitated by federal actions or projects;
- Providing Federal funding to implement the Washington State Ferries 2040 Long Range Plan and support the development of regional ferry systems that are green – featuring zero carbon ferries and multi-modal connections; and
- Assisting counties, the state, and other local jurisdictions invest in strategic improvements for a more sustainable and efficient freight mobility system that reduces impacts on local communities and the environment.

In order to provide a greater range of transportation options to help reduce the impact of transportation-related greenhouse gas emissions, Congress should:

- Invest in funding to improve transportation options by modernizing and reducing emissions of transit vehicles, such as expanding electric transit systems and/or hydrogen-based transportation alternatives;
- Invest in the build-out of a network of electric vehicle (EV) chargers within and between communities;
- Extend and expand clean energy and EV tax credits for businesses and consumers to spur demand for domestic manufacturing, accelerate clean energy and EV deployment, and grow our capacity to build those technologies in the U.S.; and
- Invest in multimodal solutions including bike and pedestrian access, heavy-duty vehicle electrification, and electrification options for low-income communities.

### Fish Passage Barrier Removal

**The Association is very appreciative of our congressional delegation's support, in particular Senator Cantwell, for the Department of Transportation's (DOT) National Culvert Removal, Replacement, and Restoration Grant Program to support fish passage funding** included in the Bipartisan Infrastructure Law and will specifically help counties remove fish passage barriers by repairing or replacing culverts found under our county roads.

In 2001, 21 Washington State Tribes filed suit in Federal District Court seeking to compel the State of Washington to repair or replace culverts that acted as barriers to fish migration. Historically, culvert designs were constructed to meet the design and permitting requirements of the U.S. Army Corp of Engineers and Washington State Department of Fish and Wildlife Hydraulic Project Approval permit.

Dissatisfied with the state's progress to replace fish passage barriers the tribes sought and won a permanent injunction in 2013 that was upheld by the U.S. Supreme Court in 2018, forcing the state to replace all offending culverts under state-owned roads in the area designated in the lawsuit (case area) by 2030. This case area includes an estimated 800 state-owned barriers within 14 counties surrounding the Puget Sound. The state has estimated costs in excess of \$7 billion to address the 800+ barriers under state roads.

Within the state case area, the Washington Department of Fish and Wildlife inventory lists over 3,200 known county-owned fish barriers, with an estimated potential for 10,000 county-owned barriers statewide. The cost to replace county-owned barriers in the 14-county case area is currently estimated to be nearly \$5 billion (this number is subject to change as new inventory, cost estimates, inflation projections, and additional information becomes available). Currently, the average cost to replace a culvert (fish passage barrier) on a county road, usually with a short-span bridge is \$1.25 million.

Counties do not possess the resources to address a problem of this magnitude. On average, counties can afford to upgrade two to four barriers per year. The State of Washington is in the process of replacing or repairing their 800+ barriers and Washington cities, which also own at least 1,200 fish blocking culverts, expect replacement costs to be several

billions of dollars. All combined, it will cost the State of Washington and local governments more than \$15 billion dollars in repairs and replacements to fish passage barriers. A federal partnership is critical in addressing this problem of removing fish passage blockages to assist in the recovery of federally listed endangered salmon populations and the Southern Resident Killer Whale. WSAC supports a watershed-based implementation strategy to fish passage barrier removal to ensure better outcomes that sequence and coordinate investments being made by the state, cities, and counties.

### Harbor Maintenance Trust Fund

The full expenditure of harbor maintenance trust fund collections needs to occur on dredging and harbor maintenance to provide equity for deep draft ports that contribute collections to the fund but do not have significant dredging needs by allowing them to utilize trust fund dollars for limited port-related uses other than dredging.

To this end, WSAC supports appropriations to expend all trust fund revenues each year, eliminate practices of lawmakers moving money out of the fund to projects unrelated to ports and/or port development, and increase flexibility of the funds for donor ports.

Congress needs to fulfill its commitments to fully implement the deep-water port set aside to aid our deep-water ports and dredge-dependent ports on the Columbia River and within the Puget Sound

### Water Infrastructure

Congress needs to provide programmatic and project funding to support local and state investments in initiatives such as the:

- Yakima Basin Integrated Plan;
- Icicle Work Group;
- Columbia River Water Management Program;
- Chehalis Basin Integrated Strategy; and
- Completion of Congressionally Authorized Columbia Basin Project.

These programs and associated projects are designed to support salmon recovery, improve ecological conditions, and support the growing demands on water supplies to support growth for industrial, agricultural, municipal, and exempt wells.

## Airports and Aviation

Local and regional airports are essential to the economic well-being and safety of communities throughout Washington State. Unlike the greater Puget Sound region, most of our state is rural and heavily dependent on smaller airports for economic development, public safety (especially wildfire response), and recreation. These local and regional airports have limited opportunities for revenue generation. The following federal actions and support are deemed essential to the public safety and prosperity of our state:

- Enhance and expedite Airports and Airway Trust Fund support for Washington state's small and regional airports;
- Airport Rates and Charges: Ensure local governments and airport operators have full authority to impose and enforce fees, rates and charges, and other revenues dedicated to airport development, capital financing, and operations;
- Increase Passenger Facility Charges to supplement federal funds dedicated to airport capacity and development in Washington State;
- Off-Airport User Fees: Continue the authority for local governments and other public airports to set fees, rates, and charges for the use of airport facilities by off-airport business, with proceeds dedicated to airport development, capital financing, and operations;
- Federal Aviation Administration – Air Traffic Control System. Do not privatize the nation's air traffic control system as we believe privatization will have a negative impact on rural airports and communities;
- Make appropriate investments in Next Generation Air Transportation System modernization to make air transportation safer, more efficient, and more predictable;
- Increase federal funding to support municipal and regional airport infrastructure improvements essential to timely, effective, aviation-centered wildfire operations; and
- Authorize federal funds dedicated to matching state grants and not-for-profit public aviation programs chartered to improve the safety, accessibility, or economic value of public use airports in Washington state.

## Stormwater and Water Quality

Federal funding is needed to invest in cost-effective approaches to retrofitting stormwater facilities, collecting stormwater runoff in separate storm sewers, and discharging to surface waters as required under the federal Clean Water Act. **It is important counties receive federal funding support to implement the Municipal Stormwater Permits and National Pollutant Discharge Elimination System permits so these burdens do not fall solely on ratepayers.**

WSAC supports funding to prevent and address per- and polyfluoroalkyl substances (PFAS) contamination. PFAS-contaminated water has been identified in the Issaquah and Dupont water systems, at Fairchild Air Force Base, Whidbey Island Naval Air Station, Yakima Training Center, and Joint Base Lewis McChord. Additional remediation is likely necessary in other public and private water systems as additional testing is performed. Many counties own and operate airports and solid waste facilities that have potential PFAS impacted areas.

WSAC urges Congress, the Environmental Protection Agency (EPA) and other federal agencies to study the health and environmental impacts of Per- and polyfluoroalkyl substances (PFAS) compounds and to work closely with state and local governments on any regulatory or legislative actions related to PFAS.

WSAC supports legislation that provides liability protection for “passive receivers”. Any PFAS legislation must include a specific provision to ensure that local governments are explicitly recognized as “passive receivers” of PFAS and therefore provided limited liability exemptions and protections within the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (“CERCLA”). Counties should not be liable if they did not contribute to the contamination of water quality from PFAS. This protection is included within the Water Systems PFAS Liability Protection Act (S. 1430) and the Resource Management PFAS Liability Protection Act (S. 1429) to protect local governments that neither caused nor contributed to PFAS contamination.

**WSAC supports funding to implement local solutions to address the impacts from 6PPD-quinone, a cause mortality for aquatic species in stormwater.**

### Broadband

WSAC is appreciative of the \$42.45 billion investment Congress has made in the Broadband Equity, Access, and Deployment (BEAD) Program to expand high-speed internet access by funding planning, infrastructure deployment and adoption program. We appreciate the partnership and outreach of the National Telecommunications and Information Administration in program administration.

Broadband access is critical to the modern economy, essential for education, and vital to health equity. It is increasingly essential to many activities of daily life and quality of life. Our need for strong and equitable access to broadband has been heightened by the COVID-19 pandemic. However, due to geographic, economic, and other barriers, access to quality, high-speed broadband lacks for far too many Washington residents. This access gap:

- Hinders counties' ability to provide vital services;
- Impedes telehealth and telemental access;
- Limits the opportunity to participate in remote work;
- Restricts economic growth for small businesses; and
- Creates inequitable access to support remote learning and school activities

Long-term, sustainable funding from the state and federal governments is needed to provide an ongoing commitment to expand and maintain quality, affordable broadband access.

WSAC supports solutions that are flexible enough to fit specific geographic and regional needs. The state and local governments can better define and utilize local understanding and strategies to increase broadband access. Additionally, grant funding opportunities often focus on urban and rural areas, but unserved and underserved communities also exist in mid-density counties. Therefore, grant opportunities should be expanded accordingly.

WSAC also supports fair and proportional sharing of utility pole costs so that broadband investments go toward the build-out of fiber optic network capacity rather than to cover utility pole replacement for public utility districts which would reduce the number of fiber to premises served. WSAC opposes arbitrary "dollars per house served" limitations on broadband grants so that agricultural and other low-population-density areas of counties are not excluded from full participation in the digital economy.

**It is important that Washington businesses and residences have access to at least one broadband provider with both upload and download speeds of at least 150 Mbps and that new minimum service must be scalable and provide capacity to meet future needs and avoid functional obsolescence.**

It is important to ensure there is an appropriate level of local input in Federal Communications Commission (FCC) decisions regarding broadband deployment, infrastructure, and funding. The federal government should:

- Prioritize locally based companies in broadband procurement. Connect America Funding Phase II funding was released through an auction without any county or local government input. Companies without a presence, and as far away as Maryland, won this funding for a few rural counties in Washington, without a physical presence to supply the needed deployment and infrastructure needs;
- Amend the Rural Digital Opportunity Fund to require awardees to guarantee fiber to the premises in a timely manner and to prohibit a 10-year lockout of other providers ;

- Revise and review FCC maps to determine accuracy. Other sources of data coverage such as speed tests, Microsoft data, M-lab, Google, and Ookla data that has been verified must be considered in funding decisions.;
- Do not preempt local decision-making in installing 5G.
- Support local government flexibility to serve as retail network providers at their option including cities, counties, port districts, and public utility districts.
- Demand that ISPs (Internet Service Providers) be held accountable to provide 100/100 Mbps.
- Once BEAD infrastructure expansion and digital equity rural project areas are defined and funded, allow for consideration of urban area investments not currently allowed.
- The FCC needs to shorten the time frame that successful auction recipients have to deploy investments and implement projects within the Rural Digital Opportunity Fund (RDOF), which is currently 8 years.

Other actions to consider include:

- Support continuation of the ACP program (or similar) for low-income households to obtain internet access including the simplification of the verification process to enroll people in program allowing digital navigators some leeway to verify identity and income.
- Open the 1997 Telecom Act! and Transition Universal Service Fund from voice telephone to include broadband service providers.





# Natural Resources

## Active Forest Management, Forest Health, Catastrophic Wildfires, and Recovery

Congress and the Administration must act to reduce the threat of catastrophic wildfire. A joint study conducted by the Washington State Department of Natural Resources (DNR), the United States Forest Service (USFS), and The Nature Conservancy found that 2.7 million acres of eastern Washington forestland needs restoration. Federal lands account for 42 percent of the unhealthy forests identified.

Policies and legislation, as well as pilot programs and projects, are needed to renew the federal government's commitment to manage federal forests for the benefit of counties containing federal forestland. **Management should be conducted in a manner that produces a sustainable resource yield, improves forest health, protects the environment, and aids in the prevention of catastrophic wildfires.** Additionally, the potential impacts of climate change are expected to have wide-ranging impacts on federal lands in Washington State. In recent decades, Washington State has experienced significant droughts, floods, erratic snowpack, and several extreme wildfire seasons. These events and conditions are expected to become more common as the climate continues to change.

Catastrophic wildfires destroy public lands, jeopardize access to vital resources, decrease biodiversity, and impact public health and safety. WSAC believes that a comprehensive forest management approach is necessary to address this growing threat to communities. Examples include:

- Providing federal funding to communities and counties to plan and prepare for the catastrophic effects of wildfires on federal forest lands;
- Incentivizing and supporting the use of forest

products to create innovative products (such as mass timber, cross laminated timber) and byproducts (such as biochar);

- Supporting the development of a wood products campus in areas of the state that are fire prone, using the latest technologies to harvest timber from overburdened forests and produce lumber products for market, in turn improving forest health, preventing wildfires, and creating family-wage jobs;
- Directing the USFS and the Bureau of Land Management (BLM) to establish pilot programs to improve forest health and reduce the impact of catastrophic wildfires through the use of Good Neighbor Authority agreements with DNR;
- Supporting funding for non-industrial small forest landowners for innovative programs to promote forest stewardship;
- Requiring the USFS and Department of the Interior (DOI) to increase the number of acres treated with controlled burns;
- Providing funding for both the USFS and DOI to plan, prepare, and conduct controlled burns;
- Providing additional funding for the Collaborative Forest Landscape Restoration Program, to implement controlled burns on county, state, and private land at high risk of burning in a wildfire;
- Requiring state air quality agencies to use current laws and regulations to allow larger controlled burns and give states more flexibility in winter months to conduct controlled burns that reduce catastrophic smoke events in the summer;
- Establishing a workforce development program at the USFS and DOI to develop, train, and hire prescribed fire practitioners and establish employment programs for Tribes, Veterans, women, and those formerly incarcerated;
- Authorizing and requiring Forest Service personnel

to continue fighting forest fires after hours when local and state agencies are also engaged in after-hour actions;

- Investing in Community Wildfire Protection Planning, Wildfire Urban Interface preparedness, and other proactive measures to protect our communities;
- Establishing an incentive program to provide funding to state, county, and federal agencies for any large-scale controlled burn;
- Requiring the USFS to increase the pace and scale of active forest management;
- Stopping frivolous lawsuits that are solely designed to delay projects and intimidate federal decision-makers;
- Avoiding (electric) utility shut-offs that put human health at risk by properly maintaining utility corridors;
- Efficiently salvaging timber following catastrophic fire events; and
- Providing credit and value for carbon sequestration on federal forests.

Federal land agencies should focus post-catastrophic event recovery efforts on replanting, removing noxious weeds and invasive species, soil stabilization, removal and harvest of timber, and other important landscape and watershed restoration measures.

## Federal Lands Transfer to the States and Local Governments

WSAC supports a systematic and factual review of the potential benefits and risks associated with the transfer of federal lands to Washington State or its counties.

## Bonneville Power Administration

WSAC supports the Bonneville Power Administration (BPA) remaining a federal agency and a publicly owned electricity transmission system. The BPA is self-funding. It repays, with interest, the U.S. Treasury from electric rates set to recover taxpayer investments. BPA costs are paid for by customers who buy the electricity primarily through local public utilities.

A 2017 report by the Northwest Power and Conservation Council found that electricity rates might soar by 40 percent under privatization. The report stated that “[b]esides causing a direct and detrimental impact on power rates, the privatization of the BPA transmission system would leave the region vulnerable to market manipulation by creating artificial transmission restraints.”

## Energy

Access to energy is critical for the basic social and economic needs of our communities in Washington State. Given the importance of energy, the price of energy has a direct effect on jobs, economic productivity, business competitiveness, and the cost of goods and services. Continuing to increase the supply of affordable energy options for our public and private purveyors of consumer energy sources is an important component to our public policy goal.

WSAC understands the importance of sustainable efforts to reduce GHG emissions and the balance to preserve the advantages of low cost and reliable power that have been historic environmental and economic advantages for our state.

**WSAC supports the development of clean, efficient renewable energy sources that meet our state’s energy demand. Imperative in the development and siting renewable energy projects and transmission corridors, is the engagement with local communities, coordination with local planning processes, and balancing compatible land uses.** WSAC supports:

- Siting renewable energy projects consistent with local land use plans.
- Parity in federal subsidies for clean and renewable energy projects.
- The acknowledgement that hydropower is clean renewable energy.
- Protecting agricultural resource lands with compatible renewable energy production.

## Columbia River Treaty

Our counties along the Columbia River and within the Columbia River Basin are actively involved in participating in the update process for the O Columbia River Treaty – an international agreement between Canada and the United States regarding the cooperative development and operation of the water resources of the Columbia River Basin for the current stated benefits of flood control and power.

It is imperative that the Washington State Congressional Delegation ensure that the input, participation, and decisions of local elected leaders are included in Treaty review and update. **We ask the Administration and Congress to ensure that a modernized Treaty is designed to meet the future regional water supply needs for irrigation, municipal and industrial use, instream flows, navigation, and recreation.**

It is beneficial to continue communications with the lead United States negotiator to keep local county officials, and other key local partners, apprised of progress on meeting negotiating milestones and benchmarks. It is critical that negotiations be complete prior to September 2024. Failing to renew or extend this treaty will have the following potential impacts to our communities:

- Lack of adequate flood control and higher risk of flooding downstream and possible lack or restricted flows later in the season.
- Real time flood control will create the need to draw down Lake Roosevelt to double or more of the current levels. This will potentially cause:
  - The need for Banks Lake Pumping Stations to be retrofitted to support irrigation and power generation in at least one of the conveyance tubes.
  - Impact the fisheries behind Grand Coulee Dam, including the possible delay or complications on the re-introduction of non-ESA Salmon behind Grand Coulee and Chief Joseph dams.
  - Cause greater erosion on the Lake Roosevelt shorelines and increase landslide potential, including the possibility of needing to purchase more sensitive and risk lands adjoining the shoreline.
  - Reduced recreation opportunities, especially boating and fishing due to boat launches being inaccessible. Further, boat launch inaccessibility could create the lack of “on water” patrol, inspection, search & rescue, local law enforcement and other international crossing and border patrol issues.
  - Reduced water for irrigation.
  - Potential water levels requiring barge controls or restrictions.
  - Reduced electrical generation capacity at Grand Coulee and elsewhere in the system.

## Columbia River System Operations

The joint Record of Decision on the Columbia River System Operation Environmental Impact Statement was signed by the U.S. Army Corps of Engineers, Bureau of Reclamation, and BPA on September 28, 2020. The Record of Decision is the final step in the Columbia River System Operations National Environmental Policy Act process. This Record of Decision follows a federal judicial ruling in 2016 which, for the fifth time, ordered federal agencies to look at all options to protect salmon in the Columbia River system. According to the Army Corps of Engineers:

*“All alternatives were designed to benefit ESA-listed fish species. The alternatives represent different ways to balance the multiple purposes of the system. For example, some of the alternatives include more actions, or measures, to benefit fish, while some put more emphasis on power generation and other water uses. This allows the agencies to assess the full effects of achieving one set of objectives over another. The impacts of all of these measures will be documented in the draft EIS.”*

Any significant changes and proposals that negatively affect regional economic stability, impact flood risk management, irrigation, power generation, navigation, fish and wildlife, cultural resources, and recreation opportunities provided by the current system must be carefully considered.

Without a comprehensive analysis of the cumulative impacts and benefits combined with assurances to provide thorough mitigation of the following issues, WSAC does not support, at this time, removal of the four lower Snake River Dams:

- Continued flood risk mitigation and reduction management;
- Provision of replacement water storage and supply for municipal, industrial, agricultural, exempt well, and environmental benefits;
- Supply of clean renewable replacement power production to stabilize price and power needs;
- Financially viable and adequate infrastructure to support loss of navigation and river transportation;
- Funding to repair or replace roads, bridges and

other transportation infrastructure damaged by removal of the dams and lowering of water levels;

- Protection of all fish and wildlife resources;
- Protection of cultural resources;
- Assurance from net negative impacts to agricultural production and food supply;
- Additional options to increase salmon production and increase the health of the Puget Sound (and its species); and
- No loss in outdoor recreation opportunities or facilities.

## Waters of the United States

Washington's 39 counties maintain nearly 40,000 miles of roads and associated ditches, bridges, culverts, stormwater facilities, and other supporting transportation infrastructure. **An updated "Waters of the U.S." (WOTUS) rule must ensure there is, at a minimum, a permit exemption for certain county road ditches.**

WSAC advocates that the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers rewrite the WOTUS rule in a way that appreciates counties' role as owners and operators of key public safety and water infrastructure and as an intergovernmental partner in implementing federal regulations under the Clean Water Act.

## Water Quality Standards – Clean Water Act

Continue the delegated authority to Washington State to develop local solutions to implement all facets of the Clean Water Act, without interference from the Environmental Protection Agency, including finalization of:

- Washington State Water Quality Standards, including human health criteria; and
- Non-point pollution plan and Concentrated Animal Feeding Operations permits.

## Salmon Recovery and Watershed Restoration

All 39 counties are engaged in recovery of salmonid and endangered fish species, watershed planning, and restoration. WSAC supports the work of all of our basins and the work of the Congressional Puget Sound Recovery Caucus to improve the profile and standing

of the Puget Sound under national restoration, conservation, recovery, and economic development programs for coastal and maritime communities.

It is important that there is an equitable method to provide federal funds go to on the ground, local government projects and programs supported by local implementing organizations, local governments, tribes, and citizens. Stable and predictable funding is needed for coastal, Puget Sound, and Columbia and Yakima River Basin recovery activities that include:

- Implementing the PUGET SOS Act
- Fish Passage Barrier Removal;
- Puget Sound Nearshore Ecosystem Restoration;
- National Estuary Program and Flood Plain by Design;
- Pacific Coastal Salmon Recovery Programs;
- Mitchell Act or other programs and services including appropriate hatchery activities that assist in our Regional Salmon Recovery Efforts; and
- Non-ESA listed Species above Grand Coulee.

## Endangered Species Act Reform

Endangered Species Act (ESA) reform must balance the protection of fish, wildlife and plant populations, responsible land, water, and resource management, and local community and economic impacts.

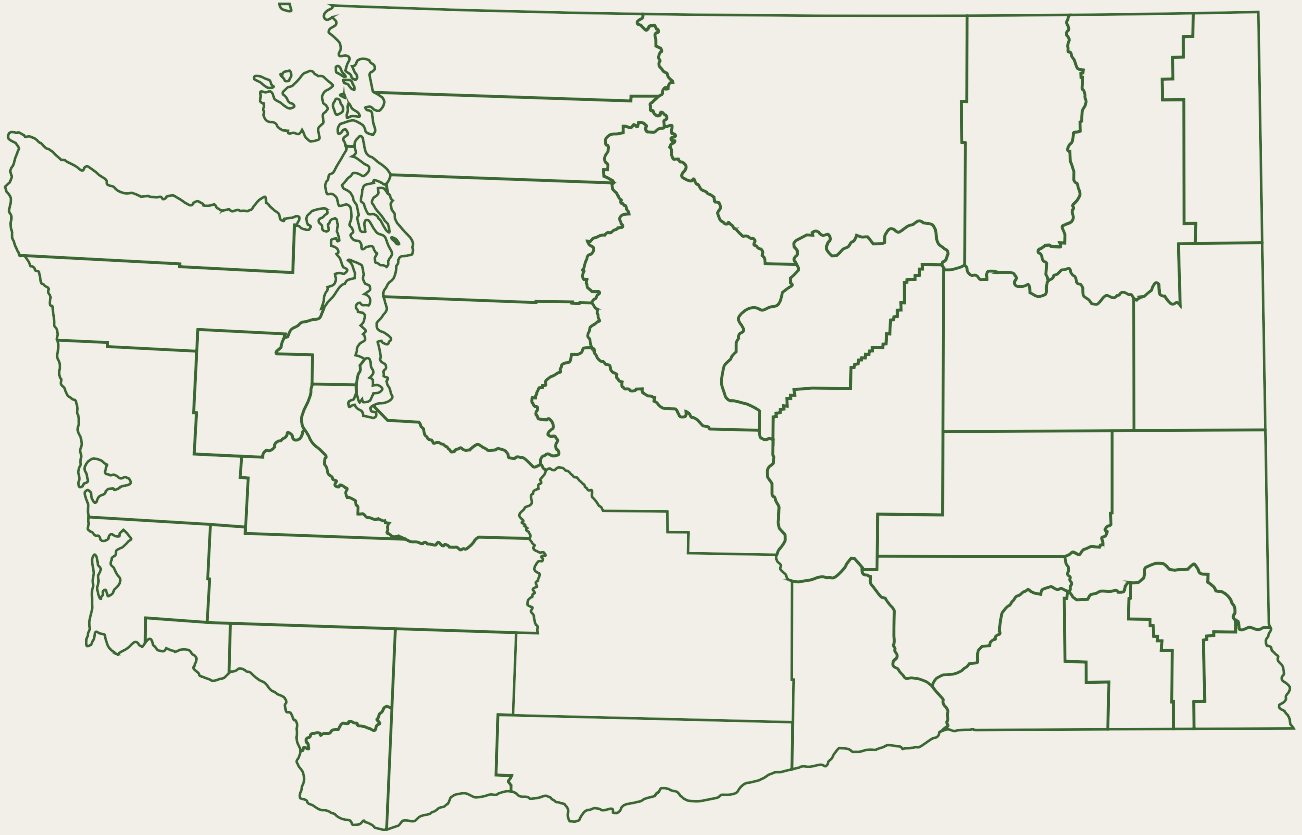
There should be a review and update of the process to de-list ESA species.

Assure cumulative impact analysis of single species reintroduction or habitat restoration.

## Land and Water Conservation Fund

WSAC supports \$900 million in annual funding for Land and Water Conservation Fund (LWCF). In Washington State, LWCF has provided over \$724 million to fund more than 600 projects over the past 50 years. These projects help to protect community greenspaces, build parks and trails, and improve boating and recreational access.

WSAC supports this annual funding provided there is a restriction on the purchase of federal lands by USFS, BLM, or National Park Service without coordination from the county legislative authority within which the property lies.



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