



County Commissioners:

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Board of County Commissioners

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February 8, 2022

Mrs. Joey Perry
USFS Program Manager

Dear Mrs. Perry;

The Montezuma County Board of County Commissioners is writing you today to request an extension to the comment period for the U.S. Department of Agriculture (USDA) Forest Service's Proposed Rule Establishing Annual Programmatic Administrative Fees for Communications Use Authorizations published December 22, 2021.

The current comment period, which closes February 22, 2022, is too short for affected stakeholders to evaluate the impacts on emergency services authorizations fully. Montezuma County has two towers that may be affected.

A further concern we have with the notification of the Programmatic Administrative Fees is that The USFS gave no prior notification notice to the Montezuma County Board of County Commissioners before the announcement in the Federal Registry. We believe this is a violation of the Federal Lands Management Act (FLPMA), which clearly states how the USFS will interact with Local and State governments before federal actions are proposed. FLPMA states; Congress directs that the Agency implement this requirement by doing the following;

1. Keep apprised of State, local, and tribal land use plans;
2. Assure that consideration is given to local plans when developing a federal plan, policy or management action;
3. Provide early notification (prior to public notice) to the local government of the development of any plan, policy, or action;
4. Provide an opportunity for meaningful input by local government into development of the plan, policy, or Action; and
5. Make all practical efforts to resolve conflicts between federal and local policy, and reach consistency.

“Coordination” is not optional, is separate from Public Input, and has a precise meaning in the Congressional mandates to Federal Agencies. It requires a government-to-government interaction, each of equal standing, between the Local Government and the Federal Agency. Specifically, 16 United States Code, Section 1604, among other things, requires the Forest Service to,,, “develop, maintain and, as appropriate revise land use plans ---and to coordinate with the land and resource management planning processes of state and local governments and other Federal Agencies.” Montezuma County asserts that adequate coordination has not taken place as per congressional directive; specifically, the USFS lacks early notification and makes all practicable efforts to reach consistency.

As we understand the proposed rule, Montezuma County could potentially be charged approximately \$2,800 for authorizations on towers located on USFS Lands. While this fee seems minor and straightforward, it gets more complicated quickly. Montezuma County owns the Dolores Tower, and it is dedicated solely to emergency services. The Dolores Tower is critical for law enforcement, fire departments, emergency medical teams, wildfire crews, search and rescue teams, Colorado Parks and Wildlife, and Colorado State Patrol dispatch. Also included on this list are BLM and Forest Service. We allow the use of our towers to any public safety entity in need, and we have never charged a fee to any of them.

Montezuma County is the sole maintainer of this tower and building, the included:

- VHF, DTRS, radio hardware/software
- The emergency generator
- The interior telephone communication lines
- The electricity and propane costs
- The immediate surrounding area

This site is only used for public safety communication equipment and not for personal use or monetary gain.

We ask that the comment period be extended by 30 days for further evaluation with the above in mind. To reach consistency between governments, we request that the proposed fee increase be reconsidered, or there be a waiver considered for the fee in light of the service we have freely provided to the above agencies, including the Forest Service. It may be understandable for us to pay a fee if we were a for-profit organization, but move money from one government pocket to another. At the same time, we all provide public service is inefficient and unconscionable.

While the fees may be nominal, taking anything out of the public safety coffers, mainly when the Agency receives mutual benefit, may have unacceptable consequences. Montezuma County respectfully requests a 30-day extension for a more robust evaluation of the program and its effect on both agencies.

Respectfully,

The Montezuma County Board of County Commissioners.

Jim Candelaria

Kent Lindsay

Gerald Koppenhafer

