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Trans-Alaska Pipeline

WHEREAS, at the Western States Land Commissioners Association conference in session at Anchorage, Alaska, July 30 to August 4, 1972, it has become apparent that consideration of the development of effective methods of transportation of petroleum production for energy development is essential and critical; and

WHEREAS, it is recognized that there is a national energy crisis, necessitating the development of all energy resources including the low sulphur content petroleum resources of the Prudhoe Bay region; and

WHEREAS, the proposed petroleum pipeline to transport such resources has been studied exhaustively; and

WHEREAS, the Secretary of the United States Department of the Interior has announced his intention to approve the requisite authorizations for construction of the subject pipeline;

NOW, THEREFORE, BE IT RESOLVED that the Western States Land Commissioners Association hereby endorses the program for development of the subject resources, for which the construction of the aforesaid pipeline is an essential element, with due regard for all environmental, social, and economic safeguards.

BE IT FURTHER RESOLVED that copies of this resolution be mailed to:

Governor William A. Egan  
Commissioner Charles F. Herbert  
Alaska Delegation

RESOLUTION NO. 1  
TRANSALASKA PIPELINE

WHEREAS, at the Western States Land Commissioners Association Conference in session at Otter Rock, Oregon, July 29 to August 1, 1973, it has been determined that consideration of the development of effective methods of transportation of petroleum products for energy is essential and critical; and,

WHEREAS, it is recognized that there is a national energy crisis, necessitating the development of all energy resources including the low sulphur content petroleum resources of the Prudhoe Bay region; and,

WHEREAS, the proposed petroleum pipeline to transport such resources has been studied exhaustingly and due consideration has been given to environmental factors including the requirement of existing law that shipping of such petroleum products in interstate commerce must be in "U. S. bottoms" thereby greatly increasing the safety factor against the possibility of water pollution; and,

WHEREAS, the Secretary of the United States Department of the Interior has endorsed the construction of the subject pipeline but lacks the authority to grant the necessary right of way.

NOW, THEREFORE, BE IT RESOLVED that the Western States Land Commissioners Association hereby endorses the program for the development of the subject resources and urges the Congress and the President of the United States to enact into law House Bill 9130 as approved by the House Interior Committee on July 25, 1973.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted to:

The Honorable Richard M. Nixon, President of the United States;

The Honorable Spiro T. Agnew, Vice President of the United States and President of the United States Senate; The Honorable Rogers C. B. Morton, Secretary of the Interior; and The Honorable Carl Albert, Speaker of the House of Representatives.

Attest:

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary

RESOLUTION NO. 2

JOINT MEETING

WHEREAS, through the efforts of the Honorable Rogers C. B. Morton, Secretary of the United States Department of the Interior; Jack O. Horton, Assistant Secretary for Land and Water Resources, United States Department of the Interior; Curt Berklund, National Director, Bureau of Land Management; Archie D. Craft, Oregon State Director, Bureau of Land Management; and William S. Cox, Director, Division of State Lands for the State of Oregon, a joint meeting was arranged between the western State Directors of the Bureau of Land Management and the Western States Land Commissioners Association at Otter Crest, Oregon, July 29 through August 1, 1973, and

WHEREAS, such meeting has proven to have been most productive and beneficial to all parties in the area of land management with particular reference to cooperative land use planning looking toward the solving of the national fuel shortage in a manner compatible with the nation's environmental needs.

NOW THEREFORE, BE IT RESOLVED that the 1973 annual conference of the Western States Land Commissioners Association expresses the wholehearted and grateful appreciation of the members to the afore-said persons for their efforts in making the joint meeting possible.

BE IT FURTHER RESOLVED, that consideration be given to continuing this practice each year.

Attest:

Bob Armstrong  
Secretary

J. Keenan  
President

RESOLUTION NO. 4

LIEU LAND SELECTIONS AND EXCHANGES

WHEREAS, the Western States Land Commissioners Association in conference at Otter Rock, Oregon, July 29 through August 1, 1973, held a joint assembly with the western states directors of the Bureau of Land Management of the Department of Interior; and,

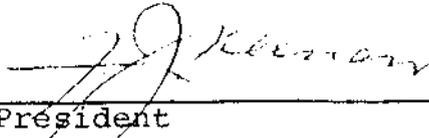
WHEREAS, the thrust of the conference was to further the cooperative endeavors of the federal and state land management agencies; and,

WHEREAS, there appears to be some administrative problems that need resolution; namely, state lieu land selections and land exchanges,

NOW THEREFORE, BE IT RESOLVED that it is the desire of the Western States Land Commissioners to sincerely petition Secretary of Interior Rogers C. B. Morton, for an early and timely meeting with the Western States Land Commissioners Association legislative committee for the purpose of furthering cooperative administrative activities between federal and state governmental land managing agencies and to seek resolution of the long standing problems of lieu land selections and land exchanges.

ADOPTED in conference August 1, 1973, Otter Rock, Oregon, at the Western States Land Commissioners Conference.

Attest:

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary

## **Resolution No. 1**

### **LAND EXCHANGES**

WHEREAS, there is much intermingling of state and federal lands in the Western States; and

WHEREAS, such intermingling of ownership may be detrimental to efficient management of such lands; and

WHEREAS, land exchanges between the federal and state governments would be of great material benefit to the administration of their respective land programs; and

WHEREAS, it is felt that existing laws are too restrictive in their wording and that a too restrictive construction has been placed thereon by the land administration branches of the federal government;

NOW, THEREFORE, BE IT RESOLVED that the 1974 Annual Conference of the Western States Land Commissioners' Association meeting in Austin, Texas, on August 1, 1974, hereby memorializes the Congress to review the exchange laws in their entirety with a view to liberalizing and standardizing such laws; to direct the administrative branches of the federal government to apply a more liberal construction to such laws and to expedite the handling of land exchanges under such laws, and, further, that in enacting such new legislation that special consideration be given to permitting exchange of lands or interests in such lands such as oil and gas and other leaseable and locatable minerals, also encumbrances such as rights of way, easements and fur-face leases as well as adopting uniform standards for appraisal of federal and state lands, and to properly fund the U.S. Forest Service and the Bureau of Land Management to aggressively carry out the exchange program.

BE IT FURTHER RESOLVED, that the Secretary of the Western States Land Commissioners' Association be and is hereby directed to submit copies of this resolution to the Chairmen of the Committees on Interior and Insular Affairs, to the Secretary of Agriculture and John McGuire, Chief, U. S. Forest Service, to the Secretary of Interior and Curt Berklund, Director, Bureau of Land Management and to the respective member states delegations in Congress.

**Resolution No. 2**

**WINDFALL PROFITS TAX**

WHEREAS, on April 30, 1974, House resolution 14462 was introduced into the Congress of the United States, containing the Windfalls Profit Tax Provision,

WHEREAS, the possible extensive loss to the state revenue is apparent in the present Windfall Resolution Tax Provisions of House Resolution 14462,

WHEREAS, if House Resolution 14462 is enacted as presently written, the dollar cost to all oil-producing states could be hundreds of millions of dollars, precipitating disastrous effects on conservation, higher education, and other important programs, whereas under the present provisions of House Resolution 14462, state and local governments cannot qualify for exemption unless state or local law specifically prohibits investment in oil operations,

WHEREAS, it has been suggested to amend House Resolution 14462 to exempt state and local governments from the imposition of such exparious tax on domestic crude oil production from state-owned lands;

NOW THEREFORE, BE IT RESOLVED, that the Western States Land Commissioners' Association, at its regular annual meeting, held in Austin, on this first day of August, 1974, does hereby urge the Congress of the United States of America to amend House Resolution 14462 to exempt state and local governments from the imposition of an excise tax on domestic crude oil production to state-owned lands.

BE IT PARTLY RESOLVED, that the Secretary of the Western States Land Commissioners' Association be and is hereby directed to submit copies of this resolution to the respective members' state's delegations in Congress. Motion carried unanimously.

**BEFORE THE WESTERN STATE  
LAND COMMISSIONER'S ASSOCIATION**

IN THE MATTER OF THE TRANSFER OF THE UNAPPROPRIATED AND UNRESERVED -PUBLIC  
DOMAIN MANAGED BY THE BUREAU OF LAND MANAGEMENT TO THE MEMBER STATES OF  
THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION

**Resolution No. 1  
BUREAU OF LAND MANAGEMENT**

WHEREAS, within the borders of the Western States which comprise the Western States Land Commissioners Association are large amounts of unappropriated and unreserved public domain under the jurisdiction of the United States Bureau of Land Management; and

WHEREAS, the administration by the Bureau of Land Management of such lands has been costly and burdensome to the public and to the Western States which have such lands within their borders; and

WHEREAS, the individual states have an inherent right and are better qualified to manage such lands within their borders and can do so more efficiently and with less cost than the Bureau of Land Management; and

WHEREAS, in numerous instances the Bureau of Land Management has violated the intent of Congress in its administration of such lands to the detriment of such states; and

WHEREAS, the Bureau of Land Management has failed to cooperate and inform the Western States concerning the development, management and utilization of such lands and their resources within such states and their outer continental shelf border lands; and

WHEREAS, the bureau of Land Management has failed to act in a timely and proper manner on the selection of lieu lands by the Western States and has failed to promptly respond to the offer by the Western States of land exchanges beneficial to the public;

NOW, THEREFORE BE IT RESOLVED, by this Association as follows:

1. It is the sense of this Association that the ownership of such public lands administered by the Bureau of Land Management should be transferred to the states within which such lands are located to be administered by such state in accordance with the public trust now applicable to such lands;
2. A Committee of this Association be appointed to draft an appropriate bill

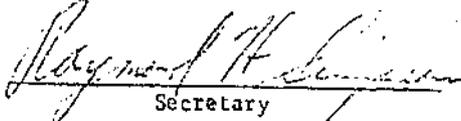
to accomplish such transfer;

3. Upon completion of such bill the secretary transmit a copy to every Senator and Congressman of each member of the Association with an appropriate letter of explanation requesting support for the bill;
4. A second Committee of the Association be appointed to contact each Senator and Congressman by telephone requesting support for such bill;
5. It is also the sense of this Association that the pending Bureau of Land Management enabling bill in Congress should be tabled for the same reasons prompting this Association's proposed bill and that the letter of explanation for the Association's proposed bill as well as the follow-up telephone calls each include a request that the Senators or Congressmen vote to table the Bureau of Land Management's enabling bill;
6. A copy of this resolution accompany the mailing mentioned above.

ADOPTED this 7th day of August, 1975

For the Association:

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary

## RESOLUTION NO. 4

### TRANSFER OF THE PUBLIC DOMAIN TO THE STATES

WHEREAS, it borders the Western states which comprises the Western States Land Commissioners Association our large amounts of unappropriated and unreserved public domain land under the jurisdiction of the U. S. Bureau of Land Management; and

WHEREAS, the administration by the Bureau of Land Management of such lands has been costly and burdensome to the public into the Western states which have such lands within their border; and

WHEREAS, the individual states have an inherent right and are better qualified to manage the lands within their border and can do so more efficiently with less cost than the Bureau of Land Management; and

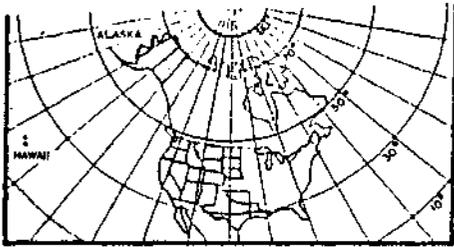
WHEREAS, numerous instances of Bureau of Land Management has violated the intent of Congress with its administration of such lands to the detriment of such states; and whereas the Bureau of Land Management has failed to cooperate and inform the Western states concerning the development, management and utilization of such land and their resources within such states and their outer Continental Shelf border lands; and

WHEREAS, the BLM has failed to act at a timely and proper manner in the selection of lieu lands by Western states and has failed to properly respond to the offer by the Western states of land exchanges beneficial to the republic;

NOW, THEREFORE BE IT RESOLVED, that this Association as follows:

1. The sense of the Association that the ownership of such public lands administered by the Bureau of Land Management should be transferred to the states within which such lands are located and to be administered by the states in accordance with the public trust now applicable to such lands;
2. That a sub-committee of this Association legal committee be appointed to draft an appropriate bill to accomplish such a transfer;
3. Whereas the Bureau of Land Management has acted in an arbitrary manner necessitating an expensive and protracted court action an appeals, as our only viable means of redress to ministerial actions; and
4. A second committee of this Association be appointed to contact each Senator and Congressman, requesting support for such a Bill.

5. It is also the sense of this Association that the pending Bureau of Land Management enabling Bill in Congress should be tabled for the same reasons for prompting this Association proposed Bill and a letter of explanation for the Association's proposed Bill, as well as follow up telephone calls each include a request that the Senators and Congressmen vote to table a BLM enabling Bill.
6. A copy of the resolution be mailed to all those concerned.  
Mr. Chairman, I move this adoption.



# THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION

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IDAHO    LOUISIANA    MONTANA    NEBRASKA    NEVADA  
NEW MEXICO    NORTH DAKOTA    OKLAHOMA    OREGON  
SOUTH DAKOTA    TEXAS    UTAH    WASHINGTON    WYOMING

## RESOLUTION NO. 1

### *ALASKAN NATIONAL INTEREST LANDS "(d)(2)" LEGISLATION*

*WHEREAS, the Congress of the United States is presently considering legislation for permanent withdrawals in excess of one hundred million acres of federal "national interest" lands in Alaska; and*

*WHEREAS, the Western States Land Commissioners Association adamantly supports the right of states to fulfill their federal land grant entitlements with lands of appropriate value; and*

*WHEREAS, any permanent federal withdrawals should be carefully selected and classified so as to encourage maximum federal, state and private cooperative land management; and*

*WHEREAS, the Western States Land Commissioners Association supports the establishment of wilderness areas through the orderly process of evaluation prescribed in the Wilderness Act of 1964;*

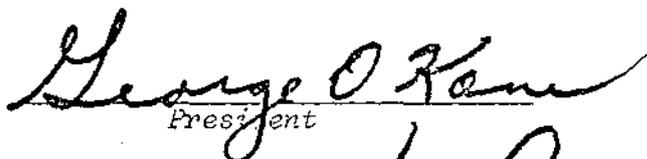
*NOW THEREFORE, BE IT RESOLVED, that the Western States Land Commissioners Association opposes HR 39 and similar legislation which would create unnecessarily large national parks and wildlife refuges, create unreasonably large "instant" wilderness areas without following the established individual study and hearing process, and discourage cooperative management by federal, state and private land managers; and*

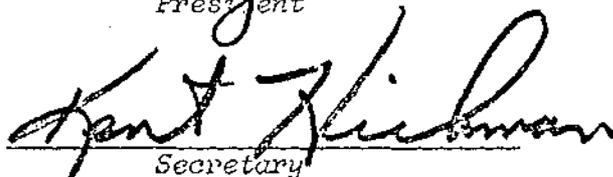
BE IT FURTHER RESOLVED, that the Western States Land Commissioners Association supports the State of Alaska's national interest lands (d)(2) proposal; and

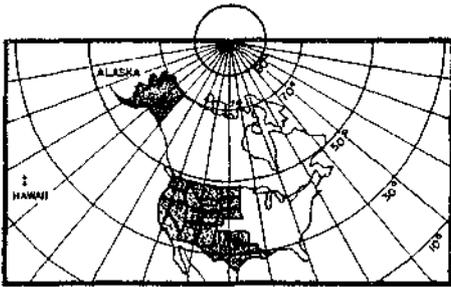
BE IT FURTHER RESOLVED, that the Western States Land Commissioners Association urges all its members through its many political and organizational contacts to actively support this Resolution.

ADOPTED this 4th day of August, 1977.

FOR THE WESTERN STATES LAND  
COMMISSIONERS ASSOCIATION

  
President

  
Secretary



## THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION

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### RESOLUTION NO. 3

*WHEREAS, recent court decisions have revised certain relationships between the states and certain treaty tribes of Native Americans; and*

*WHEREAS, the Western States Land Commissioners Association with its membership of elected or appointed officials must represent the interest of trust lands which may be affected by these changes; and*

*WHEREAS, pending litigation may further re-define the legal responsibilities of the states; and*

*WHEREAS, unless a fair consistent, non-discriminatory policy is adopted by the nation to guide negotiation and/or Congressional action or Presidential executive orders, social and economic consequences will almost certainly ensue which will be harmful to our nation, the state and people;*

*NOW THEREFORE, BE IT RESOLVED, that the Association of Land Commissioners direct a sub-committee of its members to develop a draft of such policy to be considered and adopted by the body as a whole and that the sub-committee be authorized to cooperate with the National and Regional Governors' Conferences, the National and Regional Association of State Legislatures and others to gather information and mutually formulate a policy statement; and*

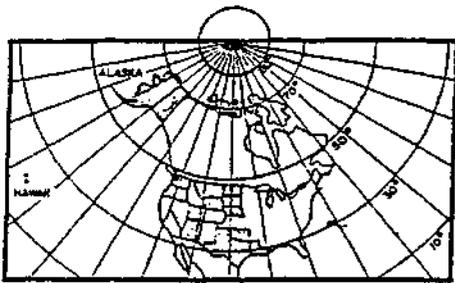
*BE IT FURTHER RESOLVED, that upon adoption by the Association, that copies of this policy be sent to the National Conference of Governors, the Governors and Land Commissioners of the individual states, the leadership of the United States Senate and House of Representatives and the President of the United States.*

*ADOPTED this 4th day of August, 1977.*

FOR THE WESTERN STATES LAND  
COMMISSIONERS ASSOCIATION

  
President

  
Secretary



# THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION

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SOUTH DAKOTA TEXAS UTAH WASHINGTON WYOMING

## RESOLUTION NO. 1

### RESOLUTION TO AMEND FEDERAL QUIET TITLE STATUTE

WHEREAS, the federal quiet title statute (28 U.S.C. § 2409a) enacted in 1972 grants consent to suits against the United States to adjudicate disputed title claims to real property in which the United States asserts an ownership interest, other than a security interest or water rights; and

WHEREAS, the federal quiet title statute contains a twelve year statute of limitations which bars a civil action brought under the statute which is not commenced within twelve years of the date "the plaintiff or his predecessor in interest knew or should have known of the claim of the United States;" and

WHEREAS, the Western States hold title to millions of acres of sovereign and proprietary lands with boundaries adjacent to federal lands; and

WHEREAS, the precise location of the boundaries of these State lands is often uncertain or unsurveyed, particularly in the case of riverbed lands and tidelands where the boundary is a constantly shifting waterline; and

WHEREAS, the federal government frequently surveys the boundaries of federal lands adjacent to state lands, and those boundary surveys cannot be checked for accuracy without considerable expenditure of time, manpower, and state funds; and

WHEREAS, the United States Department of Interior has asserted that the failure to check federal surveys and to discover errors and encroachments onto state lands constitute circumstances in which the State involved "should have known of the claim of the United States" and should have commenced a federal quiet title action to prevent the running of the twelve-year statute of limitations; and

WHEREAS, the aforesaid federal position has the potential to cause even greater hardship to private parties whose lands adjoin the public lands because the former have even less resources than the states with which to verify the accuracy of federal surveys; and

RESOLUTION NO. 1

Page Two

WHEREAS, the statute of limitations clause of the aforesaid federal quiet title statute deprives property owners of the due process of the law because it has been interpreted to bar suits against the United States which arose more than 12 years prior to the enactment of the statute even though those suits could not be maintained at that time because of the sovereign immunity of the federal government; and

WHEREAS, the aforesaid statute of limitations clause as interpreted by the federal government has the effect of extinguishing good state and private claims solely because many Western States lack the resources to verify the results of federal surveys; and

WHEREAS, the federal statute also requires the complaining party to set forth, with particularity and at his peril, the nature of the right, title, and interest claimed by the United States; and

WHEREAS, this pleading burden is unconscionable because the complainant may not know the precise nature of the claimed interest of the United States and is thus required to investigate for the United States the defenses which it might assert in the action; and

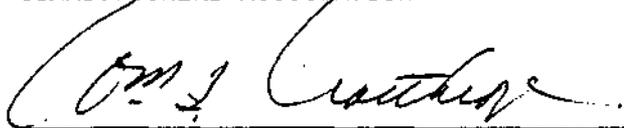
WHEREAS, this pleading burden is contrary to the normal rules of pleading which require the plaintiff to set forth only his side of the case;

NOW THEREFOR BE IT RESOLVED that the Western States Land Commissioners support federal legislation to amend Section 2409a of Title 28 of the United States Code to read substantially as set forth in the attached draft bill; and

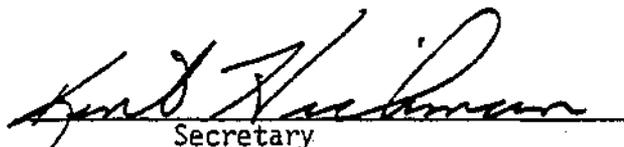
BE IT FURTHER RESOLVED that this body transmit copies of this resolution together with the attached proposed legislations to the Secretary of the Interior, the director of the Bureau of Land Management and to the appropriate members of the Congress of the United States.

ADOPTED this 3rd day of August, 1978.

FOR THE WESTERN STATES LAND  
COMMISSIONERS ASSOCIATION



President



Secretary

§ 2409a. REAL PROPERTY QUIET TITLE ACTIONS

(a) The United States may be named as a party defendant in a civil action under this section to adjudicate a disputed title to real property in which the United States claims an interest, other than a security interest or water rights. This section does not apply to trust or restricted Indian lands, nor does it apply to or affect actions which may be or could have been brought under sections 1346, 1347, 1491, or 2410 of this title, sections 7424, 7425, or 7426 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 7424, 7425, and 7426), or section 208 of the Act of July 10, 1952 (43 U.S.C. 666).

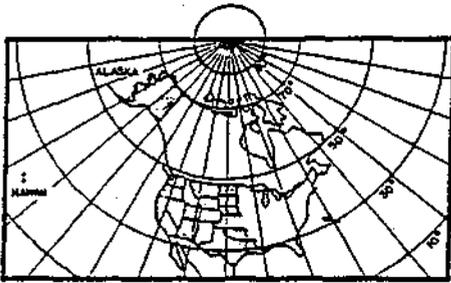
(b) The United States shall not be disturbed in possession or control of any real property involved in any action under this section pending a final judgment or decree, the conclusion of any appeal therefrom, and sixty days; and if the final determination shall be adverse to the United States, the United States nevertheless may retain such possession or control of the real property or of any part thereof as it may elect, upon payment to the person determined to be entitled thereto of an amount which upon such election the district court in the same action shall determine to be just compensation for such possession or control.

(c) The complaint shall set forth with particularity the nature of the right, title, or interest which the plaintiff claims in the real property, and the circumstances under which it was acquired.

(d) If the United States disclaims all interest in the real property or interest therein adverse to the plaintiff at any time prior to the actual commencement of the trial, which disclaimer is confirmed by order of the court, the jurisdiction of the district court shall cease unless it has jurisdiction of the civil action or suit on ground other than and independent of the authority conferred by section 1346(f) of this title.

(e) A civil action against the United States under this section shall be tried by the court without a jury.

(f) Nothing in this section shall be construed to permit suits against the United States based upon adverse possession.



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## RESOLUTION NO. 2

### RESOLUTION IN SUPPORT OF LEGISLATION GRANTING THE SECRETARY OF INTERIOR THE POWER TO EXCHANGE LANDS

WHEREAS, the federal government owns lands in areas not adjacent to and remote from other more substantial holdings; and

WHEREAS, the aforesaid patchquilt situation of land ownership makes difficult if not impossible the efficient management and administration of the public domain; and

WHEREAS, in some cases the states contest the United State's claim of title, especially where the lands are thought to be sovereign lands under or along waters and formerly held in trust for the new states upon their admission to the Union; and

WHEREAS, it is desirable to provide an efficient and expeditious means of enabling the United States to consolidate its ownership to provide for the best possible management and administration of the federal lands and to establish a mechanism by which claims of the states and of private parties may be resolved without resort to litigation; and

WHEREAS, the vesting in the Secretary of Interior of the power to exchange public lands for lands held by others would materially aid remedying the aforesaid problems; and

WHEREAS, there is substantial precedent for the delegation to the Secretary of such power in specific instances, e.g., as to National Forests, National Parks, Wildlife Refuges, National Conservation Areas, and the National Wildlife and Scenic River System.

NOW THEREFOR BE IT RESOLVED, that the Western State Land Commissioners do support enactment of federal legislation to give to the Secretary of Interior the authority to exchange lands in substantially the manner set forth in the accompanying draft bill; and

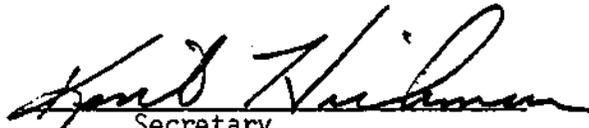
BE IT FURTHER RESOLVED, that this body transmit copies of this resolution together with the attached proposed legislation to the Secretary of Interior, the Director of the Bureau of Land Management and to the appropriate members of the Congress of the United States.

RESOLUTION NO. 2  
Page Two

ADOPTED this 3rd day of August, 1978.

FOR THE WESTERN STATES LAND  
COMMISSIONERS ASSOCIATION

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary

LEGISLATION AUTHORIZING THE SECRETARY OF INTERIOR  
TO ENTER INTO EXCHANGE AGREEMENTS RESPECTING THE PUBLIC  
LANDS

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, that section N is added to Title 43, United States Code to read as follows:

Sec. N. The Secretary of Interior may enter into agreements  
(a) exchanging lands of the United States for lands owned by others and/or  
(b) locating and fixing the boundary between lands of the United States and the lands owned by others when the Secretary determines that:

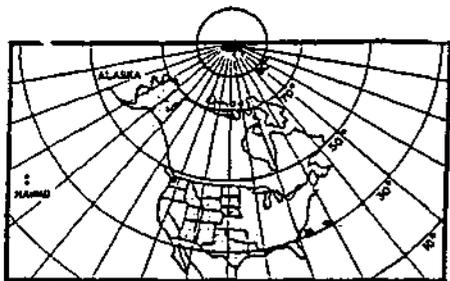
1. The lands of the United States to be exchanged are suitable for disposal;

2. The lands to be received by the United States will enhance the public domain or a part thereof; and

3. The values of the lands so exchanged either are approximately equal, or, if they are not, the payment of cash or the transfer of other consideration either to the United States or to the owner of the other lands as the circumstances require, will equalize the value of the lands exchanged;

4. The exchange is otherwise in the public interest.

The Secretary may release the mineral rights in the land conveyed by the United States if it receives the mineral rights to the land conveyed to it.



## THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION

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SOUTH DAKOTA    TEXAS    UTAH    WASHINGTON    WYOMING

### RESOLUTION NO. 3

#### RESOLUTION IN SUPPORT OF LEGISLATION TO SETTLE OWNERSHIP QUESTIONS ON THE COLORADO RIVER BETWEEN CALIFORNIA AND ARIZONA

WHEREAS, the Colorado River, one of the great navigable rivers of the nation, has altered its course substantially over the past two hundred years; and

WHEREAS, said movements of the Colorado have resulted in substantial uncertainty in ownership of properties in the present and historic beds of the river as well as in the adjacent uplands; and

WHEREAS, these uncertainties in ownership are disadvantageous to private persons as well as to the States of California and Arizona and to the United States, all of whom own lands in or adjacent to the river; and

WHEREAS, these uncertainties of title are substantial impediments to the States of California and Arizona in effectively administering their sovereign lands and to the United States in effectively administering the public lands as well as potentially rendering unmarketable private titles in this area; and

WHEREAS, the most expeditious manner of resolving the title questions in the affected area would be by means of land exchange but the United States has no means of entering into such exchanges in the greater part of this area except by act of Congress; and

WHEREAS, the granting to the Secretary of Interior of the authority of the United States to enter into exchange agreements would materially assist in resolving the land management problems now faced by the states and by the federal government as well as the marketable title questions of private parties; and

WHEREAS, if the Secretary of Interior is to have sufficient information to enable him to properly evaluate exchange proposals made and to adequately protect the interests of the United States it is necessary for there to be a well researched and documented preliminary claim line of the United States; and

WHEREAS, there is need for prompt and expeditious resolution of land claims in the subject area in order to protect the public lands and private titles.

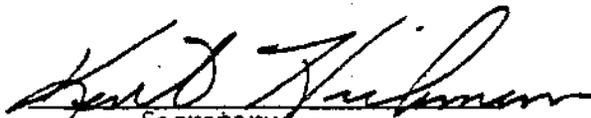
NOW THEREFOR BE IT RESOLVED, that the Western States Land Commissioners support resolution of land claims along the Colorado River between California and Arizona by means of enactment of federal legislation which will give the Secretary of Interior the power to exchange lands with others and in aid thereof the authority to cause to be prepared claim lines of the United States and documented reports thereon in an expeditious manner, all substantially as set out in the attached legislative proposal; and

BE IT FURTHER RESOLVED that this body transmit copies of this resolution together with the attached proposed legislation to the Secretary of Interior, the Director of the Bureau of Land Management, and to the appropriate members of the Congress of the United States.

ADOPTED this 3rd day of August, 1978.

FOR THE WESTERN STATES LAND  
COMMISSIONERS ASSOCIATION

  
President

  
Secretary

LEGISLATION TO SETTLE OWNERSHIP QUESTIONS  
AND TITLE CLAIMS ON COLORADO RIVER

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, that section X is added to Title 43, United States Code to read as follows:

Sec. X.1 the Congress finds that:

(A) The navigable waters of the United States are considered to be highways and avenues of commerce;

(B) The lands beneath the navigable waters up to the ordinary high water line were held in trust by the United States for the future states;

(C) Upon its admission to the Union, each state became vested, by virtue of its sovereignty, with absolute title to the lands beneath all navigable waters within its boundaries:

(D) The Colorado River as a navigable river has altered its course substantially over the past two hundred years;

(E) Substantial boundary and title questions have arisen and do now exist between and among the United States, California, Arizona, Indian tribes, and private parties regarding ownership of the Colorado River's current and historic beds and lands adjacent thereto;

(F) These circumstances result in the uncertainty of private titles and the inability of the states of California and Arizona to effectively administer their sovereign lands and of the United States to effectively manage the public lands;

(G) It is in the public interest that such ownership questions and disputes among the United States and other parties be resolved and settled expeditiously.

Sec. X.2 The Secretary of Interior shall conduct such investigation and research as may be necessary or appropriate to establish and present preliminary claims of ownership for federal lands adjoining or located within the current and historic beds of the Colorado River between California and Arizona.

Each preliminary claim of ownership shall include a preliminary claim map depicting a proposed federal boundary together with a report which contains all data which has been obtained and considered in connection with the studies leading to such claims.

Preliminary claims of ownership and accompanying reports shall be prepared in accord with the following schedule for the areas indicated.

Time Schedule:	Area:
Within 3 years after enactment	Palo Verde Valley Between Boundary Compact pts. 12 and 14.22
Within 5 years after enactment	Parker Area Between Boundary Compact pts. 6 and 12
Within 7 years after enactment	Yuma Area Between Boundary Compact pts. 16 and 34
Within 9 years after enactment	Mohave Valley Between Boundary Compact pts. 1 and 3
Within 10 years after enactment	Havasu Area Between Boundary Compact pts. .3 and 6
Within 11 years after enactment	Picacho Area Between Boundary Compact pts. 14.22 and 16

The Boundary Compact points referred to are those of the Interstate Compact Defining the Boundary between the States of Arizona and California, Public Law 89-531 (80 Stat. 340)

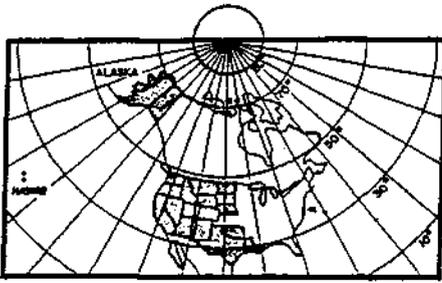
In accord with the above schedule, the Secretary shall publish in the Federal Register notice of completion of the appropriate preliminary claim of ownership and report and give actual notice of such completion to each State and Indian tribe and to all owners of record.

Sec. X.3.

The Secretary of Interior shall diligently negotiate and expeditiously settle all title and boundary questions concerning the current or historic beds of the Colorado River and lands adjacent thereto now existing or which may hereafter arise and which affect title to lands in which the United States has or may assert a claim. Such settlements may be in lieu of litigation and shall include, as necessary or appropriate, the execution of boundary line agreements and/or the consummation of land exchanges. The value of the properties exchanged shall be approximately equal, or, if they are not, shall be equalized by the payment of cash to the United States or to the grantor as the circumstances require.

Sec. X.4.

As various title questions and disputes between the federal government and other parties to lands in or adjacent to the current or historic beds of the Colorado River between California and Arizona are resolved and settled, the Secretary of Interior shall have the settled boundary surveyed, monumented and mapped.



## THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION

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### RESOLUTION NO. 5

WHEREAS, by virtue of the respective statehood acts certain numbered sections of lands were granted to the states by the United States Government to be used for school purposes, and

WHEREAS, title to said school sections passed by operation of law to the respective states upon acceptance of the official land survey by the Secretary of the Interior, and

WHEREAS, by the enactment of the Act of June 21, 1934, Chapter 689, 48 Stat. 1185 [43 USCA, Sec. 871a] provision was made for the issuance of documentary evidence of such title by the issuance of the patents from the United States Government to the respective states, and

WHEREAS, the said Act of June 21, 1934, was inadvertently repealed by Section 702 of the Federal Land Policy and Management Act of 1976 (Public Law 94-579), and

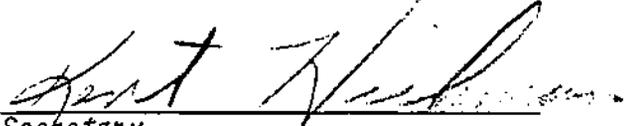
WHEREAS, numerous states have not yet received patents to the school sections so granted to them.

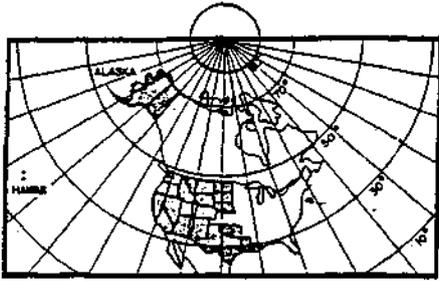
NOW THEREFORE, BE IT RESOLVED, that the Western States Land Commissioners Association meeting at New Orleans, Louisiana, on the 4th day of August, 1978, that the President and the Congress of the United States of America be and are hereby memorialized to enact legislation reenacting the aforesaid repealed Act of June 21, 1934, and to further provide to the Secretary of the Interior the funds necessary for the administrative cost of issuing patents to the said states covering the granted school sections.

BE IT FURTHER RESOLVED, that the Secretary of the Western States Land Commissioners Association be and is hereby directed to submit copies of this Resolution to the President of the United States of America, the United States Congress, the Secretary of the Interior, and the Director of the Bureau of Land Management in Washington, D.C.

FOR THE WESTERN STATES LAND  
COMMISSIONERS ASSOCIATION

  
President

  
Secretary



## THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION

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### RESOLUTION NO. 7

#### ALASKAN NATIONAL INTEREST LANDS "(d)(2)" LEGISLATION

WHEREAS, the Congress of the United States is presently considering legislation for permanent withdrawals in excess of one hundred million acres of federal "national interest" lands in Alaska; and

WHEREAS, the Western States Land Commissioners Association adamantly supports the rights of states to fulfill their federal land grant entitlements with lands of appropriate value; and

WHEREAS, any permanent federal withdrawals should be carefully selected and classified so as to encourage maximum federal, state and private cooperative land management; and

WHEREAS, the Western States Land Commissioners Association supports the establishment of wilderness areas through the orderly process of evaluation prescribed in the Wilderness Act of 1964;

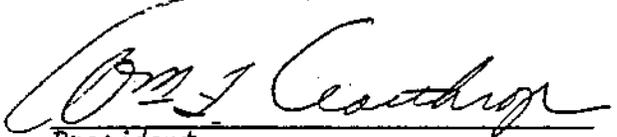
NOW THEREFORE, BE IT RESOLVED, that the Western States Land Commissioners Association opposes HR 39 and similar legislation which could create unnecessarily large national parks and wildlife refuges, create unreasonably large "instant" wilderness areas without following the established individual study and hearing process, and discourage cooperative management by federal, state and private land managers; and

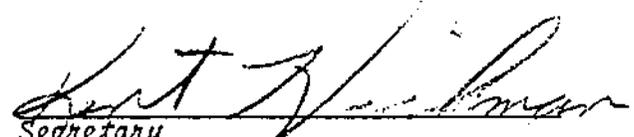
BE IT FURTHER RESOLVED, that the Western States Land Commissioners Association supports the State of Alaska's national interest lands (d)(2) proposal; and

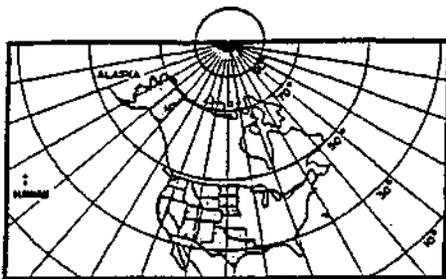
BE IT FURTHER RESOLVED, that the Western States Land Commissioners Association urges all its members through its many political and organizational contacts to actively support this Resolution.

ADOPTED this 4th day of August, 1978, at New Orleans, Louisiana.

FOR THE WESTERN STATES LAND  
COMMISSIONERS ASSOCIATION

  
President

  
Secretary



# THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION

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## RESOLUTION NO. 8

WHEREAS, the Western States Land Commissioners have adopted in their August 1978 meeting in New Orleans a report of its Land Exchange Committee; and

WHEREAS, said report includes a number of points of policy and procedure; and

WHEREAS, such policies and procedures would be in the best interest of both the Federal Land Management Agency and the several State Land Management Agencies.

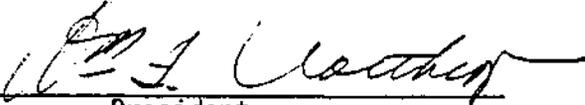
NOW THEREFORE BE IT RESOLVED, that the Land Exchange Committee shall submit the substance of their report to the Bureau of Land Management in the form of a memorandum of understanding for joint approval;

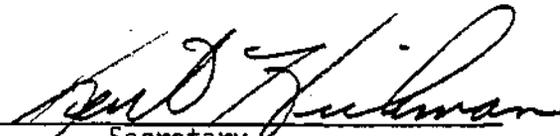
BY IT FURTHER RESOLVED, that the Land Exchange Committee is authorized to finalize said memorandum of understanding with the Bureau of Land Management; and

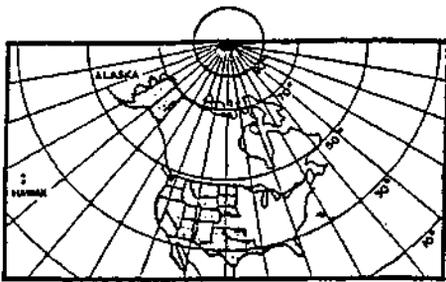
BE IT FURTHER RESOLVED, that the President of the Western State Land Commissioners Association is hereby authorized to execute, on behalf of the Association, the final memorandum of understanding on land exchanges with the Bureau of Land Management.

ADOPTED this 3rd day of August, 1978.

FOR THE WESTERN STATES LAND  
COMMISSIONERS ASSOCIATION

  
President

  
Secretary



# THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION

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## RESOLUTION NO. 9

### RESOLUTION URGING FEDERAL PARTICIPATION IN INTERSTATE BOUNDARY CONFLICTS

WHEREAS, the location of the boundaries between a number of Western States are uncertain and subject to dispute;

WHEREAS, the allocation of federal public domain lands to the respective Western States, in part, is affected by the location of such boundaries;

WHEREAS, any re-location of an interstate boundary may affect the title to thousands of acres of lands and invalidate conveyances of lands previously patented by the federal government to the States and private parties;

WHEREAS, the federal government has an interest in the resolution of interstate boundary disputes due to the serious effect upon federal segregations of lands to the affected States and the challenge to the authority of the federal government to have made surveys of such boundaries; and

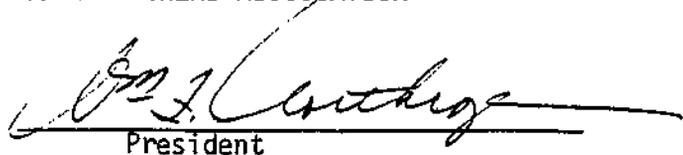
WHEREAS, there can be no complete resolution of such disputes without the participation of the federal government and its failure to jointly work with the affected States will prolong and intensify such disputes;

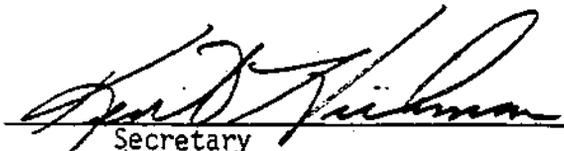
NOW THEREFORE BE IT RESOLVED that the Western States Land Commissioners urge the federal government to participate in the settlement of interstate boundary conflicts in order to assure a prompt and complete settlement of such disputes between all affected parties; and

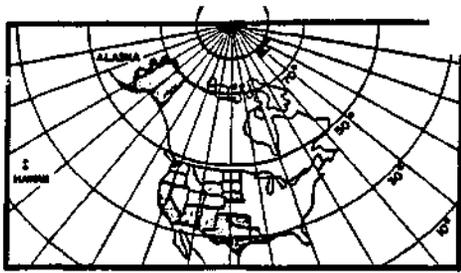
BE IT FURTHER RESOLVED that this body transmit copies of this resolution to the Secretary of the Interior, Director of the Bureau of Land Management and to the appropriate members of the Congress of the United States.

ADOPTED this 3rd day of August, 1978.

FOR THE WESTERN STATES LAND  
COMMISSIONERS ASSOCIATION

  
President

  
Secretary



# THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION

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RESOLUTION NO. 10

GRAZING COMMITTEE

WHEREAS, the grazing fees charged by the Bureau of Land Management and the United States Forest Service are to be based on fair market value in accordance with the Federal Land Policy and Management Act of 1976;

WHEREAS, the Congress has in the past placed moratoriums on the increase in grazing fees;

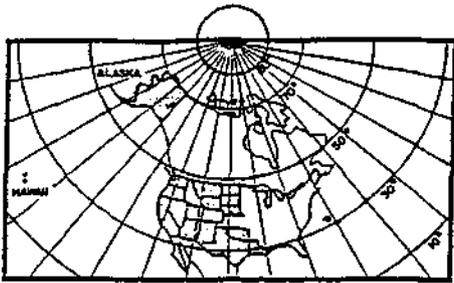
WHEREAS, the Congress has under consideration a bill to assess grazing fees on a basis other than fair market value,

WHEREAS, the Bureau of Land Management and the United States Forest Service have unduly complex formulas supposedly based on fair market value;

THEREFORE BE IT RESOLVED THAT, the Western States Land Commissioners Association supports the assessing of grazing fees at fair market value and opposes the assessment of grazing fees on any other basis;

BE IT FURTHER RESOLVED THAT, the Western States Land Commissioners Association believes that a fair market value grazing fees formula be simple and based on the concept that a landowner is entitled to a share of the production from the land.

WITHDRAWN this 3rd day of August, 1978.



## THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION

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RESOLUTION NO. 11

GRAZING COMMITTEE

WHEREAS, local economies are being threatened in many Western States by increasing the acreage of the United States Wilderness System;

WHEREAS, further designations of lands as wilderness will mean more public lands will be closed to energy development in a time of decreasing energy supplies;

WHEREAS, wilderness designations will cause an overall decrease in the carrying capacity of designated lands because of the inability to properly maintain existing improvements, the inability to make new improvements, the inability to properly fight fires, and the prohibition on the use of pesticides and herbicides;

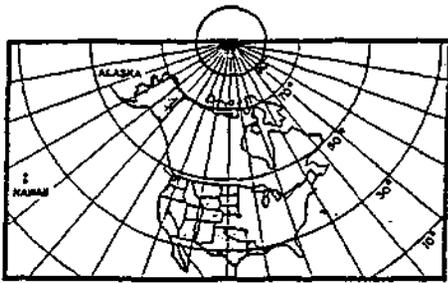
WHEREAS, access to captive private and state lands within wilderness areas will be limited;

THEREFORE, BE IT RESOLVED THAT, the Western States Land Commissioners Association opposes further designations of public lands as Wilderness Areas;

BE IT FURTHER RESOLVED THAT, the Western States Land Commissioners Association demands that any private and state owned lands which will be affected by any Wilderness designations be exchanged for public lands of equal value prior to the official designation; and

BE IT FURTHER RESOLVED THAT, the Western States Land Commissioners Association endorses the multiple use management of the public lands by the Bureau of Land Management and the United States Forest Service provided that all such uses are quantified and assessed at fair market value.

RESOLUTION TABLED.



## THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION

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### RESOLUTION NO. 12

#### RESOLUTION REGARDING LEGISLATION REQUIRING IMMEDIATE SELECTION AND ALLOTMENT OF LIEU LANDS TO STATES

WHEREAS, each of Western State by its Act of Admission to the Union was given upon survey certain lands from the public domain for common schools and other trust purposes;

WHEREAS, certain of these lands were unavailable for use by the State due to prior appropriation, mineral content or lack of survey;

WHEREAS, by reason of the foregoing seven western states have outstanding entitlements to such lands, to-wit: Arizona (170,000 acres), California (108,000 acres), Colorado (17,500 acres), Idaho (27,000 acres), Montana (22,900 acres), Utah (225,000 acres) and Wyoming (1,100 acres).

WHEREAS, the outstanding school land entitlement is a long standing obligation of the federal government to the states which should be satisfied at the earliest possible time.

WHEREAS, the United States Bureau of Land Management action on processing such entitlements asserting the Federal Land Policy and Management Act of 1976 (FLPMA) supercedes the requirements of the Acts of Admission and even if not superceded completion of the program should await completion of Management Framework Plans, Resource Inventory and Wilderness characteristics required by FLPMA;

WHEREAS, there is no provision in FLPMA supporting these assertions of the Bureau of Land Management; and

WHEREAS, the seven states which have outstanding entitlements are being unjustly and inequitably treated by this position of the Bureau of Land Management;

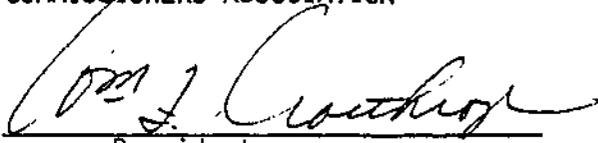
NOW THEREFORE BE IT RESOLVED that the Western States Land Commissioners call for the enactment of federal legislation mandating the Bureau of Land Management to immediately complete the school land entitlement program as an outstanding obligation prior to the implementation of FLPMA; and

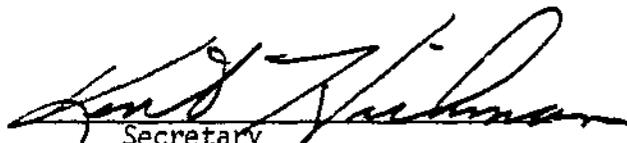
RESOLUTION NO. 12  
Page Two

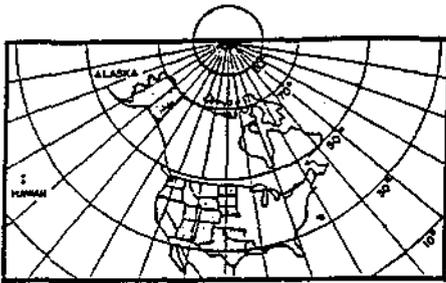
BE IT FURTHER RESOLVED that this body transmit copies of this resolution to the Secretary of the Interior, the Director of Land Management and to the appropriate members of the Congress of the United States.

ADOPTED this 3rd day of August, 1978.

FOR THE WESTERN STATES LAND  
COMMISSIONERS ASSOCIATION

  
President

  
Secretary



# THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION

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## RESOLUTION NO. 13

### RESOLUTION REGARDING ISSUANCE CONFIRMATION PATENTS OF FEDERAL GOVERNMENT TO STATES

WHEREAS, each of the Western States upon being admitted to the Union and by subsequent statutes were given certain lands from the federal public domain for common schools, grazing and other purposes;

WHEREAS, transfer of title to such lands is completed upon issuance of a confirmatory patent to the respective state;

WHEREAS, the transfer of such lands to the state have not been completed for various reasons such as lack of prerequisite survey;

WHEREAS, enactment of the Federal Land Policy and Management Act of 1978 (FLPMA) inadvertently repealed the authority of the federal government to issue confirmatory patents;

WHEREAS, Western States have received lands from the federal government pursuant to the aforementioned statutes and have not received a confirmatory patent leaving great uncertainty as to the status of title to such lands; and

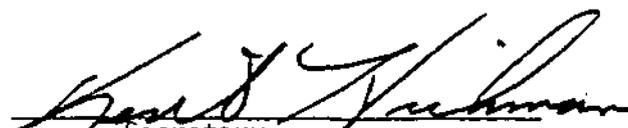
NOW THEREFORE BE IT RESOLVED, that the Western States Land Commissioners call for the enactment of federal legislation re-instating authority for issuance of federal confirmatory patents; and

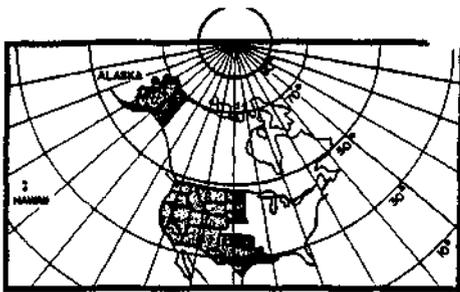
BE IT FURTHER RESOLVED that this body transmit copies of this resolution to the Secretary of the Interior, the Director of Land Management and to the appropriate members of the Congress of the United States.

ADOPTED this 3rd day of August, 1978.

FOR THE WESTERN STATES LAND  
COMMISSIONERS ASSOCIATION

  
President

  
Secretary



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## RESOLUTION NO. 14

### RESOLUTION SUPPORTING CONCEPT OF FAIR RETURN FOR USE OF PUBLIC LANDS AND MINERALS

WHEREAS, the publicly owned lands of the Western States are held subject to a trust requiring comprehensive management and protection of such lands;

WHEREAS, their effective management and protection requires that users for profit of these lands pay a fair return for such use;

WHEREAS, the public agencies responsible for management of such lands have been charging varying rental rates and these varying rental rates have not been based upon the concept of a fair return frequently resulting in a degradation of public lands, subsidization of certain users, and inequitable competition with users of private fee lands; and

WHEREAS, differences in rental rates particular where adjacent public lands are administered by different agencies cause serious management problems and frequently cause inflated prices to be paid for fee land because of low prices on adjacent public lands;

NOW THEREFORE BE IT RESOLVED, that the Western States Land Commissioners strongly endorse the concept of all governmental entities receiving a fair return for use of public lands and minerals, and urge all state and federal agencies administering public lands to adopt this concept as a matter of fairness, equity and uniformity; and

BE IT FURTHER RESOLVED, that this body transmit copies of this resolution to the Secretary of the Interior, Director of the Bureau of Land Management, appropriate members of the Congress of the United States and other appropriate agencies and persons.

ADOPTED this 3rd day of August, 1978.

FOR THE WESTERN STATES LAND  
COMMISSIONERS ASSOCIATION

President

Secretary



WESTERN STATES LAND COMMISSIONERS  
LAND COMMISSIONERS ASSOCIATION

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RESOLUTION #1

HEAVY OIL

WHEREAS, the Western States Land Commissioners Association firmly believes that large domestic hydrocarbon reserves remain to be discovered and developed, and that substantial heavy oil reserves (less than 20° API gravity) are now known to exist, but are not susceptible to full development and production under current circumstances; and

WHEREAS, recent amendments of the federal regulations dealing with heavy crude oil have clearly recognized that special problems exist in heavy oil production, particularly in California, but additional exploration for and production of such oil is still being discouraged by existing entitlements regulations;

NOW THEREFORE BE IT RESOLVED that in order to prevent waste and encourage the development of known domestic heavy oil reserves, and to promote the exploration for and development of new such reserves, the Western States Land Commissioners Association urges that applicable federal regulations be further amended to extend the scheduled adjustments of entitlements payments now allowed for heavy California crude oil on a non-discriminatory basis to similar heavy crude oils produced anywhere in the United States; and to alleviate regional oversupplies of heavy crude oil by providing an economic incentive

to create a permanent solution to the problem of underutilization of domestic heavy oil reserves by the installation and retrofit of U. S. refinery facilities to process domestic heavy crude oil.

AND BE IT FURTHER RESOLVED that this body communicate this resolution immediately to the Governors of all of the member states, to the President of the United States, the Secretary of Energy, and appropriate Members of Congress.

ADOPTED this 19th day of January, 1979.

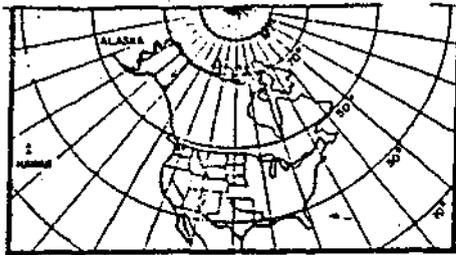
FOR THE WESTERN STATES LAND  
COMMISSIONERS ASSOCIATION



\_\_\_\_\_  
President



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Secretary



# THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION

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## RESOLUTION #2

### TO PROVIDE INCENTIVES FOR ENHANCED RECOVERY

WHEREAS, the Western States Land Commissioners Association is cognizant that at least 75 percent of all reserves of oil in already-discovered reservoirs is not recoverable by primary recovery techniques, making enhanced recovery operations critical to the prevention of physical wastes; and

WHEREAS, existing and proposed federal regulations impose unrealistic economic considerations as a substitute for sound engineering principles in the establishment of enhanced recovery projects to recover this additional oil; and

WHEREAS, through the expansion of existing enhanced recovery techniques and the development of new methods, fewer wells would have to be drilled thus preserving our environment and reducing our dependence on foreign crude; and

WHEREAS, severance tax revenues payable to State governments would increase proportionately with recoverable reserves;

NOW THEREFORE BE IT RESOLVED that the Western States Land Commissioners Association recommends to the President of the United States and to the Secretary of Energy that incentives provided for oil produced from enhanced recovery projects be made applicable to all production occurring after the commencement of such projects in order that maximum ultimate recovery of our

nation's domestic oil reserves be achieved; and

BE IT FURTHER RESOLVED that this body transmit copies of this resolution to the Governors of all member states, to the President of the United States and to the Secretary of Energy.

ADOPTED this 19th day of January, 1979.

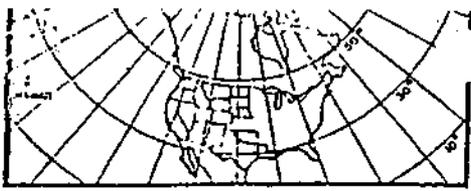
FOR THE WESTERN STATES LAND  
COMMISSIONERS ASSOCIATION



\_\_\_\_\_  
President



\_\_\_\_\_  
Secretary



ALASKA ARIZONA CALIFORNIA COLORADO HAWAII  
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RESOLUTION #4

WILDERNESS AREAS

WHEREAS, there are areas of the United States which have been largely uninhabited by man, covering about 1/3 of the nation, most of which are in the public domain, which have historically constituted one of the greatest natural resources of this nation; and

WHEREAS, these public lands provide refuge for much of our wildlife, sustain many of the nation's outdoor recreational activities, supply much of our wood and wood products, food and fiber, and overlay 50 percent of our known domestic energy reserves; and

WHEREAS, a balance between the different needs of the citizens of the nation and the desire to preserve substantial natural resources for future generations must be reasonably maintained if we are to best utilize these natural resources for the benefit of both present and future generations and avoid their waste; and

WHEREAS, these objectives can all be achieved with appropriate protection of the environment, fisheries and wildlife habitats, the right of all citizens to enjoy a broad range of recreational activities and as a source of food and fiber and energy for ourselves and future generations. Provided however, the present process of reclassification of public lands must be modified to prevent the almost unrestricted authority of 24 federal agencies and 47 public sub-units of the Federal Government to have lands

placed into classifications which formally prohibit or severely restrict multiple land use of the lands, including particularly exploration and production of energy resources; and

WHEREAS, the indiscriminate enlargement of wilderness areas without a thorough evaluation of their mineral and other resources, the expansion of forest service roadless areas, and the enormous expansion of restricted areas in Alaska, without knowledge of the actual resources which may exist under such lands and similar limiting actions by the federal authorities, clearly penalizes the present generation in a most severe and perhaps disastrous manner; and

WHEREAS, the procedures for reclassification of federal lands do not permit effective consideration of the potential of these lands to meet the current energy needs of the nation, are most complex, very time consuming, and involve overlapping jurisdiction and authority of numerous federal agencies and the administration; and

WHEREAS, an important example of the problem is the roadblocks confronting the development of energy resources. No mineral leases have been granted in a wilderness since the passage of the Wilderness Act of 1964. Mineral exploration and development is formally prohibited or severely restricted on 61.3 percent of the 804 million acres of federal lands, with additional inhibiting restrictions affecting another 6.6 percent of the total. (The Department of the Interior, Final Report of the Task Force on the Availability of Federally Owned Minerals, Volume 1.) Further

proposals pending before the Congress would drastically reduce the acreage available for mineral development; and

WHEREAS, the members of the Western States Land Commissioners Association are charged in varying degrees by their respective trust mandates to manage their assets so as to insure that their trust beneficiaries will receive optimum revenue and so that present and future generations will be able to enjoy their national heritage, i.e. oil, gas and coal for their homes and businesses, food and fiber for their sustenance, essential products which must be made from minerals underlying these lands; which values should be given at least equal consideration to that given to wilderness values;

NOW THEREFORE BE IT RESOLVED that the Western States Land Commissioners Association recommends to the President, to the Congress, to the Secretary of the Interior, Secretary of Agriculture and Director of the Bureau of Land Management and other administrative agency heads that they act immediately to reorganize the procedures for reclassifying public lands and for permitting compatible use of these lands, particularly in the following respects:

- (1) Reduce the number of federal agencies with authority and jurisdiction over public lands.
- (2) Create more flexible rules permitting and encouraging compatible multiple use of public lands.
- (3) Provide access to these public lands by business and industry of America to do evaluative work during the periods federal agencies are studying reclassification. Currently land under study is being treated as "de-facto"

wilderness and evaluation by the private sector is prohibited.

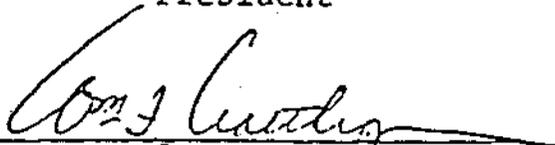
- (4) Institute a thorough evaluation program of all resources on and under the public lands before reclassification, to assure that the rights, privileges and interests of all citizens are given consideration, since the Federal Government holds this land in trust for all its citizens.
- (5) Reasonable and practical procedures be established for re-evaluation of wilderness land as new needs of the citizens develop and as new techniques are created to measure the resources of the lands, such as deeper drilling for oil and gas, or the ability to drill through formerly impenetrable structures.
- (6) Eliminate conflicting and overlapping jurisdiction and authority of federal agencies over the nations wetlands to permit the orderly and economic development of the mineral resources in these lands, in a fashion compatible with the protection of the fish and wildlife habitat.

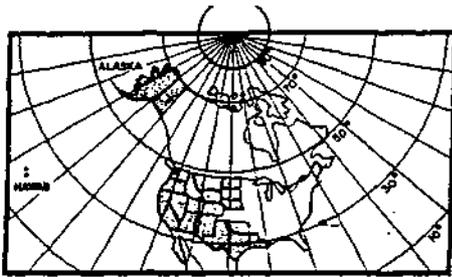
ADOPTED this 19th day of January, 1979.

FOR THE WESTERN STATES LAND  
COMMISSIONERS ASSOCIATION



President

  
Secretary



# THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION

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## RESOLUTION #1

### HAZARDOUS WASTE

WHEREAS, the Western States Land Commissioners Association discourages federal intervention in matters which are of state concern and encourages the philosophy that the respective states can handle situations in a responsive manner that insures that the best interest of the citizens within the state will be served; and

WHEREAS, the Environmental Protection Agency purports to intervene in the states' attempts to resolve the problem of abandoned hazardous waste sites; and

WHEREAS, many states have adopted or are in the process of adopting statutory mandates and rules and regulations governing the disposition of such abandoned hazardous waste sites;

NOW, THEREFORE, BE IT RESOLVED that the Western States Land Commissioners Association recommends to the President, the Congress and the Environmental Protection Agency that the states

having an approved program for the handling of hazardous waste be allowed to administer the disposition of abandoned sites should said states so desire.

ADOPTED this 2nd day of August, 1979.

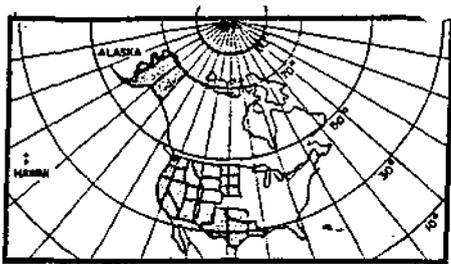
FOR THE WESTERN STATES LAND  
COMMISSIONERS ASSOCIATION



\_\_\_\_\_  
President



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Secretary



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## RESOLUTION #2

### DEFINITION OF WETLANDS AND WATERS OF THE UNITED STATES

To urge and request Congress, the President of the United States, the Secretary of Interior, the Corps of Engineers, and the Environmental Protection Agency to consider the consequences of the Environmental Protection Agency's position in the lawsuit styled, Avoyelles Sportsmen's League, et al v. Alexander, et al, United States Western District Court of Louisiana, Alexandria Division, Civil Action No. 78-1428, supporting an expanded and unprecedented definition of the term "wetlands" as it is used in the Federal Water Pollution Control Act which definition when exercised requires land owners to apply for clearing and dredging permits from the Federal government in order that they may perform acts of land use which have been traditionally allowed unto all land owners in our country, and which use by the Federal Water Pollution Control Act seriously undermines and casts clouds on titles to millions of acres of watershed lands situated in all of the membering states to the Western States Land Commissioners Association and which exercise of unfounded power is arbitrary and capricious and not in the best interests of private or state rights of ownership of lands which are basic and are inextricably interwoven into the history and Constitution of the Government of the United States of America

and finally, to urge and request these entities, severally and jointly, to consider and effect appropriate Federal action, either by executive decision, by legislative enactments, or both, to alleviate and remove these threats to traditional rights or land ownership in this country.

WHEREAS, the Western States Land Commissioners Association discourages any action by or on behalf of the Federal government which encroaches upon traditional rights of private ownership and State sovereignty regarding land use; and

WHEREAS, the Federal government, through its various agencies and specifically including the Environmental Protection Agency, is currently undertaking to vastly expand the permitting scope over the sovereign trust lands of the state and private lands applying a broadened definition of the terms "wetlands" and "waters of the United States" under the provisions of the Federal Water Pollution Control Act and other federal statutes as is clearly manifested by the position which it has taken in the lawsuit styled, Avoyelles Sportsmen's League, et al v. Alexander, et al, United States Western District Court of Louisiana, Alexandria Division, Civil Action No. 78-1428; and

WHEREAS, the Federal government has been inconsistent, arbitrary and capricious in its legislative pronouncement and its subsequent executive applications of the Federal Water Pollution Control Act.

NOW, THEREFORE, BE IT RESOLVED that the Western States Land Commissioners Association urges and requests the Congress, the President of the United States, the Secretary of the Interior, the Corps of Engineers and the Environmental Protection Agency to consider the consequences of its actions in the Federal courts to change traditional land use concepts and controls of lands belonging to private land owners and the several states of the United States, and the Association further urges and requests that the Federal government effect immediately appropriate action, either by executive decision, by legislative enactments, or both, to alleviate and remove these threats to traditional rights of land ownership in this country.

ADOPTED this 2nd day of August, 1979.

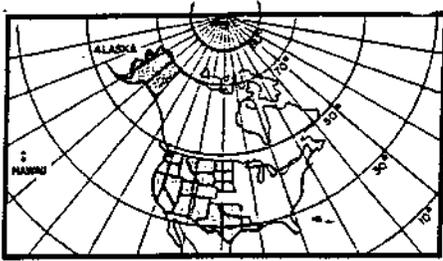
FOR THE WESTERN STATES LAND  
COMMISSIONERS ASSOCIATION



President



Secretary



# THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION

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## RESOLUTION #3

### DEVELOPMENT OF HEAVY CRUDE OIL

WHEREAS, the Western States Land Commissioners Association has taken note of the proposal by the President of the United States to remove from price control heavy crude oil; and

WHEREAS, the heavy crude oil resources of this country have not been fully utilized or even evaluated, but with proper encouragement, can be developed to effectively reduce reliance on foreign oil; and

WHEREAS, the President is to be congratulated for taking this progressive and decisive step toward energy independence; and

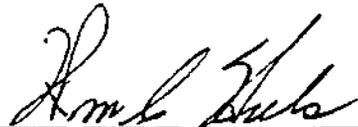
WHEREAS, the Congress of the United States can encourage rapid development of these heavy oil reserves through exemption of heavy oil production from the provisions of the Windfall Profit Tax;

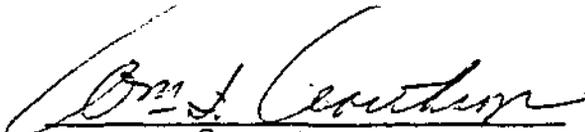
NOW, THEREFORE, BE IT RESOLVED that the Western States Land Commissioners Association encourages the Congress of the United States to, with all speed, support the decontrol of heavy oil below 25° API gravity and exempted from any Windfall Profit Tax legislation.

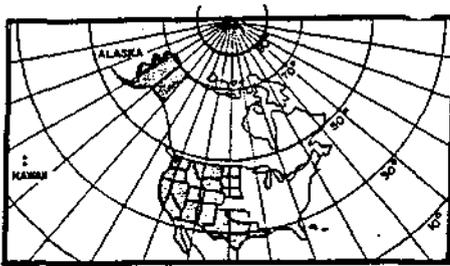
BE IT FURTHER RESOLVED that copies of this resolution be sent to the President of the United States, all members of the United States Senate, the Secretary of the Interior, the Secretary of Energy and each member of the House of Representatives of the member states.

ADOPTED this 2nd day of August, 1979.

FOR THE WESTERN STATES LAND  
COMMISSIONERS ASSOCIATION

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary



# THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION

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## RESOLUTION #4

### WINDFALL PROFIT TAX

WHEREAS, the Western States Land Commissioners Association is an organization of nineteen cooperating states which administer trust lands for the benefit of their citizens and all people of the United States; and

WHEREAS, the President of the United States has extended federal price controls for oil, allowing oil to be released gradually to higher price levels over a period of time; and

WHEREAS, the President has urged the Congress to adopt a tax on the added profits to producers of oil resulting from the higher prices to be received for crude oil; and

WHEREAS, there is before the Congress legislation which would, if enacted, impose a Windfall Profit Tax on oil released from regulation; and

WHEREAS, such legislation would exempt economic interests in crude oil held by a State or political subdivision thereof from imposition of the Windfall Profit Tax if all of the net income received pursuant to such interest is dedicated to public education or to a fund the income from which is dedicated to public education; and

WHEREAS, many of the member states have trusts which provide for important public uses other than public education to benefit from revenues from production of crude oil production on State lands;

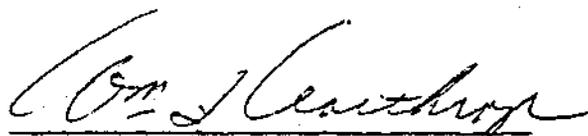
NOW, THEREFORE, BE IT RESOLVED that the Western States Land Commissioners Association urges the Congress to include in the "Crude Oil Windfall Profit Tax Act of 1979" full exemption from the tax provisions for all interests in crude oil held by a State and used, or dedicated to a fund for use, for a statewide public purpose or benefit; and

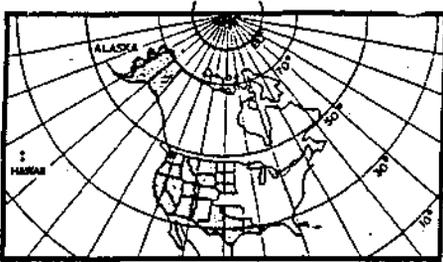
BE IT FURTHER RESOLVED that the Western States Land Commissioners Association urges and requests the Congress and the President of the United States to refrain from advancing or supporting legislation which incorporates taxation of income received by the states or their political subdivisions derived from any publicly owned natural resource.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the President of the United States, all members of the United States Senate, the Secretary of the Interior, the Secretary of Energy and Secretary of the Treasury and each member of the House of Representatives of the member states. ADOPTED this 2nd day of August, 1979.

FOR THE WESTERN STATES LAND  
COMMISSIONERS ASSOCIATION

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary



# THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION

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## RESOLUTION #5

### PUBLIC LANDS

WHEREAS, the State of Nevada has recently enacted legislation signed into law by its Governor declaring certain acts and impositions of the Federal government to be unconstitutional and void as to public lands within its borders, and

WHEREAS, each of the several states represented in this Association of Western States Land Commissioners is similarly discriminated against by certain federal acts and impositions, which are likewise discriminatory against each of these several states, and of questionable constitutional validity, and

WHEREAS, it is deemed imperative that the several states in this Association act together in a united and purposeful manner to achieve constitutional equality and legal control of the public lands within the respective borders of each state in order to serve the legal interests of its citizens, and

WHEREAS, it has been determined that all practical, political and legal measures should be unitedly pursued by the member states of this association,

NOW, THEREFORE, BE IT RESOLVED THAT:

1. All necessary and reasonable steps be taken by each of the Land Commissions of the states of this Association, through

their highest executive officers, to solicit and obtain the cooperation of the respective Governors, legislatures and Attorneys General in obtaining effective state control of the public lands within respective state borders.

2. All legislative delegations of the respective states to the Federal government be informed of this action and urged to unite to effect its purpose.

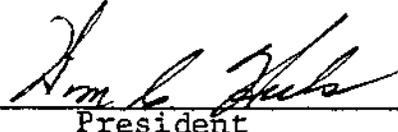
3. A clearing house be established to collect and disseminate all useful information, including political and legal actions undertaken pursuant to this Resolution or complementary thereto to aid in the unified prosecution of the legitimate and essential ends sought to be accomplished hereby.

4. The respective state delegations to this Association here assembled commit themselves, to the extent allowed by the law of their own jurisdictions and not otherwise in violation of any lawful enactment, to the achievement of the objective of this Resolution by any and all lawful means.

5. By copy of this Resolution, the Federal Congress, the Department of the Interior and its subordinate agencies, be and are hereby petitioned to immediately act to redress the inequities and unlawfulness of prior federal enactments and affirmatively grant to the several Western States control of the public lands within the respective borders of each state.

ADOPTED this 2nd day of August, 1979.

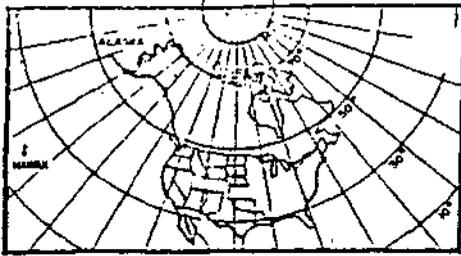
FOR THE WESTERN STATES LAND  
COMMISSIONERS ASSOCIATION

A handwritten signature in cursive script, appearing to read "Tom L. Huls", written over a horizontal line.

President

A handwritten signature in cursive script, appearing to read "C. S. Cauffman", written over a horizontal line.

Secretary



# THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION

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## RESOLUTION #6

### PUBLIC LANDS STUDY.

WHEREAS, the condition of all the States admitted to the Union, old and new, is characterized as one of equality of Constitutional right, power, dignity and authority, such that each is competent to exert that residuum of sovereignty not delegated to the United States by the Constitution itself, Coyle v. Smith, 221 U.S. 559 (1911); and

WHEREAS, on admission into the Union each State was at once entitled to and possessed of all the rights of dominion and sovereignty over lands within her borders which belonged to the original States, Escanaba Co. v. Chicago, 107 U.S. 678, 689 (1883); and Oregon v. Corvallis Sand and Gravel Co., 429 U.S. 363 (1977); and

WHEREAS, the right of all States to exercise all the powers of government reserved to them by the Constitution, including legislative authority and municipal sovereignty over the lands within their borders, is consistent with the understanding of the framers of the Constitution that the powers of the several States attend to all objects which, in the ordinary course of affairs, concern the lives, liberties and properties of the people and the internal order, improvement, and prosperity of the State, THE FEDERALIST, No. 45; Kansas v. Colorado, 206 U.S. 46, 92 (1907); and

WHEREAS, the United States has never held any municipal sovereignty, jurisdiction, or right of soil in and to territory of which new States have been formed, except for temporary purposes or to execute the public trusts created therein, Pollard v. Hagan, 44 U.S.-(3 How.) 212, 223-224 (1845); and

WHEREAS; the United States may not acquire a territory to be held and governed permanently in that character nor hold property, as a monarch may, for private or personal purposes. Downes v. Bidwell, 182 U.S. 244, 273 (1900); Van Brocklin v. Tennessee, 117 U.S. 151, 158 (1885); and

WHEREAS, the United States has recently declared that the public lands shall be retained in Federal ownership except under circumstances in which Federal governmental agencies may dispose of parcels of land only if they determine that disposal of a particular parcel will serve the National interest. Federal Land Policy and Management Act of 1976, 43 U.S.C. §1701 et seq.; and

WHEREAS, the result of the implementation of the current Federal policy respecting the retention of public lands will result in permanent Federal territories of unappropriated public lands within the boundaries of many States of the Union immune from the exercise of full dominion and control or municipal sovereignty of the State in which said lands are located; and

WHEREAS, there is a need to review, define, and declare the extent to which the rights reserved to the States by the Constitution have been affected by the current Federal policy

respecting the public lands and the extent to which said Federal policy has affected the ability of the States to function effectively in a Federal system composed of States existing on an equal footing with one another; and

WHEREAS, States adversely affected by actions of the Federal government that tend to impair the exercise of the municipal sovereignty, dominion, and control over lands within their boundaries must oppose such actions to avoid acquiescence in an unlawful infringement of their rights and the creation of a semblance of Federal power which does not otherwise exist; and

WHEREAS, the authority of the Federal government to exercise Article IV Property Clause powers for extraneous purposes has become clouded by recent case pronouncements. See, e.g., Kleppe v. New Mexico, 426 U.S. 529 (1976); and

WHEREAS, a greater degree of certitude is essential with respect to the proper division of Federal-State powers; and

WHEREAS, the individual member States of the Western States Land Commissioners Association are embroiled in cases and controversies involving a wide variety of Federal-State conflicts; and

WHEREAS, there is a need to pool resources in order to develop sufficient information by which any interested State can assert its rights to the exercise of her lawful authority with respect to the public lands,

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Western States Land Commissioners Association (WSLCA) supports the creation of a study team or research panel to conduct an in-depth analysis of the extent to which States have Constitutional rights in and powers of municipal sovereignty, dominion and control over the lands within their boundaries.

2. Such study or research project analyzing the rights of the States in the lands within their borders should be coordinated with the efforts of any other groups and organizations concerned with recent Federal policies respecting the use, management, and control of such lands.

3. All members of WSLCA are urged to cooperate in assisting any study team or research group to complete the legal analysis described herein.

4. The President of WSLCA shall appoint a steering committee composed of representatives of States which are currently involved in litigation or which subsequently become involved in litigation concerning any powers, rights, or sovereignty of the States affected by the activities, policies, and laws of the Federal government regarding the dominion, jurisdiction and control over lands within the borders of the sovereign lands, and said committee shall be charged with taking all necessary actions to carry out the provisions of this Resolution, including coordination of any study or research project with any other groups or organizations desirous to participate therein.

5. The Secretary of the Association shall provide all necessary assistance to the committee in arranging for meetings, maintaining records, and facilitating communication among committee members.

6. All financial arrangements necessary to complete the study or research project contemplated herein shall be made by the committee appointed by the President in cooperation with the member States represented thereon and any other governmental entities, officials, and regional groups and organizations desiring to participate in the funding of such project.

7. The President of WSLCA shall be authorized to enter into a contract with one or more consultants to which it may contribute in the amount not to exceed a total of \$5,000 upon the recommendation of the committee. Any contract may include suitable non-monetary inducements, including but not limited to retained rights of publication.

8. All members of WSLCA and its representatives are urged to cooperate with the committee in obtaining supplemental funds, if needed, to complete the study or research project described herein.

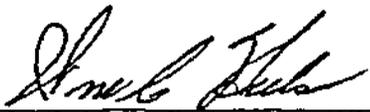
9. All papers, research notes, studies, or other documents developed by or for the committee shall be provided upon request to any member State contributing to the work of the committee; and said material may be released to any other person or group in the manner provided by the committee.

10. A report shall be presented by the Chairman of the committee at the 1980 annual meeting.

ADOPTED this 2nd day of August, 1979.

FOR THE WESTERN STATES LAND  
COMMISSIONERS ASSOCIATION

  
Secretary

  
President