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RESOLUTION REGARDING FEDERAL PETROLEUM AND OIL SHALE RESERVES

WHEREAS, federal petroleum and oil shale reserves were established at various times in California, Colorado, Utah and Wyoming to ensure a ready supply of oil for the nation's defense agencies in an emergency; and

WHEREAS, certain reserves contain parcels which are or should be numbered section state school lands; and

WHEREAS, the school lands were granted to the states in trust for state public education programs; and

WHEREAS, although these reserves are treated as revenue-producing assets just like other public lands these are the only federal mineral producing lands where the states are denied their legitimate share of revenues under the Mineral Leasing Act; and

WHEREAS, the federal government has determined in the case of petroleum reserves that these reserves are no longer needed for the national defense or for any other valid federal purpose, has operated these reserves for the purpose of generating revenue for the federal treasury, and has proposed sale or lease certain of these properties; and

WHEREAS, the states have not received any share of the revenues produced from these reserves under the Mineral Leasing Act and no revenues produced from the school lands have been transferred to the states; and

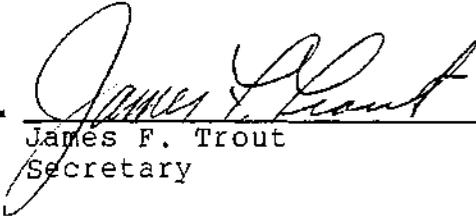
WHEREAS, unless strong action is taken by the Congress and the States, these reserves may be sold or leased by the federal government without concern for or consideration of the interests of the states thereby depriving the states of Mineral Leasing Act shared revenues and school land income.

NOW THEREFORE BE IT RESOLVED, that the Western States Land Commissioners Association urges its members and in particular California, Colorado, Utah and Wyoming to support legislation which would recognize the legitimate states' interests which exist within the various reserves.

Adopted this 12th day of January, 1990.



William R. Humphries
President



James F. Trout
Secretary



RESOLUTION PROVIDING FOR RECOGNITION OF ALASKA'S UNIQUE
GEOGRAPHIC CONSIDERATIONS WHEN IMPLEMENTING NO NET LOSS
WETLANDS PROTECTION

WHEREAS, The U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (CORPS) have entered into a Memorandum of Agreement (MOA) to achieve "no net loss" with respect to proposed development of the nation's wetlands; and

WHEREAS, the federal "no net loss" wetlands policy is an admirable objective in many areas of the country where wetlands have been lost at an alarming rate; and

WHEREAS, there is support from many states for wetlands protection at a national level; and

WHEREAS, Alaska has unique geographic conditions with almost 170 million acres of wetlands, most of it arctic tundra overlying permafrost; and

WHEREAS, only 80,000 acres of Alaska's wetlands have been developed; and

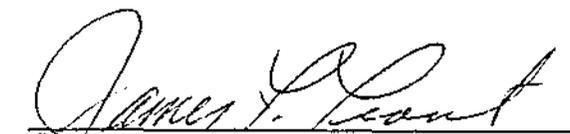
WHEREAS, the development of some of Alaska's wetlands may be unavoidable and essential to the economic well-being of the state, local governments, Native corporations and other private entities.

NOW THEREFORE BE IT RESOLVED, that the Western States Land Commissioners Association urges its members to ask the federal administration to recognize the unique geographic conditions prevalent in Alaska when implementing a national "no net loss" wetlands policy.

Adopted this 12th day of January, 1990.



William R. Humphries
President



James F. Trout
Secretary



RESOLUTION REGARDING FEDERAL WETLANDS POLICIES

WHEREAS, the need to identify and protect the nation's remaining wetland resources has been recognized by both state and federal governmental agencies; and

WHEREAS, the four federal agencies most directly involved in wetlands protection and management are: the Environmental Protection Agency (EPA), the U.S. Army Corps of Engineers (CORPS), the U.S. Fish and Wildlife Service (USFWS), and the U.S. Soil Conservation Service (SCS); and

WHEREAS, many of the states have delegated similar wetland protection and management functions to their various respective state agencies; and

WHEREAS, no formal mechanism exists for coordinating state and federal wetland policies; and

WHEREAS, certain recently adopted and proposed federal wetland policies and implementation procedures may conflict with or adversely affect state wetland policies and may not fully recognize and understand the impacts of such federal policies within the states.

NOW THEREFORE BE IT RESOLVED, that the Western States Land Commissioners Association recommends that its members urge the federal agencies to institute consultation procedures to ensure appropriate understanding and consideration of state concerns in the development and implementation of federal wetland policies and procedures;

Adopted this 12th day of January, 1990.

William R. Humphries
President

James F. Trout
Secretary



RESOLUTION CONCERNING LAND INFORMATION SYSTEMS

WHEREAS, accurate land and resource information is essential for orderly development and resource protection of federal and state lands in the west; and

WHEREAS, modern land information systems must be developed to facilitate sharing of information between federal and state governments and between units of government and the private sector; and

WHEREAS, the Bureau of Land Management is the federal agency responsible for surveys and for keeping the nation's land records; and

WHEREAS, a federal land information system will be the primary source of data integrated into state land information systems; and

WHEREAS, lack of modern federal records and data standards creates problems and uncertainty for states; and

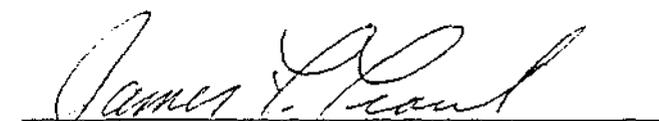
WHEREAS, Congress in passing the Federal Land Exchange Facilitation Act signaled its interest in improvements in the existing methods of land surveying and mapping and of collecting, storing, retrieving, disseminating and using information about federal and other lands.

NOW THEREFORE BE IT RESOLVED, that the Western States Land Commissioners Association urges its members to request the federal government to recognize the urgency of development of a modern land information system and to give priority to the effort.

Adopted this 12th day of January, 1990.



William R. Humphries
President



James F. Trout
Secretary



RESOLUTION CONCERNING RESTRICTIONS ON FINANCIAL
RETURNS FROM TRUST LANDS

WHEREAS, the Western States Land Commissioners Association is an organization consisting of land commissioners and other state public officials with principal responsibility for managing the federal land grant trusts in the western states; and

WHEREAS, the United States Supreme Court has characterized the federal land grant trust as a solemn agreement between the federal government and the states in which the federal government's right over the land were extinguished and the states were directed to manage granted lands with a duty of undivided loyalty to the designated beneficiary institutions; and

WHEREAS, various bills have been introduced in the Congress and various federal agencies are considering actions which would authorize federal and state governments to restrict export of timber from trust lands in order to provide lower cost timber for the milling industry and without compensation to the trusts; and

WHEREAS, such federal action could substantially devalue the trust assets in favor of a subsidy to the milling industry at the direct expense of the trust beneficiaries and thereby constitute a breach of the compact between the federal government and the states and the duty to the trust of undivided loyalty; and

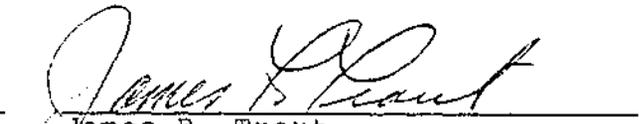
WHEREAS, such federal action violates principles of federalism and the compact between the federal government and the states.

NOW THEREFORE BE IT RESOLVED, that the Western States Land Commissioners Association urges its members to (a) oppose any federal administrative action or legislation by the Congress imposing restrictions which focus on the export of timber from federal land grant trust property without compensation to the trusts; (b) urge that any Congressional legislation dealing with log exports treat trust lands the same as all other land

similarly situated; and (c) urge the federal government to use federal lands and resources to provide assistance to mills hurt by harvest reductions on federal lands.

Adopted this 12th day of January, 1990.


William R. Humphries
President


James F. Trout
Secretary



**RESOLUTION CONCERNING U. S. ARMY CORPS OF ENGINEERS'
DISPOSAL OF DREDGE SPOILS**

WHEREAS, the U.S. Army Corps of Engineers is the agency principally charged with maintaining the navigability of waters of the United States; and

WHEREAS, the Corps of Engineers, pursuant to the Coastal Zone Management Act and the Clean Water Act is to conduct dredging activities consistent with state coastal management plans and to obtain state water quality certification for the discharge of dredged material; and

WHEREAS, in the conduct of dredging operations, and in particular the in-water disposal of dredged material, the Corps' policy is to do so in the least costly manner; and

WHEREAS, in determining the least costly means of disposal, the Corps looks only at initial cost of the project, which often ignores associated costs including losses to fish, wildlife and marine habitat, which are imposed thereafter upon state and local government; and

WHEREAS, the Corps attempts to obtain funds from state and local agencies for added expenses needed to avoid these adverse impacts, and if funds are not forthcoming, the Corps either abandons the project or proceeds with the project without regard to the adverse affects; and

WHEREAS, these costs and the funds necessary to prevent significant adverse effects on state and local governments should be included in the Corps' initial project estimates and appropriation requests;

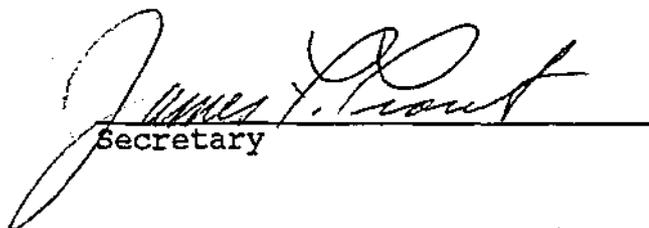
NOW, THEREFORE, BE IT RESOLVED, by the Western States Land Commissioners Association that the Corps of Engineers should coordinate its dredging and disposal plans with the states and take full cognizance of all costs related to these projects rather than only the expense of dredging and disposition without regard for the burdens which may be placed on state and local agencies; and

BE IT FURTHER RESOLVED, that the Corps is requested to recognize and include in its project estimates and appropriation requests all funds necessary to conduct the project in accordance with the mandates of the Coastal Zone Management Act and the Clean Water Act and without adversely affecting local and state waters, water quality, fish and habitat values.

Adopted this 27th day of July, 1990.



President



Secretary



**RESOLUTION ON CONFLICT BETWEEN
FEDERAL ENERGY REGULATORY COMMISSION POLICY AND
WESTERN STATES WATER RIGHTS**

WHEREAS, the United States Supreme Court, in CALIFORNIA V. FEDERAL ENERGY REGULATORY COMMISSION et al. determined that a state could not impose stricter water diversion standards than those established by the FERC on a private license applicant for a hydroelectric projects; and

WHEREAS, that decision provides that state water regulatory laws are preempted by the Federal Power Act and private hydroelectric projects licensed by the Federal Energy Regulatory Commission need not comply with state water laws; and

WHEREAS, such action by the Court has upset the longstanding balance between state and federal management of water, fisheries and other natural resources; and

WHEREAS, such balance is of major importance to all states as evidenced by the fact that every state in the union joined California as amici in the brief on petition to the Supreme Court; and

WHEREAS, ensuring the primacy of state water law with respect to private hydroelectric projects licensed by the FERC is of major importance to all states;

NOW, THEREFORE, BE IT RESOLVED, that the Western States Land Commissioners Association, representing 22 states, is committed to the primacy of state water rights and its member states support the passage of legislation in Congress (such as HR 4921) to restore the primacy of state water law with respect to private hydroelectric projects licensed by the FERC.

Adopted this 27th day of July, 1990.



President



Secretary



**RESOLUTION IN SUPPORT OF BUREAU OF LAND MANAGEMENT'S
NEW AUTOMATED LANDS RECORDS MANAGEMENT SYSTEM**

WHEREAS, the Western States Land Commissioners Association (WSLCA) is on record as supporting the Bureau of Land Management's (BLM) new automated Lands Records Management System designed and implemented in the Eastern States Land Office located in Alexandria, Virginia; and

WHEREAS, the records being automated are the original historic Government Land Office (GLO) records, involving over 15 million individual land, mineral and survey documents; and

WHEREAS, during the spring of 1990 the WSLCA and Eastern Lands Resources Council (ELRC) toured the computer records project designed to preserve, maintain and streamline the public land and mineral records of the Eastern United States after 200 years of neglect; and

WHEREAS, as part of this record automation project, the land records of several states have also been scanned under the new technology, and additional states are scheduled for records scanning; and

WHEREAS, this system allows for more efficient research involving land patents and other land documents; and

WHEREAS, this project has greatly enhanced communication and cooperation between BLM and the states; and

WHEREAS, we applaud the BLM and especially the project team for their initiative and leadership in the field of computerizing the public land and mineral records for four eastern states to date; and

WHEREAS, this project is far from complete; and

WHEREAS, it has come to our attention that recent budget revisions have undercut this effort, drastically decreasing the size of the project team, and resulting in the loss of the team's very effective project leader; and

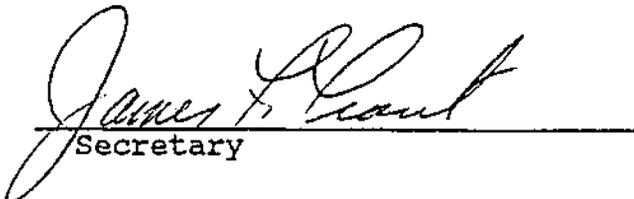
NOW, THEREFORE BE IT RECOMMENDED, that the BLM reconsider its decision and re-establish this project as a high budget priority;

AND BE IT FURTHER RECOMMENDED, that this project be expanded to include all federal historic land records and to assist the land offices of all states with their land record preservation problems.

Adopted this 27th day of July, 1990.



President



Secretary



PROPOSED RESOLUTION

FEDERAL PETROLEUM AND OIL SHALE RESERVES

WHEREAS, federal petroleum and oil shale reserves were established at various times in California, Colorado, Utah, and Wyoming to ensure a ready supply of oil for the nation's defense agencies in an emergency; and

WHEREAS, certain reserves contain or may contain parcels which are or should be state trust or school land; and

WHEREAS, the lands were granted to the states in trust for state public education and other purposes; and

WHEREAS, although these reserves are treated as revenue-producing assets just like other public lands these are the only federal mineral producing lands where the states are denied their legitimate share of revenues under the Mineral Leasing Act; and

WHEREAS, the federal government has determined in the case of certain petroleum reserves that these reserves are no longer needed for the national defense or for any other valid federal purpose, has operated these reserves solely for the purpose of generating revenue for the federal treasury, and has proposed sale or lease of certain of these properties; and

WHEREAS, these states have not received any share of the revenues produced from these reserves under the Mineral Leasing Act and no revenue produced from the state trust lands have been transferred to the states; and

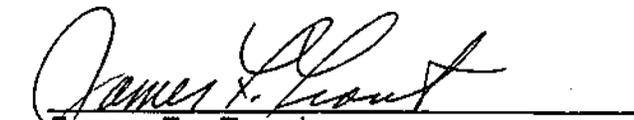
WHEREAS, unless strong action is taken by the Congress and the states, these reserves may be sold or leased by the federal government without concern for or consideration of the interests of the states thereby depriving the states and their beneficiaries of Mineral Leasing Act shared revenues and trust land income;

NOW, THEREFORE, BE IT RESOLVED, that the Western States Land Commissioners Association urges its members and in particular California, Colorado, Utah, and Wyoming to support legislation which would recognize the legitimate state interests which exist within the various reserves.

Adopted on this 10th day of January 1991.



John S. Wilkes III
President



James F. Trout
Secretary



RESOLUTION CONCERNING
REVENUE SHARING

WHEREAS, state and local government shares of federal mineral, timber grazing, recreation and other public land resource receipts were designed to compensate public land states for the continued federal ownership of land and mineral resources and the resulting loss of the base; and

WHEREAS, receipt sharing was key to the Congressional compromise which led to the retention of significant federal land and resource interests in the western states; and

WHEREAS, state and county shared receipts are an important revenue source for impact assistance to beneficiaries of State school funds, such as education as well as roads and highways, sewer and water, and other public facilities and programs needed to support the development activities of Federal lands; and

WHEREAS, western state and local governments expend significant amounts of their own source revenues to deal with the impact of federal land and mineral resource development and management activities; and

WHEREAS, Congressional authorizations for state and local shares of federal receipts have historically and consistently been interpreted to mean gross receipts and not net receipts (after deduction of administrative costs); and

WHEREAS, recently enacted Interior Appropriations legislation requires that half of the federal administrative costs be deducted from gross federal onshore mineral leasing receipts before dividing the remainder between the federal and affected state governments, a policy that contradicts the position of the authorizing committees and that means a loss of over \$33 million to the western states in this fiscal year; and

WHEREAS, there have been proposals to deduct an even larger amount from both mineral and timber revenues before dividing them between the federal government and the states or counties; and

WHEREAS, contracts for states to audit coal and geothermal leases were abruptly canceled without an adequate explanation from the Department of Interior, even though the return from state audits of federal mineral revenues from oil, gas, coal and geothermal leases has far exceeded the costs;

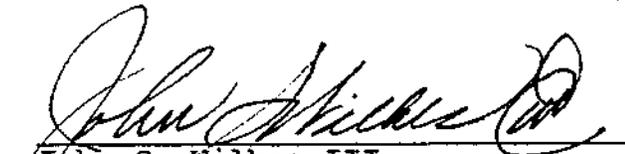
NOW, THEREFORE, BE IT RESOLVED, that the Western States Land Commissioners Association urges its members to contact their Congressional representatives in addition to the Federal Office of Management and Budget and the Departments of the Interior and Agriculture to request that they:

1. oppose any proposal to deduct administrative and operating costs from gross receipts for federal minerals, national forests, and other congressionally authorized state and county shared receipts; and

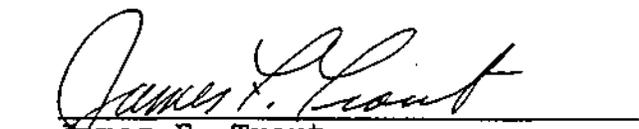
2. support efforts to assure full collection and proper accounting of federal mineral and other resources related receipts in order to improve returns to the federal government as well as affected states and counties; and

3. enlarge state role in determining how to administer the leasing and collections programs; and

4. support full funding for state audits of federal mineral leases, including those for oil, gas, coal, geothermal, potash, and sodium.



John S. Wilkes III
President



James F. Trout
Secretary



RESOLUTION TRUST CORPORATION
AND
FEDERAL DEPOSIT INSURANCE CORPORATION

WHEREAS, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA, P. L. 101-73) requires the Resolution Trust Corporation (RTC) to publish an inventory of properties and identify those with natural, cultural, recreational or scientific values of special significance; and

WHEREAS, the U.S. Fish and Wildlife Service (USFWS) has had an agreement with the Farmers Home Administration since 1987 to review properties and to recommend conservation easements to protect and restore wetlands and endangered species habitat; and

WHEREAS, the Department of the Interior under a pending agreement with the RTC would allow the USFWS to review RTC properties of natural significance and to recommend that the RTC establish easements to be administered by the USFWS or state agencies; and

WHEREAS, the Department of the Interior is also considering an agreement to involve the National Park Service and state agencies in identifying historical and recreational properties among the RTC's holdings; and

WHEREAS, the Coastal Barrier Improvement Act of 1990 (P. L. 101-591) requires the RTC and the Federal Deposit Insurance Corporation (FDIC) to publish a report identifying their properties in the Coastal Barrier Resources System, as well as undeveloped properties greater than 50 acres that are adjacent to government conservation, recreation, or historical holdings; and

WHEREAS, the Coastal Barrier Improvement Act gives government agencies and conservation organizations right of first refusal to acquire properties in the inventory for conservation, recreation or historical purposes; and

WHEREAS, federal laws and executive orders have found it to be in the public interest to protect a variety of natural resources, such as wetlands, floodplains, endangered species habitat, historic sites, archaeological sites, natural landmarks, wilderness areas, wild and scenic rivers, and coastal barriers; and

WHEREAS, State Land Commissions have special expertise in managing natural resource properties; and

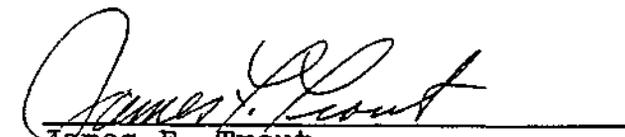
WHEREAS, bills are expected to be introduced that would allow environmentally significant RTC properties to be transferred or sold to qualified land stewards, including state agencies;

NOW, THEREFORE, BE IT RESOLVED, that the Western States Land Commissioners Association urges its members to contact sponsors of RTC and FDIC legislation, as well as appropriate Congressional Committees, and federal agencies and departments to support legislation and administrative policies that;

- require all RTC and FDIC properties to be evaluated by appropriate federal agencies, including the U. S. Fish and Wildlife Service, to determine if they should be protected for conservation purposes, consistent with existing federal laws and executive orders; and
- provide legal and descriptive information on environmentally significant properties in a given state to potential land managers, including state land commissioners; and
- make state land offices eligible as interim land managers with appropriate compensation; and
- appraise properties to be held for conservation purposes consistent with such purposes; and
- include state land commissioners in a special bidders pool with right of first refusal, along with other government agencies and conservation organizations; and
- give the RTC and the FDIC specific authority to transfer properties and easements to the government agencies or appropriate nonprofit organizations with their concurrence, with or without reimbursement.



John S. Wilkes III
President



James F. Trout
Secretary



RESOLUTION CONCERNING FEDERAL MINERAL REVENUES

WHEREAS, a large proportion of land in the Western States is owned by the Federal Government; and

WHEREAS, resources produced on federal lands cannot be taxed by the States; and

WHEREAS, the States have no alternative means to assess the federal agencies or their lessees to offset the fact that they cannot be taxed; and

WHEREAS, the Mineral Leasing Act of 1920 recognizes the compromise that was struck between the Federal government and the States allowing the federal government to retain lands in the West; and

WHEREAS, the Mineral Leasing Act provides that federal mineral revenues will be split evenly between the U.S. Treasury and the States so that States can use these funds to plan, construct and maintain public facilities in areas affected by federal properties; and

WHEREAS, the Administration proposed subtracting 75 percent of federal administrative costs before dividing federal mineral revenues between the U.S. Treasury and the States; and

WHEREAS, the Interior Appropriations bill H. R. 2686 would have reduced the revenues by 100 percent of Administration costs (\$136 million) before dividing them between the U.S. Treasury and the States; and

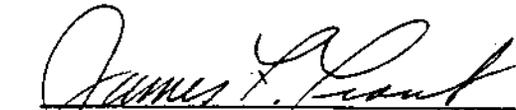
WHEREAS, this provision was successfully challenged on the House floor on a point of order;

THEREFORE BE IT RESOLVED, that the Western States Land Commissioners Association recommends that its member states urge their Senators to oppose this provision.

Adopted this 18th day of July, 1991



John S. Wilkes III
President



James F. Trout
Secretary



RESOLUTION CONCERNING COASTAL IMPACT ASSISTANCE

WHEREAS, President Bush, on June 26, 1990, directed the Department of Interior to "prepare a legislative initiative that will provide coastal communities directly affected by OCS development with a greater share of the financial benefits of new development;" and

WHEREAS, the Interior Department's proposed comprehensive OCS leasing program includes the consideration of leases in 15 offshore areas over the next five years, with up to 23 lease sales in portions of 12 OCS planning areas, affecting as many as 16 coastal states; and

WHEREAS, with the recent enactment of the 1990 reauthorization of the Coastal Zone Management Act, coastal state consistency review again covers federal OCS oil and gas lease sales; and

WHEREAS, coastal states and local governments have incurred, and will continue to incur, direct, indirect, and cumulative environmental costs resulting from the construction and maintenance of the extensive infrastructure necessary to support OCS activities; and

WHEREAS, fluctuations in OCS activities, coupled with rapid development in some areas, have fostered, and will continue to foster, economic and social instabilities in coastal states and many coastal communities; and

WHEREAS, the Department of Interior's policy of area-wide leasing in the OCS results in unplanned and unsustainable development of onshore infrastructure, unplanned and ineffective utilization of pipeline landfalls, broad and general environmental impact statements that fail to adequately address unique offshore areas, and more rapid loss of coastal wetlands; and

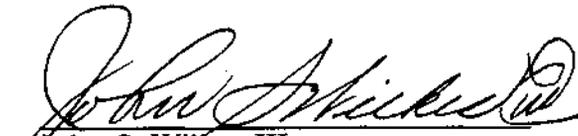
WHEREAS, Section 18(a)(2)(B) of the OCS Lands Act requires that the Secretary of the Interior consider "...an equitable sharing of the developmental benefits and environmental risks among the various regions" and coastal impact assistance is a necessary and essential ingredient in encouraging such an equitable sharing; and

WHEREAS, OCS impact assistance is a matter of equity because coastal states affected by OCS development merit fair financial considerations commensurate with those allotted to states where onshore federal lands are leased for mining and energy development; and

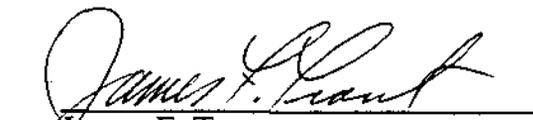
WHEREAS, coastal states can be expected to participate more effectively with the federal OCS leasing process if they, through impact assistance, have the financial wherewithal to research, plan, manage and propose mitigation measures concerning OCS leasing impacts;

THEREFORE BE IT RESOLVED, that the Western States Land Commissioners Association urges its member states to support the State of Louisiana's current efforts to insure that federal OCS leasing activity is consistent with its coastal zone management plan and to notify their Congressional representatives of the need for carrying out the Administration's promise to provide for acceptable coastal impact assistance which fully considers the impacts of OCS activities on Coastal States.

Adopted this 18th day of July, 1991



John S. Wilkes III
President



James F. Trout
Secretary



RESOLUTION CONCERNING STATE AUDIT CONTRACTS

WHEREAS, the Western States Land Commissioners Association has many times noted the deep interest which its members have in the administration and management of the mineral resources on the lands administered by the Federal Government, both as it affects the member States' management of their public trust land and as it affects revenues long ago committed to the support of State schools and roads, and the consequent need by member States of detailed data concerning minerals production on such Federal lands, and their value basis; and

WHEREAS, the Department of the Interior has long recognized its authority to enter into contracts with State governments to audit Federal leases within State borders for all minerals; including oil, gas, coal, geothermal and other solid minerals; and

WHEREAS, the Department of the Interior has recently reversed its prior policy of entering into State audit contracts for the audit of Federal geothermal, coal and other solid mineral leases, and canceled such contracts, on the questionable basis that it lacks the authority to contract; and

WHEREAS, the Department of the Interior has not taken diligent action towards filling in the audit gap caused by the cancellation of State audit contracts for the audit of Federal geothermal, coal and other solid mineral leases, which threatens the loss of important mineral revenues for State governments; and

WHEREAS, participation by State governments in the Department of Interior's Royalty Management Program serves as an important cross-check in federal management of the public's resources; and

WHEREAS, the States should be assured adequate compensation for their performance of federal obligations;

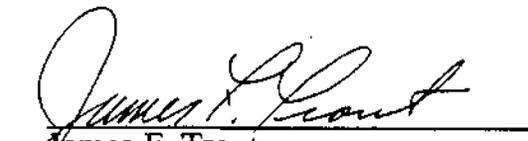
NOW THEREFORE BE IT RESOLVED, that after careful review and study the Western States Land Commissioners Association strongly recommends that its members contact their congressional representatives to urge that:

- The Senate Committee on Appropriations specifically provide in its appropriations for the Department of the Interior's Minerals Management Service that not less than \$6.6 million be earmarked for the funding of State audit contracts for the audit of federal oil, gas, geothermal, coal, and other solid mineral leases; and
- The Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs enact legislation directing the Department of the Interior and providing it with specific authority to enter into State audit contracts for the audit of federal geothermal, coal and other solid mineral leases.

Adopted this 18th day of July, 1991



John S. Wilkes III
President



James F. Trout
Secretary



**RESOLUTION CONCERNING
REFORM OF THE MINING LAW OF 1872**

WHEREAS, it is important to the economy of this Nation and the Western States that the public lands remain open to exploration for and development of mineral resources; and

WHEREAS, the current federal mining law provides for the right to claim a mineral discovery which is an important incentive for the mining industry to make the large investments that are necessary to search for mineral deposits and to evaluate the hardrock mineral potential on public lands; and

WHEREAS, the current federal mining law does not provide for adequate environmental protection and land restoration practices; and

WHEREAS, the State trust lands must be managed for the return of fair market value for use of trust resources; and

WHEREAS, State trust lands are placed at a competitive disadvantage by the 1872 Mining Law;

THEREFORE, BE IT RESOLVED that the Western States Land Commissioners Association believes that the Mining Law of 1872 should be amended to include provisions that in the future require:

- continuing the current right to claim mineral deposits after discovery to provide industry with the incentive to search for hardrock mineral deposits on public lands; and
- a determination of the highest and best use of the land which recognizes when mineral resources are unique, but does not establish the primacy of mineral extraction above all other potential uses of public land; and
- protecting the strength of our Nation's mineral economy by keeping the public lands open to mineral exploration consistent with environmental protection measures embodied in other federal legislation; and

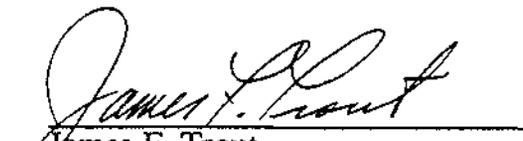
- patented lands be used solely for activities related to mineral production and preventing the disposition of such land for other uses; and
- agencies from which patents are acquired to set the conditions under which patented lands would revert to agency ownership when mineral production is completed or when the patent holder determines minerals production is not feasible; and
- payments to states similar to those paid for leasable minerals under the Mineral Leasing Act of 1920;

And urges its member states to actively support such amendment.

Adopted this 18th day of July, 1991.



John S. Wilkes III
President



James F. Trout
Secretary



RESOLUTION CONCERNING
EXTENSION OF THE TERRITORIAL SEA

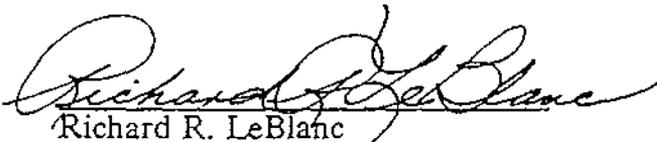
WHEREAS, efforts are underway in the United States Congress to extend the territorial sea, thereby extending state sovereign authority and ownership to lands under navigable waters; and

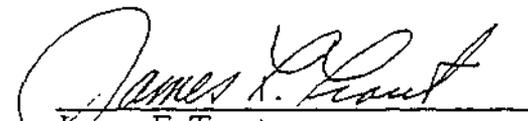
WHEREAS, it is in the interest of the coastal states to own and manage submerged lands under the territorial sea; and

WHEREAS, the expansion of state jurisdiction would enable states to extend their policies consistent with those they apply under the submerged lands trust;

NOW THEREFORE BE IT RESOLVED, that the Western States Land Commissioners Association urges its member states to support Congressional efforts to amend the Submerged Lands Act to extend the lands under navigable waters of coastal states and territories from three to twelve nautical miles seaward from the coastline.

Adopted this ninth day of January, 1992.


Richard R. LeBlanc
President


James F. Trout
Secretary



**RESOLUTION CONCERNING
MINERALS MANAGEMENT SERVICE GAS ROYALTY POLICY**

WHEREAS, many of the member states of the Western States Land Commissioners Association (WSLCA) share with the federal government in oil and gas royalty derived from federal onshore and offshore mineral acreage located within their respective states; and

WHEREAS, many of the member states of WSLCA conduct audits of and collect oil and gas royalty from the federal onshore and offshore mineral acreage by a contracted delegation of authority from the Secretary of the Interior under the Federal Oil and Gas Royalty Management Act of 1982; and

WHEREAS, the Minerals Management Service (MMS) of the U.S. Department of the Interior has the responsibility to promulgate regulations and policy for the purpose of calculating gas royalty on federal onshore and offshore acreage; and

WHEREAS, the Deputy Associate Director for Valuation and Audit for MMS has prepared a draft memorandum to internal staff and for possible distribution to industry outlining treatment of various elements contained in contract settlement agreements for gas royalty purposes; and

WHEREAS, the policy outlined in the draft memorandum proposes gas royalty will not be calculated on recoupable and non-recoupable take-or-pay payments, prepaid reserve payments, contract buydowns and buyouts, altered natural gas take commitments, and some producer damages; and

WHEREAS, the calculation of state royalty on such issues has not been clearly litigated and only take-or-pay payments have been partially litigated for federal royalty; and

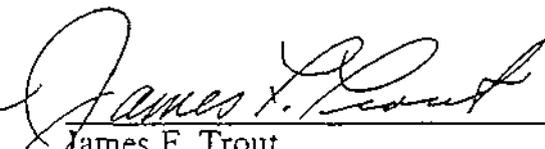
WHEREAS, if MMS finalizes, endorses and distributes their proposed gas valuation policy to industry, it will not only be premature in light of the lack of definitive litigation but also detrimental in the efforts of the member states to collect similar audit assessments derived from state mineral acreage.

NOW, THEREFORE, BE IT RESOLVED, that the WSLCA urges its member states to contact their congressional representatives, in addition to the Director of Minerals Management Service of the Department of the Interior to request they:

1. resist adoption and distribution of the policies outlined in the draft memorandum from the Department Associate Director for Valuation and Audit; and
2. adopt an aggressive general position and evaluate each settlement situation individually, with the rights of the MMS/states being fiercely protected.

Adopted this ninth day of January, 1992.


Richard R. LeBlanc
President


James F. Trout
Secretary



RESOLUTION OPPOSING DEDUCTION OF FEDERAL ADMINISTRATIVE COSTS FROM THE STATES' SHARES OF FEDERAL MINERAL ROYALTIES AND SUPPORTING ASSUMPTION OF FEDERAL MINERAL RESPONSIBILITIES BY INTERESTED STATES

WHEREAS, the Mineral Leasing Act of 1920 constitutes an historic compromise and solemn compact between the Western States and the federal government; and

WHEREAS, by this agreement the States consented to federal retention of large tracts of public land and agreed not to impose taxes on the public land to pay for state and local services and in turn the national government contracted to pay to the States fifty percent of the gross rents, royalties and bonuses earned from the public land under the provision of the Mineral Leasing Act; and

WHEREAS, another forty percent of this income is placed in the Reclamation Fund for capital projects in the Western States; and

WHEREAS, the Western States would never have agreed to accept the Mineral Leasing Act had the Western States not been assured of ninety percent of the gross mineral receipts generated from federal lands through receipt sharing and Reclamation Fund disbursements; and

WHEREAS, the Mineral Leasing Act provides ten percent of receipts are to be used for administration and specifically prohibits the deduction of any administrative or other costs from states' shares of federal mineral royalties; and

WHEREAS, the federal government has deducted administrative costs from the states' rightful shares of federal mineral royalties in FY 91 and FY 92 and is proposing increased deductions in FY 93; and

WHEREAS, the deduction of administrative costs in the mineral leasing arena sets a dangerous precedent for the deduction of federal administrative costs from other federal resource receipt sharing programs; and

WHEREAS, the federal government has evidenced a clear intent to deduct administrative costs from revenues shared under the Acquired Lands Act, Oregon and California Grant Lands, USFS fire fighting, and Payment In Lieu of Taxes programs; and

WHEREAS, federal land and minerals agencies have failed or refused to collect various administrative fees, failed to credit administrative fees against alleged administrative costs, and adopted programs which decrease state mineral royalty receipts while increasing overall federal receipts—all to the serious detriment of the Western States; and

WHEREAS, the states and their local units of government expend substantial sums of money in direct support of federal mineral production without being directly reimbursed for such costs by the federal government; and

WHEREAS, most minerals-producing states have management, technical, and accounting expertise in virtually every arena involving minerals and their production; and

WHEREAS, many minerals-producing states could manage federal mineral programs more efficiently than federal minerals agencies; and

WHEREAS, the Western Governors Association and Interstate Oil and Gas Compact Commission have both condemned the method by which the Minerals Management Service study of transfer of operations was conducted and the exclusion of state representatives from final preparation and review of the study.

NOW THEREFORE BE IT RESOLVED, that the Western States Land Commissioners Association urges its members, Governors, Attorneys General and Land Commissioners to ask the Congress and Administration to refrain from adopting the net receipt sharing concept and to delegate to those States which express a desire to do so responsibility for managing royalty collection, lease enforcement and revenue distribution functions of federal leases made pursuant to the Mineral Leasing Act; and

BE IT FURTHER RESOLVED, that the Association believes that the Minerals Management Service report to the Congress is biased and self serving and the Association recommends that the Department of the Interior be directed to do further analysis of the possible transfer of federal mineral programs and responsibilities to the affected states and that it be a joint study with the affected states as equal and contributing participants.

Adopted this third day of September 1992.


Richard R. LeBlanc, President

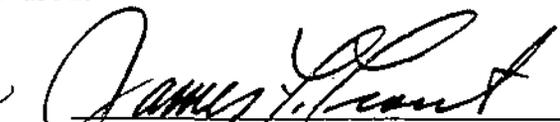

James F. Trout, Secretary

EXHIBIT B



**RESOLUTION CONCERNING RADIO AND TELEVISION BROADCAST
RENT SUBSIDIES ON FEDERAL LANDS**

A **RESOLUTION**, by the Western States Land Commissioners Association to inform the Congress of the United States, the Secretary of Agriculture and the Secretary of the Interior of the proposed continuation of defacto radio and television broadcast rent subsidies on federal lands.

WHEREAS, in 1991, the Congress of the United States determined that \$25,000,000 per year was being lost to the federal treasury because the radio and television industry is receiving defacto rent subsidies for the use of federal lands; and the western states are not receiving 25 percent of fair market rent revenue for the use of federal lands; and

WHEREAS, the Congress directed the Secretary of the Interior and the Secretary of Agriculture to assemble a national advisory committee for the purpose of examining the following subjects:

- Recommend the best method of determining fair market rent information.
- Examine the concept of next best alternative use.
- Examine the concept of rent waivers for the radio and television broadcast industry; and

WHEREAS, in June through December 1992, the committee met and produced a report that in essence stated:

- That appraisals of comparable leases on private and other non federal land should be used to determined fair market rents.
- The concept of next best alternative use should have no influence on the determination of fair market rents.
- That the agencies should grant the radio and television broadcast industry a 30 percent rent waiver or subsidy from fair market rent determinations

EXHIBIT B

for public service, differences in rights granted, differences in processing and administration and public benefits.

- That a fee schedule be adopted that does not represent fair market rents; and

WHEREAS, federal statutes, the Independent Offices Appropriations Act of 1952, amended 1982, and the Federal Land Policy and Management Act of 1976, require that federal policy is to charge rents that are based on fair market value; and

WHEREAS, the use of an industry influenced rent schedule for the radio and television broadcast industry on federal lands:

- Places an unfair economic disadvantage on private and western states' land.
- Requires the public of each western state to subsidize this broadcast industry.
- Causes the western states to lose 25 percent of the difference between fair market value and the committee's rent schedule that is not collected for the use of federal land in each state.

NOW THEREFORE BE IT RESOLVED, that the Western States Land Commissioners Association recommends its member States urge the Congress, Secretary of Agriculture and Secretary of the Interior to take action to assure that:

- The rent schedule recommended by the committee NOT be adopted.
- The agencies be required to adopt rent schedules for the radio and television broadcast industry that reflect the fair market rents being charged on private and state lands.
- The radio and television broadcast industry not be allowed to dictate defacto subsidized rents for the use of federal lands.

Adopted this 14th day of January, 1993.


Carol Ford, President


James F. Trout, Secretary

EXHIBIT C



RESOLUTION CONCERNING STATUTE (RS) 2477 OF THE 1866 MINING ACT

WHEREAS, revised Statute (RS) 2477 of the 1866 Mining Act granted rights-of-way over public lands; and

WHEREAS, the 1976 Federal Land Policy and Management Act repealed RS 2477, but did not affect existing, valid rights-of-way; and

WHEREAS, numerous rights-of-way were established and accepted by the western states under RS 2477 prior to its repeal; and

WHEREAS, RS 2477 rights-of-way are essential components of transportation and public access in western states; and

WHEREAS, RS 2477 rights-of-way are critical to the ability of many state and federal agencies to manage their land and resources; and

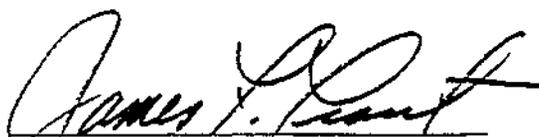
WHEREAS, federal courts have ruled that the establishment and management of RS 2477 rights-of-way are a matter of state law; and

WHEREAS, Congress has requested a report on RS 2477 rights-of-way from the Bureau of Land Management.

NOW THEREFORE BE IT RESOLVED, THAT the Association requests its member states be consulted during the preparation of BLM's report to Congress, as well as in any subsequent administrative and/or Congressional actions.

Adopted this 14th day of January, 1993.


Carol Ford, President


James F. Trout, Secretary



**RESOLUTION CONCERNING
TRANSBOUNDARY RESOURCE INVENTORY AND
ATLAS OF THE UNITED STATES — MEXICO BORDER REGION**

WHEREAS, nature is oblivious to political divisions and boundaries and people tend to organize their economic activity, including mapping and data collection, along political lines, and

WHEREAS, there is a lack of consistent and compatible data which obstructs efforts to merge research from the two sides of the United States-Mexico border and there has been minimal attention or effort from governmental bodies to address this issue, and

WHEREAS, there is a special need for systematic data collection and mapping pertaining to the occurrence and use of a number of natural resources on both sides of the border including surface and underground water, oil, gas and hard minerals and energy generating potential of solar, geothermal and wind activity, and

WHEREAS, there is a corresponding, highly critical need for international and intergovernmental understandings on the management and sustainable development of those certain resources, and

WHEREAS, with the advent of the increased cross border trade and economic growth along the border region, there is an acute need for accurate information on transboundary resources, and

WHEREAS, WSLCA member states such as Arizona, California, New Mexico and Texas have an interest in the further development and understanding of the common natural resources underlying their respective states and Mexico.

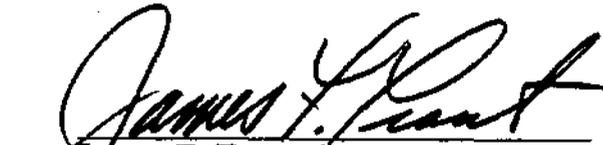
NOW THEREFORE BE IT RESOLVED, that the WSLCA encourages member states to support the development of a working group to initiate a comprehensive identification, mapping and policy analysis of transboundary resources, and

BE IT FURTHER RESOLVED, that the WSLCA urges its member states to contact their respective state and federal officials and encourage them to secure the necessary funding to support this proposition.

Approved this 29th day of July, 1993.



Carol Ford, President



James F. Trout, Secretary



RESOLUTION CONCERNING EXPANSION OF STATE AUDIT AUTHORITY OVER FEDERAL MINERAL LEASES

WHEREAS, the Minerals Management Service (MMS), under the stewardship of Interior Secretary Bruce Babbitt, has adopted a policy for the computation of federal royalties owed due to gas contract settlements covering federal leases, which represents a sound compromise of the competing interests, will serve to preserve federal royalty income, and result in a fair return to the federal government, the States and Indian Tribes, and

WHEREAS, the long delay in formulating this policy will require the Minerals Management Service to reprogram a substantial portion of its audit resources, conservatively estimated at between 75-100 auditors (29-39 percent of the MMS audit staff) over five (5) years, away from its contemporaneous audit program to audit gas contract settlements, and

WHEREAS, in order to avoid having the gas contract settlement audit initiative reverse or retard the Minerals Management Service's progress toward a contemporaneous audit program, MMS must reevaluate and restructure its audit program to enhance efficiencies without reducing audit coverage, and

WHEREAS, many states have the current audit capability and expertise, and some have already expressed the willingness, to expand their audit programs to assist the Minerals Management Service with both its gas contract settlement audit initiative and its contemporaneous audit program, and

WHEREAS, current state audit contracts with the Secretary limit the authority of state auditors conducting audits of royalty paying companies, units, or other targets to review only royalties derived from leases located within state jurisdictional boundaries, and

WHEREAS, state audit contracts have proved to be a significant benefit to the federal mineral royalty collection program, and maintain a high effectiveness ratio, and

WHEREAS, statutory authority exists that would permit the Secretary to make wider use of state audit programs in meeting his responsibilities under federal law (see, e.g., The Federal Land Policy and Management Act, 43 U.S.C. Sec. 1737(b); The Outer Continental Shelf Lands Act, 43 U.S.C. Sec. 1345(c)), and

WHEREAS, in order to both increase efficiencies and preserve the multi-state cooperative atmosphere of the current state audit programs, expanding the audit authority of any state should not interfere with existing state delegation or cooperative agreements with the Secretary, absent the express agreement of the affected states, and

WHEREAS, states willing to expand their audit programs should receive under contract with the Secretary a reasonable return for their services, including 100 percent cost reimbursement, and

WHEREAS, in a sign of recognition of the benefits of state participation in the federal royalty audit program, the House Appropriations Committee recommended that \$1 million of the increase in appropriations for the Minerals Management Service audit program be used to expand state and tribal royalty audit programs (Appropriations for Interior and Related Agencies, H. Rep. 103-158).

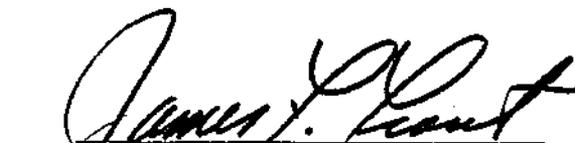
NOW, THEREFORE, BE IT RESOLVED, that the Western States Land Commissioners Association urges its members to commend Secretary Babbitt for ending the policy gridlock over determining the royalties owed from gas contract settlements, and

BE IT FURTHER RESOLVED, that the Western States Land Commissioners Association urges its members to recommend that the Secretary review and pursue alternative state audit contracts that would permit willing states to expand their existing audits of gas contract settlements, royalty paying companies, units or other audit targets to include reviews of federal leases outside their jurisdictional boundaries.

Approved this 29th day of July 1993.



Carol Ford, President



James F. Trout, Secretary



The Western States
Land Commissioners Association

Resolution #1

Concerning Reauthorization of the Federal Endangered Species Act

WHEREAS, it is paramount that the Western States Land Commissioners Association (WSLCA) reaffirms its commitment to the conservation, preservation and restoration of America's biodiversity; and

WHEREAS, we recognize the Endangered Species Act (ESA) is critical to the protection of endangered and threatened species and their habitat; and

WHEREAS, management of ecosystems to retain or restore biodiversity will help avoid the need for ESA listings, facilitate ESA delistings, and minimize the adverse impacts if such listings do occur; and

WHEREAS, ecosystem management can and should be the primary means to conserve and preserve plant and animal species, but when a species is threatened or endangered a recovery plan should be developed in a timely manner in cooperation with all affected federal, state, local, tribal and private interests; and

WHEREAS, to ensure proper implementation of the ESA, including necessary land management strategies, sufficient federal funding must be provided.

THEREFORE, BE IT RESOLVED that the WSLCA believes the Secretaries of the Interior, Agriculture and Commerce, as well as the Congress, should take action to ensure that existing authorities are more fully utilized; federal lands are managed for biodiversity using an ecological approach to management; the ESA is reauthorized and sufficient funding is appropriated to federal agencies and state and local programs to help avoid listings and minimize adverse effects of listings on state and local economies. The WSLCA supports reauthorization of the ESA in accord with the following provisions:

- The National Forest Management Act and Federal Land Policy and Management Act should be fully used to protect species and their habitats, so that reliance on the ESA is not the primary alternative; and
- Federal lands must fulfill an essential role in providing terrestrial and aquatic biodiversity, and discussion should be initiated on how that role can be accentuated; and
- Ecosystem management should be implemented on federal lands and promoted as a mechanism to help avoid listings of threatened and endangered species, enable delistings through species and habitat enhancement and restoration, and minimize adverse listing impacts; and
- The federal agencies charged with implementing the ESA should develop programs to conserve the ecosystems upon which endangered or threatened species depend, as required by Section 2(b) of the Act; and
- The Federal government must recognize the unique status of granted trust lands and the fiduciary responsibilities of states as managers, and where designation of those lands as critical habitat would preclude or significantly impair the state's abilities to meet their fiduciary responsibilities, states should be compensated at the fair market appraised value of the land prior to its designation; and
- Listing of threatened and endangered species must continue to be based solely on the best available scientific information; and
- Federal efforts should be made to encourage private, state and tribal landowners in becoming willing partners in threatened and endangered species conservation, including timely adoption of regulations which specify necessary protection requirements; and
- Cost-share programs, such as the Forest Stewardship Program, the Stewardship Incentives Program, and other state and local government incentive programs that get private parties participating in species preservation and conservation should also be fully funded; and
- Participation in recovery planning should include state, local, and tribal authorities and major private landowners within the recovery zone; and
- State agencies should be fully involved in resolving ESA implementation issues; and
- State endangered species programs authorized in Section 6(c) should be fully funded; and

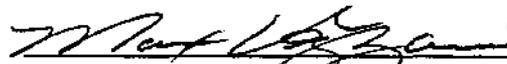
- Regulatory takings of property should be avoided and listings of species should be accompanied by certainty and predictability for landowners and land managers; and
- Federal agencies should be fully funded to compensate landowners for what would otherwise be regulatory takings of property, and to implement Section 5 of the ESA, which authorizes habitat acquisition, by purchase, donation, or other means, of lands, waters, or interests therein; and
- Federal agencies should develop and adopt detailed recovery plans and take-avoidance rules for listed species within 18 months after listing, and sufficient funding for the planning process should be included; and
- Delisting and listing-avoidance by maintaining healthy ecosystems should be both the driving force and measure of success for the entire ESA process; and
- Authorized funding levels for the U.S. Fish and Wildlife Service should be increased to at least \$110 million in the next federal fiscal year and by at least an additional \$10 million per year until 1999; and increased funding should be available for public education related to threatened and endangered species and development of biodiversity and ecosystem management plans.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Western States Land Commissioners Association urges its member states to actively support reauthorization of the federal ESA with these additional provisions, recognizing the importance of federal, state, local, tribal and private participation and the need for adequate funding to help avoid future threatened and endangered species listings, facilitate delistings, and promote species restoration.

Approved this 13th day of January, 1994



Garry Mauro, President



Max Vezzani, Secretary



The Western States
Land Commissioners Association

Resolution #2

Mineral Royalties Distribution

WHEREAS, Western States Land Commissioners Association (WSLCA) has in the past supported the collection of royalties on federal lands; and

WHEREAS, 50 percent of the mineral royalties under the mineral leasing act are returned to the state from which the minerals were removed;

WHEREAS, WSLCA states and federal agencies manage intermingled properties which necessitate cooperation on land use issues;

WHEREAS, states do not have taxing authority on federal lands; and

WHEREAS, some states are already responsible for mined land reclamation.

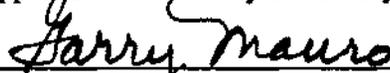
THEREFORE, BE IT RESOLVED that WSLCA believes that affected states should receive 50 percent of all mineral revenues collected under any revisions of the 1872 Mining Act; and

BE IT FURTHER RESOLVED that WSLCA states that have the ability should have the option to audit and collect federal revenues they share; and

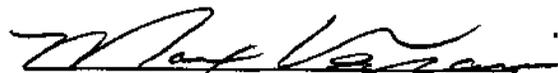
BE IT FURTHER RESOLVED that WSLCA believes that states should have the ability to determine the expenditures of their share of federal royalty revenues generated within their states; and

BE IT FURTHER RESOLVED that WSLCA believes that states should be partners with the federal government in determining whether mineral production on federal land is appropriate in particular locations within their boundaries.

Approved this 13th day of January, 1994



Garry Mauro, President



Max Vezzani, Secretary



The Western States
Land Commissioners Association

Resolution #3

Encouraging Continued and Strengthened Cooperation with the Federal Government

WHEREAS, the federal government manages the majority of the public land in the western United States, much of which is intermingled with state land; and

WHEREAS, the federal government administers a wide variety of programs which directly impact or interface with state land and resource management responsibilities; and

WHEREAS, the members of the Western States Land Commissioners Association (WSLCA) own and manage significant amounts of public land within their respective states; and

WHEREAS, the WSLCA and federal agencies often share common goals, objectives and responsibilities related to land and resource management; and

WHEREAS, there is a need to promote consistency and compatibility between state and federal public land management laws, policies, standards, and techniques; and

WHEREAS, the WSLCA seeks to explore and identify additional opportunities with federal land managers for cooperative management and other beneficial relationships to achieve efficiencies and mutual purposes; and

WHEREAS, many federal agencies, including the Department of the Interior, enjoy new and progressive leadership which should recognize state interests and perspectives; and

WHEREAS, the WSLCA recognizes and endorses, with great anticipation for the future, new federal leadership and future vision related to the issues and topics involved in western public land management; and

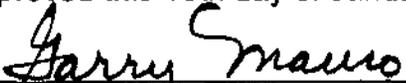
WHEREAS, in the past, no formal or direct process for cooperation and communication existed between the WSLCA and affected federal agencies.

THEREFORE, BE IT RESOLVED that the WSLCA seeks to encourage continued and strengthened cooperation with federal agencies and seeks to promote consistency and compatibility between state and federal public land agencies; and

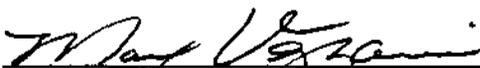
BE IT FURTHER RESOLVED that the WSLCA will pursue Memoranda of Agreements (MOA) with federal land management agencies to ensure strengthened cooperation and communication on issues of mutual interest and concern and provide for strong public policy partnerships; and

BE IT FURTHER RESOLVED that the WSLCA encourages federal agencies to consult closely with the WSLCA and its member states during the development of policy initiatives and other matters that may affect state land and interests.

Approved this 13th day of January, 1994



Garry Mauro, President



Max Vezzani, Secretary



The Western States
Land Commissioners Association

Resolution #4

Expressing Appreciation for Federal Agency Participation

WHEREAS, the Department of the Interior has sent several high ranking representatives to the Western States Land Commissioners Association (WSLCA) Winter 1994 Conference in Sunriver, Oregon; and

WHEREAS, these representatives included Bob Armstrong, Assistant Secretary for Land and Minerals, Jim Baca, Director of the Bureau of Land Management, Mollie Beattie, Director of the U.S. Fish and Wildlife Service, and Tom Fry, Director of the Minerals Management Service; and

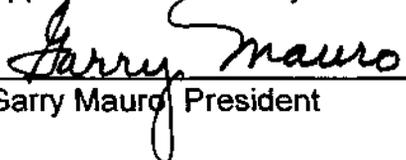
WHEREAS, the conference was also attended by other representatives of the Department of the Interior, as well as Forest Service and Environmental Protection Agency representatives; and

WHEREAS, the theme of the conference was "State/Federal Partners"; and

WHEREAS, it is the objective of the WSLCA to strengthen relationships at all levels with federal agencies and to ensure close cooperation and communication with our federal partners in future endeavors;

NOW, THEREFORE, BE IT RESOLVED that the WSLCA expresses its sincere appreciation for the participation of these federal agency partners in this conference and invites and encourages federal agencies to attend and participate in all future conferences.

Approved this 13th day of January, 1994


Garry Mauro, President


Max Vezzani, Secretary



The Western States
Land Commissioners Association

Resolution #6

1993 Transboundary Resources

WHEREAS, in its 1993 meeting the Western States Land Commissioners Association (WSLCA) passed a resolution calling for the formation of a working group on an inventory and policy analysis of transboundary natural resources along our border with Mexico; and

WHEREAS, such a committee was formed and was expanded to incorporate a wide variety of interested state agencies and academic institutions in the region and enlist the interest of the U.S. Departments of the Interior, State and Energy and Congress; and

WHEREAS, those first steps set the stage for a true state-federal and U.S.-Mexico partnership to better understand and manage the varied and complex natural resource base we share along our common border; and

WHEREAS, the transboundary working group is a promising model for resolving other transboundary resource concerns.

THEREFORE, BE IT RESOLVED that the WSLCA recognizes and applauds the work of the Department of the Interior and those individuals and institutions from the Southwest who have advanced this project so expeditiously and encourages them and their federal supporters to press forward, and

BE IT FURTHER RESOLVED that the Departments of State and Energy be encouraged to lend their support to this important effort and that they be so encouraged by a letter from the President of the WSLCA transmitting this resolution and details on what it suggests to Secretary of State Christopher and Energy Secretary O'Leary; and

BE IT FURTHER RESOLVED that the interested member states along the Canadian and Russian boundaries be encouraged to explore a similar effort.

Approved this 13th day of January, 1994

Garry Mauro Max Vezzani
Garry Mauro, President Max Vezzani, Secretary



The Western States
Land Commissioners Association

RESOLUTION #7

CLEAN WATER ACT NONPOINT SOURCE

WHEREAS, state land agencies are increasingly concerned about the impacts of nonpoint source pollutants on state lands, especially their submerged lands; and

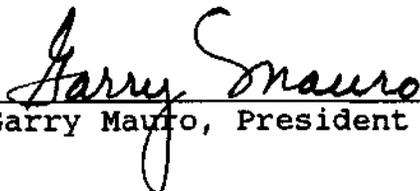
WHEREAS, nonpoint remedial measures may affect a broad range of resource development activities on state trust lands; and

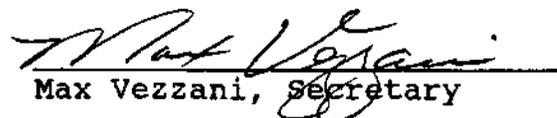
WHEREAS, the formation of regional water entities to plan and manage economic and environmental resources is a promising development;

NOW THEREFORE, BE IT RESOLVED that the WSLCA urges its members to support:

1. The involvement of state land managers in all stages of identifying watershed management units, determining any remedial measure, and assessing their effectiveness; and
2. The acquisition of lands and easements as a tool for managing nonpoint sources; and
3. Formation of regional water activities that would include all local, state, tribal, federal, and, when appropriate, international stakeholders.

Approved this 13th day of January, 1994


Garry Mauro, President


Max Vezzani, Secretary



The Western States
Land Commissioners Association

**RESOLUTION CONCERNING RELATIONS BETWEEN
WESTERN STATES LAND COMMISSIONERS ASSOCIATION
AND
THE U.S. DEPARTMENT OF THE INTERIOR**

WHEREAS, the members of the Western States Land Commissioners Association own and manage significant natural resources, including more than 221 million acres of land in 23 western states; and

WHEREAS, the WSLCA has, since its inception, recognized the need for coordination with the agencies managing public lands on behalf of the federal government; and

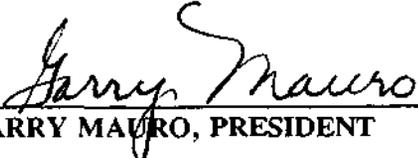
WHEREAS, at its last meeting, in January 1994, the WSLCA expressed by resolution the need for a more formal and direct process for cooperation and communication with federal land management agencies, based on memoranda of agreement/understanding; and

WHEREAS, since then an MOU setting up such a process has been drafted and discussed between the WSLCA and the Bureau of Land Management (BLM) of the U.S. Department of the Interior;

NOW THEREFORE, BE IT RESOLVED, that the WSLCA requests the director of the BLM to work with us to promptly finalize and execute this memorandum of Understanding; and

BE IT FURTHER RESOLVED, that the WSLCA urges the Secretary of the Interior to appoint a formal liaison to coordinate activities of the WSLCA and the Department of the Interior.

Approved this 28th day of July, 1994.


GARRY MAURO, PRESIDENT


MAX VEZZANI, SECRETARY



The Western States
Land Commissioners Association

**RESOLUTION REGARDING THE
TRANSBOUNDARY RESOURCE INVENTORY PROGRAM**

WHEREAS, the Western States Land Commissioners Association (WSLCA) has been working to create a transboundary resource inventory program for the past two (2) years;

WHEREAS, the states of Arizona, California, New Mexico and Texas have identified the need to initiate a comprehensive mapping and assessment of natural resources along their border with Mexico;

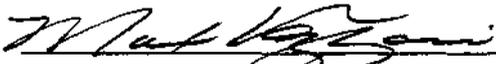
WHEREAS, the transboundary resource inventory program was initiated by the Department of the Interior and Congressman Ron Coleman;

THEREFORE, BE IT RESOLVED, that the WSLCA hereby expresses its gratitude to the Department of the Interior and to the Honorable Ronald D. Coleman, State of Texas, for their interest and initiative.

Approved this 28th day of July, 1994.



GARRY MAURO, PRESIDENT



MAX VEZZANI, SECRETARY



The Western States
Land Commissioners Association

RESOLUTION CONCERNING RANGELAND REFORM '94 RULEMAKING

WHEREAS, the U.S. Departments of the Interior and Agriculture have proposed rulemaking (Rangeland Reform '94) to carry out a rangeland management program that improves ecological conditions, while providing for sustainable development on lands administered by the two agencies.

WHEREAS, the members of the Western States Land Commissioners Association (WSLCA) recognize they are directly impacted by the Rangeland Reform '94 rulemaking effort. Much of the federal land affected by this rulemaking is located in proximity to state land managed by the WSLCA members. In addition, the practices, standards and fees included in the proposed rules have a direct influence on state rangeland management practices, standards and fees.

WHEREAS, representatives from the WSLCA and the Departments of the Interior and Agriculture met in Salt Lake City on June 17, 1994, to identify and discuss state interests and concerns in response to the draft rules developed for Rangeland Reform '94. This forum was the first substantive opportunity for the WSLCA to interact directly with federal representatives concerning the proposed rules.

WHEREAS, the WSLCA members have considerable experience in rangeland management which could be of great use and application to the federal agencies during the development of the federal rules.

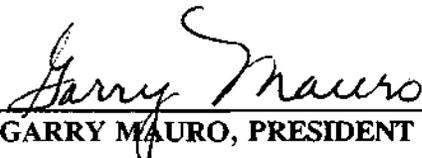
THEREFORE, BE IT RESOLVED, that the WSLCA supports the Departments of the Interior and Agriculture in their efforts to improve federal rangeland management in the west, but believes that certain provisions are needed in order to ensure that the interests of WSLCA members will be fully addressed. The WSLCA believes the following provisions to be particularly significant as they are applicable to western state interests.

- The WSLCA should be consulted and directly involved in all aspects of the formulation and implementation of Rangeland Reform '94. The considerations discussed during our June 17, 1994 meeting in Salt Lake City with federal officials should provide the basis for a continuing dialogue.

- A single standardized grazing fee, as recommended in the proposed rules, is not sufficiently responsive to the tremendous variety of rangelands in the western states. Instead, the WSLCA recommends that a geographic differential fee system based upon fair market rentals, be considered, whereby the federal government would recognize regional conditions and differences in determining its base fees for use of rangeland.
- Similarly, the WSLCA supports the development of regional (or eco-regional) standards and guidelines for federal rangeland administration. These standards and guidelines should be developed in cooperation with the states and should be consistent and/or compatible with similar approaches used by states.
- Where state and federal rangelands are intermingled, and state ownership is predominant, state grazing plans or rangeland management plans for specific areas should be considered by the federal government in lieu of new Allotment Management Plans or Resource Activity Plans to ensure coordination and attainment of mutual objectives.
- The jurisdiction of proposed advisory boards should be based upon landscape or ecosystem (watershed) boundaries, rather than arbitrary administrative units, and such boards should include representatives from major non-federal landowners.
- The proposed rules should better conform to the respective rangeland management practices of the Bureau of Land Management and the U. S. Forest Service. While the proposal narrows the differences, the rules still allow the continuation of different management standards which will serve to confuse the public and impede coordinated resource management.

NOW THEREFORE, BE IT FURTHER RESOLVED, that the WSLCA urges its member states to submit individual comments in response to Rangeland Reform '94. The WSLCA supports the intent of this federal rulemaking effort, but recognizes that many changes are needed to the draft rules in order to address state concerns and interests. The WSLCA also offers to advise and coordinate closely with the federal agencies as the rulemaking process continues.

Approved this 28th day of July, 1994.


GARRY MAURO, PRESIDENT


MAX VEZZANI, SECRETARY



The Western States
Land Commissioners Association

RESOLUTION CONCERNING AMENDING THE MINING LAW OF 1872

WHEREAS, amendments to the Mining Law of 1872 have been discussed and debated for many years; and

WHEREAS, the Western States Land Commissioners Association has supported and continues to support amending the mining law to protect taxpayers, the environment and the domestic mining industry; and

WHEREAS, most western states have developed effective state programs for regulating the mining industry; and

WHEREAS, a conference committee of the U.S. Senate and House of Representatives is currently meeting to resolve differences between amending legislation passed by the respective houses; and

WHEREAS, some members of congress have suggested that they might attempt to invoke parliamentary tactics to prevent a floor vote on a House-Senate compromise bill;

NOW THEREFORE, BE IT RESOLVED, that the WSLCA reaffirms its support for amending the Mining Law of 1872;

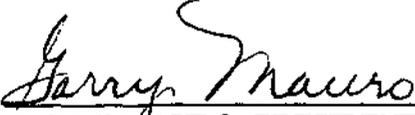
BE IT FURTHER RESOLVED, that the states be treated as partners and that the federal government cooperate with affected states in the regulation of mining operations, reclamation and economic returns on federal lands and enter into cooperative agreements with states that have the capabilities to fully implement such agreements;

AND BE IT FURTHER RESOLVED, that the WSLCA believes it is in the best interest of state and federal land managers, taxpayers and the mining industry to resolve the uncertainty of reform by concluding the legislative process this year, and urges its members to encourage all interested parties to:

- negotiate the resolution of this matter in good faith;

- bring the resulting compromise before the full House and Senate; and
- reject efforts to prevent consideration of reform by the majority of both houses.

Approved this 28th day of July, 1994.


GARRY MAURO, PRESIDENT


MAX VEZZANI, SECRETARY



The Western States
Land Commissioners Association

CLARIFICATION OF EXEMPTION OF STATE LIABILITY FOR OWNERSHIP OF STATE-OWNED SUBMERGED LANDS

WHEREAS, state ownership of the submerged lands constituting the beds of navigable waters is an inherent attribute of sovereignty reserved to the original states when the United States was founded and extended to all subsequently admitted states under the constitutional doctrine of equal footing;

WHEREAS, these state-owned submerged lands are held in public trust for the benefit of all citizens of the state;

WHEREAS, submerged lands encompass tens of thousands of miles of coastline, rivers and lakes, held in a nature inherently different from that of a proprietary land owner;

WHEREAS, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) expressly exempts from liability any state government that "involuntarily acquires title by virtue of its functions as sovereign" - 42 U.S.C. Section 9601(20)(d);

WHEREAS, the U.S. Environmental Protection Agency (EPA) has named the State of Washington as a potentially responsible party by virtue of its ownership of sovereign submerged lands and has indicated that other states will likely be named in this same capacity;

WHEREAS, the transaction costs incurred by states named as a potentially responsible party are extremely high and redirect scarce resources away from positive partnerships with the EPA that would benefit clean-up;

WHEREAS, holding the state liable solely for its sovereign ownership of submerged lands would frustrate the intent and purpose of CERCLA to allow state trustees to ensure the restoration and recovery of damages for injury to such lands;

WHEREAS, the National Association of Attorneys General passed a similar resolution at their Spring 1994 meeting and has drafted language to clarify the existing language in CERCLA;

NOW, THEREFORE, BE IT RESOLVED THAT THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION;

(1) believes that in any legal action for the recovery of damages to state-owned submerged lands a state is not, and should not be, liable under CERCLA solely by virtue of its ownership of such lands; and

(2) recommends that its member states urge Congress to adopt the following language as an amendment to CERCLA Section 101 (20)(D):

(D) The term "owner or operator" does not include a unit of state or local government (i) which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign, (ii) which acquired ownership or control of tidelands or submerged lands by provision of federal law upon entry into the Union, or pursuant to the Submerged Lands Act of 1953, 43 U.S.C. Section 1301 et seq. or (iii) whose interest in a facility is by virtue of its capacity as sovereign over natural resources, including, but not limited to surface and ground waters. The exclusion provided under this paragraph shall not apply to any state or local government which has caused or contributed to the release or threatened release of a hazardous substance from the facility and such a state or local government shall be subject to the provisions of this chapter in the same manner and to the same extent, as any non-governmental entity, including liability under Section 9607 of this title. The amendment to Section 101(20) of CERCLA {42 U.S.C. Section 9601(20)} is declaratory of, and does not constitute a change in, existing law.

Approved this 28th day of July, 1994.


GARRY MAURO, PRESIDENT


MAX VEZZANI, SECRETARY



PROMOTING RESPONSIVE, EFFECTIVE AND COST-EFFICIENT
ADMINISTRATION OF STATE TRUST RESOURCES.

Whereas, Congress and most state legislatures are being asked to enact laws requiring "takings" assessments or requiring compensation when none would be required by the fifth amendment to the United States constitution; and

Whereas, member organizations of the Western States Land Commissioners Association promulgate rules and regulations governing the use and disposition of state trust lands, and so may be subject to these laws; and

Whereas, laws requiring "takings" assessments or compensation for the promulgation of regulations could result in lengthy and expensive litigation; and

Whereas, "takings" legislation may be contrary to two hundred years of federal and state judicial decisions, and the application of property and contract law; and

Whereas, "takings" legislation may interfere with the realization of the maximum economic value of the state trust lands to the detriment of the trust beneficiaries by unduly restricting the ability of the trustees to manage those lands; and

Whereas, "takings" legislation requiring assessments or compensation could increase the costs of trust administration; and

Whereas, "takings" legislation may result in the solidification of leasehold values in state trust land to the detriment of its beneficiaries; and

Whereas, "takings" legislation may attempt to establish potentially destabilizing and unproven "property" rights in state trust lands, and improperly transfer such rights from the beneficiaries to certain users of trust lands; and

Whereas, "takings" legislation could subject local and state governments to potential financial risk of compensation claims for alleged "takings", thereby reducing bonding capacity for capital improvement projects; and

Whereas, "takings" laws may be unnecessary because property owners in the United States have ready recourse through the courts to challenge any unconstitutional property taking;

NOW THEREFORE BE IT RESOLVED, that the Western States Land Commissioners Association affirms its commitment to responsive, effective, cost-efficient administration of state trust lands, including the proper promulgation of necessary regulations; and

BE IT RESOLVED, that the Western States Land Commissioners Association strongly supports property rights as envisioned and enforced by the Constitutions of the United States and the respective states; and

BE IT FURTHER RESOLVED, that the Western States Land Commissioners Association urges its member states to oppose the passage of "takings" legislation that would diminish the value of the trusts they administer or diminish their ability to administer these trusts.

Approved this 12th day of January, 1995.



GARY GUSTAFSON, PRESIDENT



MAX VEZZANI, SECRETARY



RESOLUTION

ENCOURAGING COOPERATION AND SUPPORT FOR DEPARTMENT OF THE INTERIOR SCIENCE BUREAUS

Whereas, the Western States Land Commissioners Association (WSLCA) member states collectively own and manage over 370 million acres of public land lying in 23 western states; and

Whereas, this vast acreage of public land in the west is often the harshest and starkest land available and also the most ecologically diverse; and

Whereas, WSLCA member states management of their public lands in the west demands a scientific and innovative approach in irrigation, livestock grazing, forest and grassland fires and wildlife management; and

Whereas, the United States Department of the Interior (DOI) and the three science bureaus, provide unparalleled scientific data critical to WSLCA member states in their efforts to manage the public lands of the west; and

Whereas, the DOI United States Geological Survey (USGS), through the earth-science information it collects, analyzes and distributes plays a vital role in saving lives and property, improving the quality of life for people, protecting ecosystems, identifying the quantity, quality, and location of important resources, and helps government management and regulatory officials and private sector organizations accomplish their mission by providing needed map data; and

Whereas, the DOI Bureau of Mines (BOM) scientists, engineer, mineral specialists, and analysts work on problems that involve the Nation's environment, economy, and health that focus on environmental remediation, pollution prevention, materials conservation, health and safety, and mineral information and analysis; and

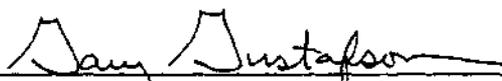
Whereas, the DOI National Biological Service (NBS), in response to the demands for accurate baseline scientific data from industry and conservationists, including WSLCA member states, integrate existing information, determine where the gaps are, then provide the leadership in gathering, analyzing, and disseminating the biological information necessary to support the sound management decisions of the Nation's natural resources; and

Whereas, the Contract with America has identified the USGS, BOM and NBS for elimination and would leave the WSLCA member states without reliable and readily accessible information critical to sound and responsible management of the public land in their respective states.

Therefore, be it resolved that the WSLCA, and its member states recognize the need of the DOI science bureaus (USGS, BOM and NBS) to continue compiling and providing earth science information ready to answer the unforgiving demands of a uniquely volatile, unstable and arid western United States; and

Be it further resolved that the WSLCA encourages its member states to contact their respective Congressional representatives, the United States Senate and House of Representatives leadership, United States Senate Appropriations, Budget and Energy and Natural Resource Committee members, United States House of Representative Appropriations, Budget and Public Lands and Natural Resource Committee members and express their support for the services provided by the USGS, BOM and NBS and urge their continued funding.

Approved this 12th day of January, 1995.



Gary Gustafson, President



Max Vezzani, Secretary



RESOLUTION

ENCOURAGING CHANGES TO THE FEDERAL ADVISORY COMMITTEE ACT

Whereas, certain provisions of the federal and state antitrust laws and strictures imposed by the Federal Advisory Committee Act (FACA) do not facilitate and may limit stakeholders' participation in federal land management agencies' decision-making (5 U.S.C., app. 2, sections 1 - 15); and

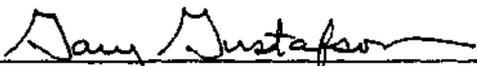
Whereas, the Western States Land Commissioners Association (WSLCA) and its member states are all stakeholders involved or interested in the decision-making process of federal land management agencies;

Whereas, the FACA constrains interaction between the WSLCA and federal land management agencies and therefore constrains the establishment of trust which is critical to cooperation; and

Whereas, the elaborate and costly procedural requirements of the FACA may actually deter state/federal cooperation on a wide variety of land resource management issues, including land use planning, ecosystem management, wildfire suppression and other critical activities.

THEREFORE, BE IT RESOLVED that the WSLCA encourages its member states to contact their members of Congress to support changes to the FACA which will exempt meetings between federal agencies and representatives of state, local tribal and territorial governments, and thereby support enhanced communication and cooperation between the WSLCA and federal land management agencies.

Approved this 12th day of January, 1995.


Gary Gustafson, President


Max Vezzani, Secretary



PROMOTING EFFECTIVE COST-EFFICIENT ADMINISTRATION OF FEDERAL AGRICULTURAL PROGRAMS RELATED TO REAUTHORIZATION OF THE 1995 FARM BILL; ENDORSEMENT OF THE CONSERVATION RESERVE PROGRAM

Whereas, the public and many elected officials have expressed a strong desire for greater governmental efficiency, and rational and equitable taxation; and,

Whereas, the trend with the U.S. Department of Agriculture has been and continues to be reduced subsidy payments to select commodities within the American agricultural industry; and,

Whereas, reductions or eventual elimination of federal agricultural subsidies have the potential to contribute to responsible federal fiscal management, as well as to a more flexible and competitive agricultural market; and,

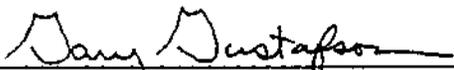
Whereas, continued support for subsidies to agricultural programs may satisfy "short-term" fiscal objectives for state trust lands without adequate consideration of the long-term consequences for enhancing state trust revenues and natural resource conservation; and,

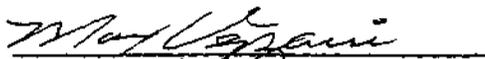
Whereas, the Conservation Reserve Program has advanced the conservation of state trust agricultural lands, wetlands, and wildlife resources;

Now therefore be it resolved, the Western States Land Commissioners Association endorses systematic equitable reductions of federal government agricultural price supports consistent with ratified international agreements, with the goal of achieving an eventual phase-out of federal government agricultural price supports; and,

Be it further resolved, the Western States Land Commissioners Association endorses the Conservation Reserve Program and urges its member states to support re-authorization of the CRP with the provision each tract is evaluated for a five-year re-enrollment based on stricter conservation and environmental safeguards to eliminate tracts which are minimally benefitted by the program, with the intent of phasing-out the program as renewed contracts expire, and with provisions for those tracts to receive adequate planning and management to ensure post-program conservation.

Approved this 12th day of January, 1995.


Gary Gustafson, President


Max Vezzani, Secretary



RESOLUTION

CONCERNING THE ENDANGERED SPECIES ACT

Whereas, the Western States Land Commissioners Association (WSLCA) expressed its concerns regarding the reauthorization of the Endangered Species Act (ESA) during its meeting held a year ago, during the summer of 1994; and

Whereas, the Congress has still not acted on the reauthorization of the ESA; and

Whereas, the WSLCA still has the same concerns;

Now therefore be it resolved that the WSLCA reiterates its comments and concerns regarding the reauthorization of the ESA, as expressed in a resolution adopted on January 13, 1994, which is attached to and made a part of this resolution.

Adopted this 12th day of January, 1995.



Gary Gustafson, President



Max Vezani, Secretary



RESOLUTION CONCERNING THE ENDANGERED SPECIES ACT

WHEREAS, the 104th Congress has yet to act on the Reauthorization of the Endangered Species Act (ESA); and

WHEREAS, the United States Supreme Court has upheld the need for the protection of habitat on private lands and public lands as a necessary measure in the conservation of endangered species; and

WHEREAS, conservation obligations on private as well as public land affect resource management and land use decisions; and

WHEREAS, western states land managers have consistently expressed their concerns about the need for a strong federal investment in science, a broader role for states and tribal interests, and private landowners in the ESA listing and conservation planning process; and

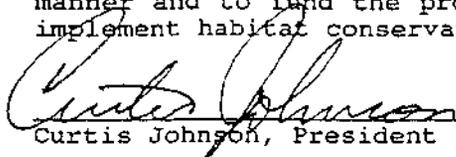
WHEREAS, western states land managers have consistently sought to gain greater measures of certainty and predictability for land owners and land managers; and

WHEREAS, the FY 96 appropriations for endangered species programs adopted by the House of Representatives will severely impact collaborative conservation programs on the part of state agencies and private landowners; and

WHEREAS, the appropriations bill passed by the House of Representatives for the Department of the Interior and Related Agencies will undermine the interests of public land managers and private landowners who are looking for certainty and predictability in land use decisions;

NOW, THEREFORE BE IT RESOLVED, that the Western States Land Commissioners Association urges its member states to support the reauthorization of the Endangered Species Act with amendments to streamline administration of the act and to increase involvement of public and private landowners in listing species, the definition of critical habitat, recovery plans and habitat conservation plans;

FURTHER, BE IT RESOLVED, that members urge Congress to fund implementation of the ESA at a level that will permit, among other things, the required consultations under Sections 7 and 10 to be conducted in a timely and expeditious manner and to fund the proposed program to help states acquire lands to help implement habitat conservation plans.


Curtis Johnson, President


Max Vezzani, Secretary



RESOLUTION CONCERNING NATURAL RESOURCES DAMAGE ASSESSMENT

WHEREAS, Congress is now considering the reauthorization of CERCLA; and

WHEREAS, natural resource damage assessments under CERCLA address damages to natural resources on public lands, waterways or habitat which are managed by states; and

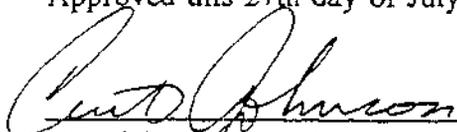
WHEREAS, the potential damage to natural resources cannot be calculated prior to cleanup; and

WHEREAS, to date few natural resource damage settlements have been reached under CERCLA; and

WHEREAS, natural resource damage assessment usually takes place after the Superfund cleanup has taken place and the trustees must then approach the responsible parties for an additional settlement for natural resource damages;

NOW, THEREFORE BE IT RESOLVED, that the Western States Land Commissioners Association asks its member states to urge Congress to set no cap on the claims for natural resource damages and to provide that natural resource trustees should be parties to the negotiations and settlement in the original suit.

Approved this 27th day of July, 1995.


Curt Johnson, President


Max Vezzani, Secretary



**RESOLUTION EXPRESSING SUPPORT AND URGING CONTINUED
FEDERAL FUNDING FOR THE COOPERATIVE EXTENSION SERVICE**

WHEREAS, the Cooperative Extension Service (C.E.S.) program of the U.S. Department of Agriculture is a valuable asset for all Americans, both rural and urban; and

WHEREAS, good land stewardship, sound management practices and a healthy environment are primary goals of the Western States Land Commissioners Association as well as the C.E.S.; and, the C.E.S. helps the current and potential lessees of trust lands achieve these goals; and

WHEREAS, the C.E.S. provides valuable plant and animal research and support for large and small farmers and ranchers, as well as home gardeners and local governments; and

WHEREAS, the C.E.S. supports ongoing research in sustainable agriculture in the arid lands of the Western United States; and

WHEREAS, the C.E.S. is helping the growth and small-scale agriculture-related industries in rural communities; and

WHEREAS, the C.E.S. offers America's youth an opportunity to learn about nature, plant and animal life, ecology, the wise use of environment and the sources of the world's food supply; and

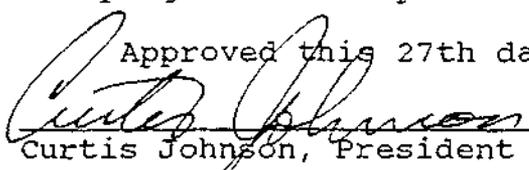
WHEREAS, many volunteers are involved in C.E.S. programs, and extension programs touch millions of Americans every year; and

WHEREAS, the C.E.S. is currently streamlining its operations by consolidating offices and reducing personnel; and

WHEREAS, Congress is presently considering a budget resolution that would severely cut funding for the C.E.S.;

NOW, THEREFORE BE IT RESOLVED, that the Western States Land Commissioners Association calls on its members to support the C.E.S. and its many programs, and urge Congress to continue funding the program at its present level.

Approved this 27th day of July, 1995.


Curtis Johnson, President


Max Vezzani, Secretary



RESOLUTION CONCERNING WILDERNESS INHOLDINGS

WHEREAS, Congress established school and institutional trust-land grants for the Western states upon their admission to the Union; and

WHEREAS, Congress in 1964 established a national policy of setting aside areas to preserve their wilderness characteristics; and

WHEREAS, many designated wilderness areas contain or will contain school and institutional trust lands; and

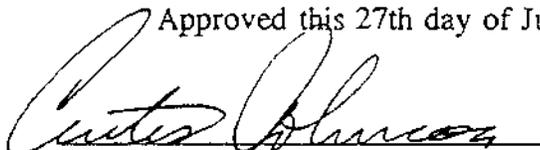
WHEREAS, trust land management objectives for economic gain often conflict with the goals of wilderness designation and management for solitude and unconfined recreation; and

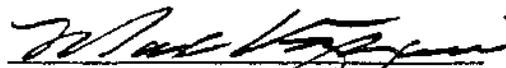
WHEREAS, "exchanging" captive trust lands within wilderness areas for other federal public domain is a viable and authorized method to address state and federal land-management conflicts; and

WHEREAS, the value of trust lands held inside federal wilderness areas is often hard to determine;

NOW, THEREFORE BE IT RESOLVED, that the Western States Land Commissioners Association calls upon its member states to urge Congress to provide for the exchange, purchase or other compensation for the full surface and mineral estate held by states within federally designated wilderness.

Approved this 27th day of July, 1995.


Curtis Johnson, President


Max Vezzani, Secretary



RESOLUTION CONCERNING TRANSBOUNDARY RESOURCES

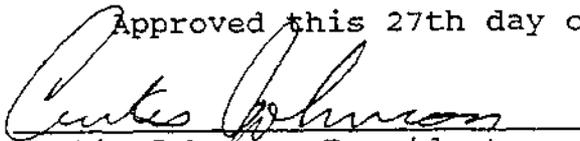
WHEREAS, in two previous years the Western States Land Commissioners Association urged the U.S. Department of the Interior to assist states sharing international borders to develop consistent maps and measurements of transboundary natural resources and;

WHEREAS, the U.S. Geological Survey of the Department of the Interior has provided notable assistance to state agencies and universities in the Southwest border region in their effort to launch what has become known as the Transboundary Resource Inventory Project (TRIP) and;

WHEREAS, the experience of TRIP has implications for information and management needs in other transboundary contexts;

NOW, THEREFORE BE IT RESOLVED, that the Western States Land Commissioners Association extend its appreciation to the Secretary of the Department of the Interior and urge the Department of the Interior to also work with other states with international boundaries to meet their needs for transboundary mapping.

Approved this 27th day of July, 1995.


Curtis Johnson, President


Max Vezzani, Secretary



RESOLUTION CONCERNING THE MINERALS MANAGEMENT SERVICE DEVOLUTION

WHEREAS, in order to achieve cost savings, the Department of Interior has proposed devolution of certain royalty management functions to the states that share in federal income from oil, gas, and other minerals; and

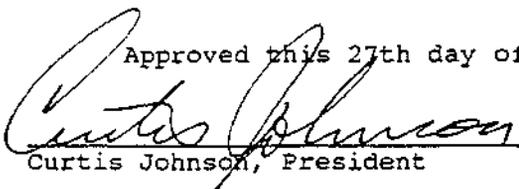
WHEREAS, various states have requested the Department of Interior to provide to those states all annual cost data of the Bureau of Land Management and the Minerals Management Service related to the performance of all royalty management functions, including those proposed for devolution; and

WHEREAS, these states have requested the Department of Interior to obtain from the Department of Agriculture and provide to the states all annual costs of the Forest Service that are allocated to the performance of all royalty management functions, including those proposed for devolution; and

WHEREAS, states have requested that all cost data provided to the states be identified for each of the functions and programs proposed for devolution.

NOW, THEREFORE BE IT RESOLVED, that the Western States Land Commissioners Association supports the states' request for federal cost data for all royalty management functions and programs.

Approved this 27th day of July, 1995.


Curtis Johnson, President


Max Vezzani, Secretary



RESOLUTION CONCERNING FEDERAL ROYALTY COLLECTIONS

WHEREAS, bills referred to as the "Federal Oil and Gas Royalty Simplification and Fairness Act of 1995" (H.R. 1975, S. 1014) have been introduced in both Houses of Congress; and

WHEREAS, the Western States Lands Commissioners Association has a long history of supporting measures that increase accountability for use of public lands and of concern that the public receive the full fair market value from those who have been granted the privilege of profiting from public resources; and

WHEREAS, H.R. 1975 and S. 1014 would place a new and unreasonably restrictive statute of limitations on the collection of royalties that would bar government's rightful receipt of what is truly owed, even where the delays are attributable to actions of the lessees and even where the royalty debt could not have been discovered more quickly by the government; and

WHEREAS, H.R. 1975 and S. 1014 as introduced would place limitations on the ability of the Department of the Interior to collect royalties that are different and more restrictive than those used by any other agency of government; and

WHEREAS, H.R. 1975 and S. 1014 would establish a new and unnecessary offsetting system of royalty payments that would unduly complicate the accounting and auditing processes; would subject the States to interest liability; would restrict State ability to participate in the federal royalty management program; would exempt certain federal lessees from even minimal oversight; and would severely restrict the discretion and judgment of professional land managers and accountants to determine what information is needed to monitor royalty receipts; and

WHEREAS, the Western States Lands Commissioners Association is diligently working and meeting with representatives of industry, the Department of the Interior and other State officials and organizations to develop mutually agreeable reforms of the royalty management program for federal leases; and

WHEREAS, federal initiatives are often emulated at the State level; and

WHEREAS, the federal mineral receipts shared with the States and the receipts from State public trust lands are an important and much needed source of revenue for education.

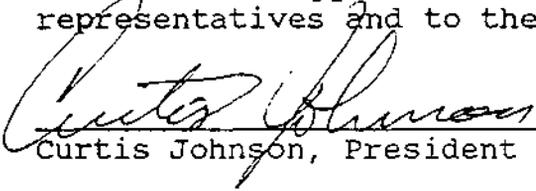
NOW, THEREFORE BE IT RESOLVED that after significant study and analysis the Western States Land Commissioners Association finds that:

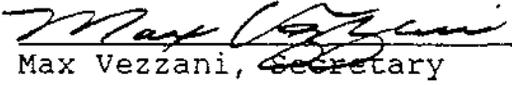
(1) enactment of measures like H.R. 1975 or S. 1014 would have an adverse affect on the ability of both the federal government and the Association's members to assure accountability on public lands;

(2) the practical effect of enactment of measures similar to H.R. 1975 or S. 1014 into law would be a return to the inefficient and costly "honor system" of royalty payments, that will result in reduced royalty revenues to the States and reduced educational opportunities for their children; and

(3) enactment of such measures would prematurely preempt and adversely affect the current efforts of the states, in good faith dialogue with all interested parties, to evaluate and develop beneficial land management reforms for federal leases.

AND BE IT FURTHER RESOLVED that all members of the Western States Land Commissioners Association are urged to immediately forward a copy of this Resolution to their Congressional representatives and to the appropriate Congressional committees.


Curtis Johnson, President


Max Vezzani, Secretary



RESOLUTION CONCERNING REGULATIONS FOR RIGHTS-OF WAY UNDER RS 2477

WHEREAS, the Department of the Interior has proposed regulations which affect rights-of-way granted by Congress under what is known as Revised Statute 2477 (RS 2477); and

WHEREAS, these rights-of-way are critical to state and local governments and western land owners for the production and marketing of crops, for recreational opportunities and for public health and safety; and

WHEREAS, the existence of these rights may be unknown to state and local governments as well as private land owners which have used these rights-of-way without knowing they were established on public lands pursuant to RS 2477; and

WHEREAS, the Department's proposed regulations fail to consider a number of impacts:

That the Department of the Interior lacks authority to administratively impose a statute of limitations on the identification, assertion or validation of RS 2477 rights-of-way.

That state law has for 120 years been used as the basis for defining whether access is a constructed road and this needs to be recognized.

That the definition of "construction" does not recognize the diversity of the western states in terms of transportation methods, topography, season uses, cultural diversity, construction methods and economic factors.

That access to the courts to resolve the question of validity of the rights-of-way should not be cut off.

That state and local governments are the true owners of these rights-of-way; however, in some cases their existence may not be known.

That access to general state and trust lands must be available even where rights-of-way are not established.

NOW, THEREFORE BE IT RESOLVED, that the Western States Land Commissioners Association recommends that the proposed regulations for RS 2477 rights-of-way:

The appropriate Secretary in consideration of any right-of-way that is nominated, shall recognize any right-of-way which was accepted or established in accordance with the laws of the state where the RS 2477 right-of-way is located within 2 years.

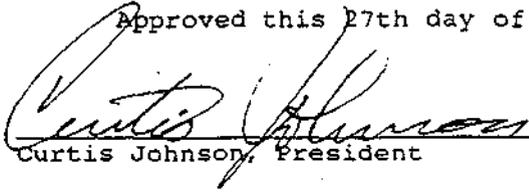
If the appropriate Secretary objects, the Secretary must do so within two years and provide legal and factual basis for each objection. Failure to object automatically would deem the right-of-way to be valid.

If the appropriate Secretary objects, the federal government would have an additional two years to bring action in a U.S. District Court. The burden of proof would be on the United States. Failure to bring action in U.S. District Court within two years, automatically deems the RS 2477 right-of-way to be valid.

Land over which a right-of-way is accepted or deemed to be accepted shall be managed by the United States subject to the right-of-way.

BE IT FURTHER RESOLVED, that the WSLCA urges its member states to support administrative and Congressional actions which promote the concepts embodied above.

Approved this 27th day of July, 1995.


Curtis Johnson, President


Max Vezzani, Secretary



RESOLUTION 96-1

EXPRESSING SUPPORT AND URGING CONTINUED FEDERAL FUNDING FOR THE
AGRICULTURAL RESEARCH SERVICE

Whereas, the U.S. Department of Agriculture, Agricultural Research Service (ARS) is a valuable asset for all Americans, both rural and urban; and

Whereas, good land stewardship, sound management practices and a healthy environment are primary goals of the Western States Land Commissioners Association; and

Whereas, the various ARS research units conduct research in sustainable agriculture throughout the United States including the fragile arid lands of the Western United States; and

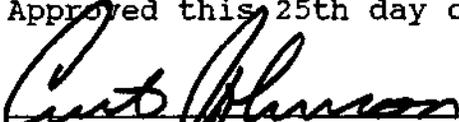
Whereas, the ARS conducts valuable cooperative research efforts that provide information which will enable agricultural users of the land and resource management officials to practice sound management and maintain a healthy environment, and

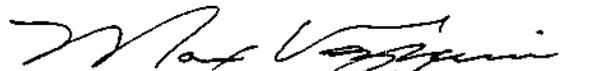
Whereas, the ARS is helping agriculture evolve to meet new and increasing public demands for sustainable agriculture; and

Whereas, Congress is presently considering appropriations that will have a direct effect on the ability of the ARS to continue its research efforts that benefit all United States citizens;

NOW THEREFORE BE IT RESOLVED that the Western States Land Commissioners Association calls on its members to support the ARS and its many research programs, and urge Congress to continue funding the program at its present or enhanced level.

Approved this 25th day of July, 1996


CURT JOHNSON, PRESIDENT


MAX VEZZANI, SECRETARY



RESOLUTION 96-2
RESOLUTION CONCERNING MILITARY BASE CLOSURES

Whereas, numerous federal military bases within the member states of the WSLCA have closed or will be closed, and will be conveyed by the federal government through base realignment and closure procedures; and

Whereas, many of these bases are on filled or unfilled tide and submerged lands which the member states received by virtue of sovereignty upon attaining statehood, to be used for public trust purposes; and

Whereas, pursuant to court decisions (such as United States v. 1.58 Acres of Land (D. Mass 1981) 523 F. Supp. 120, and City of Alameda v. Todd Shipyards Corp. (N.F. Cal. 1986) 632 F. Supp. 333, order re motions to reconsider. 635 F. Supp. 1447), present and former tide and submerged lands within the base remain subject to the public trust, which will take full effect upon the conveyance of these lands to state and local agencies; and

Whereas, the member states have been and will continue to be flexible to the extent legally possible in their administration of public trust title interests in the closing bases, so as to put these properties back to early reuse; and

Whereas, litigation between the member states and the federal government regarding the existence of the public trust in former and present tide and submerged lands would delay the reuse of the properties for long periods, to the benefit of no party, and would be inconsistent with the objectives of federal base disposal law.

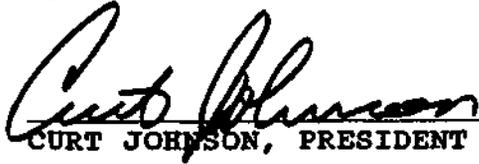
NOW, THEREFORE, the Western States Land Commissioners Association supports its members in their request that the United States Departments of Defense and the Interior:

1. Recognize that the public trust exists in lands within closing military bases which are on filled or unfilled tide and submerged lands, including those bases which the United States acquired either in whole or in part by condemnation;

2. Cooperate with the member states in the identification of such lands and in seeking innovative solutions which put these lands to public trust uses where possible, and which contemplate land exchanges for lands which are not useful for these purposes where exchanges are permissible under state law; and

3. Enter agreements with the member states implementing settlements of sovereign land issues within the closing military bases and recognizing that these properties can be put to a multiplicity of uses as permitted by the public trust.

Approved this 25th day of July, 1996


CURT JOHNSON, PRESIDENT


MAX VEZZANI, SECRETARY



RESOLUTION 96-3

RESOLUTION CONCERNING CRUDE OIL AND NATURAL GAS VALUATION

Whereas, royalties paid by state trust land oil and gas lease holders have contributed to public education and other beneficiaries in Western States Land Commissioners Association states; and

Whereas, the true market prices of crude oil and natural gas are no longer determined at the wellhead or in the field, but rather in the regional, national and international markets, particularly Alaska North Slope spot prices for California and the New York Mercantile Exchange for a number of other states; and

Whereas, WSLCA member states, including Alaska, California, Colorado, Louisiana, New Mexico, Texas and Wyoming, have asserted their statutory and constitutional obligations to receive fair market value for all trust assets, and other states are investigating possible royalty shortfalls; and

Whereas, individual states are attempting to ensure the proper payment of royalties by major oil and natural gas corporations through litigation, negotiation and investigation involving both pricing and volumetric issues, consistent with the terms of existing leases; and

Whereas, the Secretary of the Interior and the WSLCA have each empaneled committees to evaluate value and volume issues and their effect on the proper payment of royalties, and the state representatives on those committees are in consensus on the need to establish true-market pricing for oil and gas, consistent with the terms of existing oil and gas leases; and

Whereas, a decision by the Minerals Management Service to adopt a true-market valuation reporting system for the payment of royalties and would support states in their efforts to adopt and enforce similar benchmarks; and

Whereas, all states and the federal government would benefit from a true-market pricing system;

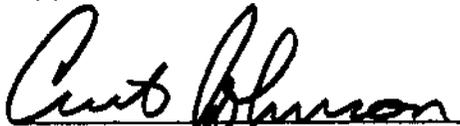
NOW THEREFORE, BE IT RESOLVED, that the WSLCA commends its member states, the WSLCA Royalty Management Committee and the Minerals Management Service Royalty Advisory Committee, for working to identify and establish the need for true-market pricing of oil and gas; and

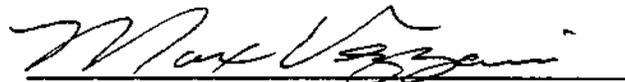
BE IT FURTHER RESOLVED, that the WSLCA recommends that its member states urge that an interagency task force study valuation issues before and after the Minerals Management Service's 1988 valuation regulations on a regional basis similar to the interagency task force that produced the report on federal crude oil production in California; and that the Minerals Management Service provide technical and legal assistance and audit data to the task force and to the states; and

BE IT FURTHER RESOLVED, that the WSLCA recommends that its member states urge the Department of the Interior and the Minerals Management Service to adopt a true-market pricing approach toward the reporting and remittance of federal royalties in reinterpreting its 1988 valuation regulations as well as its pending regulations and recommends that its member states urge the Minerals Management Service to consult with States in drafting these pending regulations; and

BE IT FURTHER RESOLVED, that the WSLCA recommends that its members urge Congress to increase funding for audit compliance.

— Approved this 25th, day of July, 1996


CURT JOHNSON, PRESIDENT


MAX VEZZANI, SECRETARY



RESOLUTION 96-4

RESOLUTION
CONCERNING THE TRANSBOUNDARY RESOURCE INVENTORY PROGRAM

Whereas, the Western States Land Commissioners Association (WSLCA), as well as the scientists and policy officials in state and federal government, the private sector and university community are aware that vital natural resources such as water and air or fisheries and wildlife habitat ignore man-made political boundaries; and

Whereas, along our several thousands of miles of international borders, there are significant concentrations of such resources whose sustainability may require increased cross-border cooperation due to the growth and prosperity which Canada, the United States and Mexico seek under the North American Free Trade Agreement; and

Whereas, in resolutions passed by the WSLCA in previous years, the United States Government has been urged to work with all the affected states to address transboundary resource issues along all of the our international boundaries; and

Whereas, in recognition of the need for a common body of base-line data, the Presidents of the United States and Mexico have agreed that there should be a joint survey of our transboundary environmental resources, and a cooperative program of aerial photography and base map development has begun along both sides of that border; and

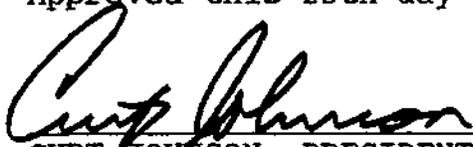
Whereas, among the many transboundary resources that can be surveyed for display on the map and geographical information system developed for the US-Mexico border, groundwater is considered of the highest priority according to user workshops conducted by the Transboundary Resource Inventory Project (TRIP); and

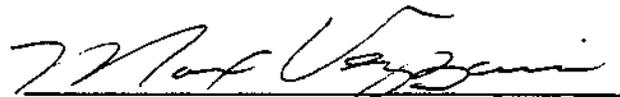
Whereas, the Committee on Appropriations of the US House of Representatives, in its June 18, 1996 Interior Appropriations report, stressed the need to form a groundwater geology survey team to work through appropriate channels with Mexican authorities on a work plan, including priorities, timelines and budget for a survey, characterization and map of each transboundary aquifer along the US-Mexico border;

NOW THEREFORE BE IT RESOLVED that the WSLCA

1. continues to recognize and appreciate the financial support provided by federal, state and international agencies for work on transboundary resource surveys at our Southwestern border; and
2. continues to encourage consultation between federal and state authorities at our Northern border on the need for systematic surveys and/or other initiatives on their transboundary resource issues; and
3. urges the Department of the Interior to work closely with TRIP and state officials along our Southwestern border in accordance with the recommendations of the House Committee on Appropriations on groundwater geology; and
4. recognizes and expresses appreciation to the Council on Environmental Quality and the US Department of State for assisting state and non-governmental efforts to create cross border partnerships to address transboundary issues.

Approved this 25th day of July, 1996


CURT JOHNSON, PRESIDENT


MAX VEZZANI, SECRETARY



RESOLUTION 96-5

RESOLUTION CONCERNING ALTERNATE TRANSPORTATION FUELS

Whereas, the decline of crude oil production within this hemisphere and continued overwhelming (97%) reliance on petroleum based transportation fuels (gasoline and diesel) has created a national dependence on foreign oil and compromised national security interests; and

Whereas, the estimated natural gas reserves in the United States of 163,837 billion cubic feet and the estimated natural gas reserves in this hemisphere of 503,688 billion cubic feet can provide ample domestic alternatives to gasoline and diesel; and

Whereas, there now exists throughout the Western States, as well as throughout the entire United States, a burgeoning infrastructure for the use of natural gas in both heavy and light duty natural gas vehicles; and

Whereas, development of a natural gas powered vehicle industry could significantly reduce or eliminate dependence on imported crude oil, create jobs in an invigorated natural gas industry, and reduce vehicle air pollution by 80 percent or more; and

Whereas, there now exists an Interstate Clean Transportation Corridor along Interstate 15, Interstate 5 and Interstate 80 through Arizona, California, Utah and Nevada for the use and promotion and use of clean burning alternative fuels, including natural gas;

NOW THEREFORE, BE IT RESOLVED that the Western States Land Commissioners Association support the expanded use and development of natural gas as an alternative transportation fuel; and

BE IT FURTHER RESOLVED that the Western States Land Commissioners Association urges its members to support the expansion of the Interstate Clean Transportation Corridor along Interstate 10 and Interstate 40 to include New Mexico and Texas; and

BE IT FURTHER RESOLVED that the Western States Land Commissioners Association urges its members to support the continued inclusion of Congestion Mitigation Air Quality Funding as part of the reauthorization of the Intermodal Surface Transportation Efficiency Act which will promote the use and continued development of clean burning natural gas.

Approved this 25th day of July, 1996


CURT JOHNSON, PRESIDENT


MAX VEZZANI, SECRETARY



RESOLUTION 96-7

RESOLUTION CONCERNING MANAGEMENT OF FEDERAL LANDS

Whereas, the Western States Land Commissioners Association (WSLCA) includes many states which have a great number of acres of land that are owned and managed by the federal government; and

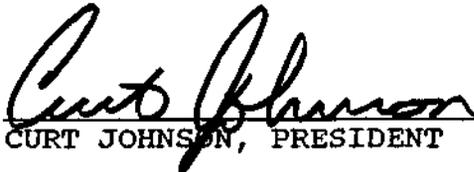
Whereas, WSLCA members manage state lands for their beneficiaries that were granted by the federal government to each state upon its admission to the union under the direction that revenue generated therefrom would be in support of the specified beneficiaries; and

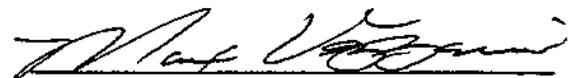
Whereas, WSLCA believes that the development of state land and mineral resources promotes economic growth and prosperity and will, if managed properly, continue to provide a good source of revenue to the specified beneficiaries in perpetuity; and

Whereas, WSLCA recognizes that management plans for federal lands directly affect a state's efforts to generate revenue on adjacent and intermingled state lands;

NOW THEREFORE BE IT RESOLVED that WSLCA urges its members to support federal legislation that stipulates that states be involved in the formulation of management plans for federal lands located within their respective states that could affect their state lands.

Approved this 25th day of July, 1996


CURT JOHNSON, PRESIDENT


MAX VEZZANI, SECRETARY



RESOLUTION CONCERNING NOXIOUS WEED CONTROL

Whereas, non-native invasive plants negatively influence the productivity, value, useability and management of land and water resources; and

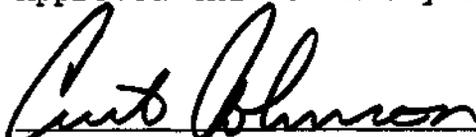
Whereas, the injurious and undesirable effects of weeds include, but are not limited to:

- * difficulty and expense to control, once established;
- * weed monocultures replacing biodiversity and healthy ecosystems;
- * reduction of the yield and quality of desirable range forage plants;
- * poisoning, pain and injury to children, pets and livestock;
- * reduction and exclusion of many plant and animal species, including those that are threatened or endangered;
- * obstruction of water flow in irrigation and drainage systems;
- * increase in soil erosion;
- * reduced recreational opportunities for camping, fishing, hunting, hiking, boating and family outings;
- * alteration of hydrology, stream flows, soil chemistry, nutrient cycles, and fire cycles;
- * the ability to lie dormant for long periods of time before infesting an area;
- * reduction in the value of streams, lakes, and reservoirs for fish and wildlife habitat, and public water supply;
- * high production costs for agronomic crops due to the need for herbicides and biological, mechanical, and cultural controls for weeds;

NOW THEREFORE, BE IT RESOLVED that:

1. The Western States Land Commissioners Association urges its members to support management actions to prevent, eradicate, and control non-native invasive plants on land, and in the water, to the extent economically practicable, with the objectives of restoring agricultural productivity, improving resource and environmental stewardship, protecting human, animal and ecosystem health, and enhancing the public's enjoyment of our natural resources.
2. In pursuit of these objectives, programs for appropriate management of non-native invasive plants need to incorporate education, prevention, early detection, and inventory techniques; and, containment, eradication, and control methods should be based upon Integrated Pest Management (IPM) concepts and practices. IPM involves the use of all suitable techniques, including biological, chemical, physical (manual and mechanical), cultural control measures (environmental manipulation), and public awareness and education programs.
3. The Western States Land Commissioners Association strongly encourages all federal and state land management agencies, local governments, universities (extension services) and the private sector to collaborate with ongoing Integrated Weed Management programs which use IPM methods, and to work together to find creative new approaches to leverage multiple resources, including the use of challenge grants, and to support the proposed national strategy for invasive plant management.
4. The Western States Land Commissioners Association urges its members to transmit this resolution to the appropriate cabinet secretaries and congressional committees and to request adequate funding for this program.

Approved this 25th day of July, 1996


CURT JOHNSON, PRESIDENT


MAX VEZZANI, SECRETARY



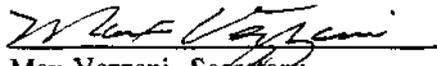
RESOLUTION FOR RESOURCE ADVISORY COUNCILS (RAC)

WHEREAS, the United States Secretary of the Interior recently established Resource Advisory Councils (RAC) in several western states to advise and recommend management actions for lands managed by the Bureau of Land Management (BLM). Members for each RAC were first nominated by their respective state's Governor and BLM State Director; and

WHEREAS, the Western States Land Commissioners Association (WSLCA) believes these RACs will provide invaluable experience and form a consensus view from the public in the management of said BLM lands. WSLCA further believes that these RACs should be a significant and important advisor to the BLM in their management plans.

NOW, THEREFORE, BE IT RESOLVED, that WSLCA urges its members to support the RACs as a significant and important advisor to the BLM and further urges its members to seek to add representation from respective state land management agencies to provide expertise where federal lands could impact state lands.


Curt Johnson, President


Max Vezzani, Secretary

January 11, 1996



RESOLUTION REGARDING FEDERAL PETROLEUM AND OIL SHALE RESERVES

WHEREAS, federal petroleum and oil shale reserves were established at various times in California, Colorado, Utah and Wyoming to ensure a ready supply of oil for the nation's defense agencies in an emergency or general mobilization; and

WHEREAS, certain reserves contain parcels which are or should be numbered section state school lands; and

WHEREAS, the school lands were granted to the states in trust for state public education programs; and

WHEREAS, although these reserves are treated as revenue-producing assets just like other public lands, these are federal mineral-producing lands where the states are denied their legitimate share of revenues under the Mineral Leasing Act; and

WHEREAS, the federal government has determined in the case of petroleum reserves that these reserves are no longer needed for the national defense or for any other valid federal purpose, has operated these reserves for the purpose of generating revenue for the federal treasury, and has proposed to sell or lease certain of these properties; and

WHEREAS, the states have not received any share of the revenues produced from these reserves under the Mineral Leasing Act and no revenues produced from the school lands have been transferred to the states; and

WHEREAS, the Administration has proposed to sell or lease Federal petroleum and oil shale reserves.

NOW, THEREFORE, BE IT RESOLVED, that the Western States Land Commissioners Association urges its member states to inform their Congressional delegations that any legislation, authorizing the sale or lease of these reserves, compensate the affected states for the fair market value of the production from the reserve attributable to the school lands contained within the reserves, or convey the surface and mineral estate to responsible land management agencies.

Curt Johnson, President
January 11, 1996

Max Vezzani, Secretary



RESOLUTION ON TRANSBOUNDARY RESOURCE INVENTORY PROJECT

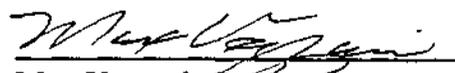
WHEREAS, the Western States Land Commissioners Association has encouraged the U.S. government to work with the government of Mexico and interested state and local agencies as partners in an initiative to create a standardized comprehensive map and inventory of resources we share at our international border; and

WHEREAS, interested state agencies, universities and non-governmental organizations in the states of Arizona, California, New Mexico and Texas have organized a consortium known as the Transboundary Resource Inventory Project (TRIP) to facilitate such an initiative; and

WHEREAS, the U.S. Geological Survey, the Department of State, the Environmental Protection Agency, the International Boundary and Water Commission and the President's Council on Environmental Quality have worked as allies with TRIP and provided valuable leadership which produced an October 10, 1995, agreement between presidents Clinton and Zedillo to undertake a joint resource survey.

NOW, THEREFORE, BE IT RESOLVED, that the Western States Land Commissioners Association through this resolution extends congratulations and thanks to the TRIP and its allies in the federal government, and a special recognition to U.S. Ambassador to Mexico, James Jones, and Council on Environmental Quality Chair, Kathleen McGinty, for their role in bringing the transboundary resource issues to the attention of the two Presidents.


Curt Johnson, President


Max Vezzani, Secretary

January 11, 1996



RESOLUTION 97-1

ENDANGERED SPECIES ACT

Proposed Policies and Regulations

WHEREAS, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service have proposed policies and rules on Safe Harbor and Candidate Conservation Agreements and proposed a rule for No Surprises; and

WHEREAS, the three policies offer, voluntary, incentive-based conservation approaches, providing greater management flexibility and certainty to landowners; and

WHEREAS, they provide for consultation and cooperation with affected State land-management agencies and Tribal Governments; and

WHEREAS, codifying these policies via rulemaking may help protect them from court challenges; and

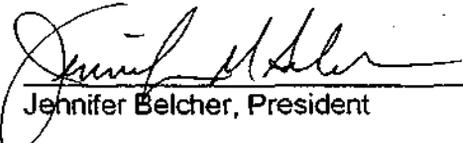
WHEREAS, these policies assume the availability of federal resources for technical assistance; and

WHEREAS, various clarifications need to be made to ensure effective landowner partnerships and good neighbor relations.

THEREFORE, BE IT RESOLVED THAT the Western States Land Commissioners Association applauds the general approach of these proposed policies and rules and urges its members to comment on them to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service as well as their members on the Senate Environment and Public Works Committee and the House Resources Committee; and

BE IT FURTHER RESOLVED THAT the Western States Land Commissioners Association urges that funds be appropriated to help make these policies a success and urges its members to contact their States' congressional delegation members who serve on the Appropriations Committees.

Approved July 31, 1997


Jennifer Belcher, President


Kevin Carter, Secretary



RESOLUTION 97-2

RESOLUTION CONCERNING THE CAPTURE OF STATE TRUST LANDS WITHIN NATIONAL PARKS, MONUMENTS AND OTHER FEDERAL RESERVATIONS

WHEREAS, the process for admitting states into the Union after the thirteen original states provided for federal land grants to states for support of education and other public institutions; and

WHEREAS, the process of granting lands to the states typically resulted in state trust lands being interspersed in scattered parcels among the federal public lands; and

WHEREAS, the creation of federal reservations such as National Parks, National Monuments and wilderness areas has in the past frequently captured state trust lands within the boundaries of the reservations; and

WHEREAS, the states' fiduciary responsibilities to the beneficiaries of state trust lands may prevent the states from managing those lands for the conservation purposes, thus creating state-federal management conflicts with respect to state trust lands inheld within federal conservation reservations; and

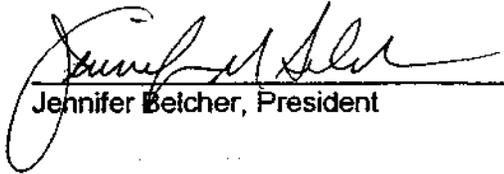
WHEREAS, past efforts to exchange state trust lands out of previously-designated federal reservations have been hampered by lack of resources at the federal level to complete exchanges and the failure of federal land managers to make available equally desirable federal lands for exchange; and

WHEREAS, federal land managers have little incentive to devote adequate resources for the completion of exchanges or to offer properties desired by the states once state trust lands have been captured in a federal reservation;

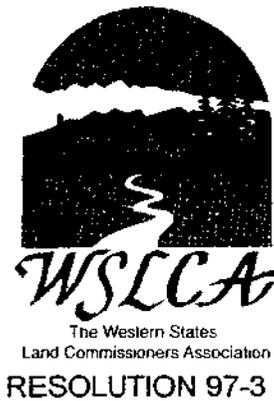
NOW, THEREFORE, BE IT RESOLVED: The Western States Land Commissioners Association urges the federal government to complete mutually-acceptable exchanges, or other forms of acquisition of state trust land assets out of proposed federal reservations as a condition of and prior to their designation.

BE IT FURTHER RESOLVED: That member States be urged to contact Administration Officials, and their respective Congressional delegation members, and encourage them to resolve state trust land inholding situations prior to the designation of federal reservations.

Approved July 31, 1997


Jennifer Belcher, President


Kevin Carter, Secretary



RESOLUTION CONCERNING CRUDE OIL AND NATURAL GAS VALUATION

Whereas, royalties paid by state trust land oil and gas lease holders have contributed to public education and other beneficiaries in Western States Land Commissioners Association states; and

Whereas, the true market prices of crude oil and natural gas are no longer determined at the wellhead or in the field, but rather in the regional, national and international markets, particularly Alaska North Slope spot prices for California and the New York Mercantile Exchange for a number of other states; and

Whereas, the WSLCA agrees that posted price does not represent the market value of oil and it supports Minerals Management Services' proposed rule for calculating royalty that reflects market value; and

Whereas, WSLCA member states, including Alaska, California, Colorado, Louisiana, Montana, New Mexico, North Dakota, Texas and Wyoming, have asserted their statutory and constitutional obligations to receive fair market value for all trust assets, and other states are investigating possible royalty shortfalls; and

Whereas, individual states are attempting to ensure the proper payment of royalties by major oil and natural gas corporations through litigation, negotiation and investigation involving both pricing and volumetric issues, consistent with the terms of existing leases; and

Whereas, the Secretary of the Interior and the WSLCA have each empaneled committees to evaluate value and volume issues and their effect on the proper payment of royalties, and the state representatives on those committees are in consensus on the need to establish true-market pricing for oil and gas, consistent with the terms of existing oil and gas leases; and

Whereas, a decision by the Minerals Management Service to adopt a true-market valuation reporting system for the payment of royalties would support states in their efforts to adopt and enforce similar benchmarks; and

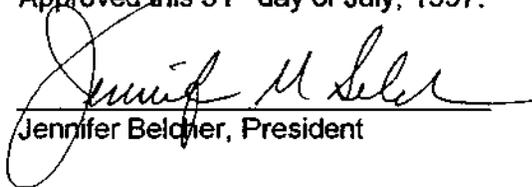
Whereas, all states and the federal government would benefit from a true-market pricing system;

THEREFORE, BE IT RESOLVED, that the WSLCA recommends that its member states urge the Department of the Interior and the Minerals Management Service to adopt a true-market pricing approach toward the reporting and remittance of federal royalties in modifying its 1988 valuation regulations; and

BE IT FURTHER RESOLVED, that the WSLCA urges the Minerals Management Service to consult with the states after the comment period and prior to the adoption of these pending regulations; and

BE IT FURTHER RESOLVED, that the WSLCA recommends that its members urge Congress to increase funding for audit compliance.

Approved this 31st day of July, 1997.


Jennifer Belcher, President


Kevin Carter, Secretary



The Western States
Land Commissioners Association

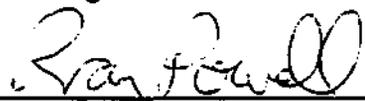
**PROPOSED RESOLUTION 98-1
RESOLUTION CONCERNING THE CHANGING OF ENABLING ACTS
BY STATE TO BETTER IMPLEMENT THE STANDARDS SET FORTH
BY THE UNIFORM MANAGEMENT OF INSTITUTIONAL
ENDOWMENT FUNDS ACT**

WHEREAS, in making the original land grants to the western states upon statehood, it was the intention of Congress to establish the basis for endowment funds in perpetuity for the support of public education in each state, and

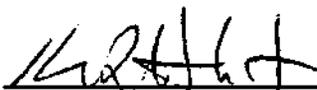
WHEREAS, the standard for prudent investment of endowment funds has drastically changed since the various Enabling Acts were passed by Congress approximately a century ago, and

WHEREAS, the current prudent standards for endowment funds such as those provided by the Uniform Management of Institutional Endowment Funds Act, which has now been adopted by more than 3/4 of the states, provide for the Trustees to be responsible for: (a) Prudently investing the permanent trust funds for maximum total returns, including appreciation in value, regardless of the current income provided, and (b) maintaining equity between current and future beneficiaries by considering both long and short term needs, distributing as much of the net appreciation in value as is prudent to accomplish this objective,

NOW, THEREFORE, BE IT RESOLVED that the WSLCA fully supports the implementation of the standards set forth above by individual states which may include amending State Constitutions and Enabling Acts.



Ray Powell, President



Kevin Carter, Secretary



RESOLUTION 98-2 IN-KIND ROYALTY

WHEREAS, Congress is considering proposals to require the Minerals Management Service (MMS) to take all oil and gas royalties in-kind and to subsequently market the minerals taken in-kind through private marketers, and

WHEREAS, MMS has proposed pilot programs with the states of Texas, Wyoming and Louisiana, to take royalties in-kind and to market the minerals,

WHEREAS, taking royalties in-kind has proven to be prudent and reasonable in those situations where higher prices can be obtained for the minerals than the prices on which cash royalties would be based,

NOW THEREFORE, be it resolved that the Western States Land Commissioners Association urges its members to support a federal policy giving MMS the discretion to take royalties in-kind only where it will result in more revenue for the citizens of this country and that also allows MMS the discretion to market the oil and gas taken in-kind in the most efficient and cost effective manner, through in-house or private marketers.



Ray Powell, President



Kevin Carter, Secretary



The Western States
Land Commissioners Association

**RESOLUTION ~ 1998 - 4
DISPOSAL OF FEDERAL PUBLIC LANDS TO
FUND ENDANGERED SPECIES CONSERVATION**

WHEREAS, the Western States Land Commissioners Association has long supported endangered species conservation and recovery efforts;

WHEREAS, the Senate Budget Resolution for fiscal year 1999 includes a provision to use revenue from the sale of excess Bureau of Land Management land to fund the Voluntary Landowner Incentive Program under the Endangered Species Act;

WHEREAS, passage of the language in the Senate Budget Resolution could result in the selling of an estimated \$350 million of public lands over the next five years;

WHEREAS, the Western States Land Commissioners Association and the U.S. Department of the Interior are developing a process to facilitate strategic land exchanges to achieve more efficient management consistent with respective constitutional and statutory mandates;

WHEREAS, opportunities for the BLM and respective state land trusts to complete land trades to protect wilderness areas, national monuments, special recreation areas and sensitive habitats while enhancing trust revenue opportunities could be lost;

WHEREAS, the sale of large tracts of public land could cause significant harm to current state trust land lessees, BLM permittees and rural communities;

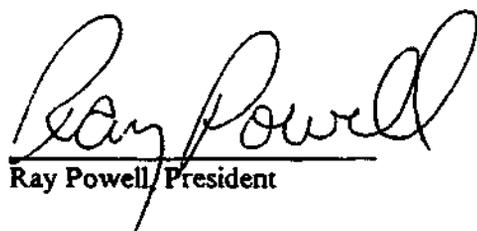
WHEREAS, the sale of large tracts of BLM land could result in the loss of wildlife habitat, open space and public recreation from the public domain;

WHEREAS, the uncertainties of federal public land sales make them an unreliable source of funding for conserving endangered species habitat;

WHEREAS, putting large amounts of federal property on the market in a short period of time could reduce both public and private land values in affected markets;

NOW THEREFORE BE IT RESOLVED, that the Western States Land Commissioners Association urges its members to ask Congress to seek permanent dedicated funding sources, consistent with the constitutional and statutory mandates of the States and BLM, for endangered species conservation.

BE IT FURTHER RESOLVED, that the Western States Land Commissioners Association urges its members to oppose the sale of federal land assets to fund operating expenditures for any purpose, including endangered species protection or federal debt reduction.



Ray Powell, President



Kevin Carter, Secretary

Approved April 29, 1998



The Western States
Land Commissioners Association

RESOLUTION – 1998 - 5 US FOREST SERVICE ROAD POLICY

WHEREAS, the Western States Land Commissioners Association has long supported prudent management of federal public lands;

WHEREAS, State trust lands are intermingled with holdings of the US Forest Service;

WHEREAS, the US Forest Service has adopted a short-term strategy to maintain future management options while it develops a long-term sustainable transportation policy for roadless, decommissioned and maintained roads that is sensitive to environmental concerns;

WHEREAS, the US Forest Service maintains a network of over 380,000 miles of roads, including many aging roads in serious need of repair and maintenance;

WHEREAS, these roads provide access to millions of citizens for recreational and other uses that benefit local economies, as well as access to trust lands;

WHEREAS, current agency funding is inadequate to met the backlog of road maintenance needs; and

WHEREAS, the Forest Service has proposed to revise the system of timber road credits, which would reduce state revenue sharing.

NOW THEREFORE BE IT RESOLVED: That the Western States Land Commissioners Association urges its members to support a US Forest Service policy and budget that seeks to maintain a road network that meets its economic objectives, minimizes negative ecological impacts, maintains access to trust land inholdings, and effectively uses the financial resources of the agency;

BE IT FURTHER RESOLVED: That the Western States Land Commissioners Association urges its members to support a system that replaces timber purchaser road credits, but that would substantially retain current levels of national forest revenue sharing.


Ray Powell, President


Kevin Carter, Secretary

Approved April 29, 1998



RESOLUTION 1998 - 9
RESOLUTION URGING SUPPORT FOR
UTAH/FEDERAL CONGRESSIONAL LAND EXCHANGE

WHEREAS, at statehood Utah, like its sister states, received a land grant of numbered sections to support public education, and

WHEREAS, since statehood a number of Congressional and Administrative actions have created federal reserves which have surrounded the sections granted to support public education, and

WHEREAS, the trust land management mandate is often inconsistent with the purposes of the surrounding federal reservations, and

WHEREAS, land exchanges are an essential tool to help rationalize land ownership and land management in the West, and

WHEREAS, the Western States Land Commissioners Association this past year has worked to improve the process for completing land exchanges between the states and the federal government. and

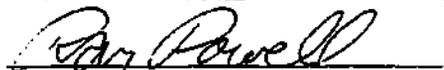
WHEREAS, the State of Utah and the United States have entered into an agreement to transfer trust lands inheld within National Forests, National Parks and Monuments and Native American Reservations for federal assets which are valuable and accessible. and that should bring increased revenues to the beneficiaries of the land grants in the near future. and

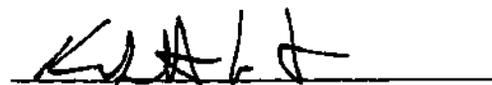
WHEREAS, the federal government will be able to more effectively manage the incredible values within our National Parks and Monuments and National Forests:

NOW, THEREFORE, BE IT RESOLVED: That the Western States Land Commissioners Association recognizes the valuable precedents that will be established at the consummation of this land exchange and encourages its member states to contact their Congressional members in support of the "Utah Schools and Lands Exchange Act of 1998" (S. 2146), and send them a copy of this resolution; and

BE IT FURTHER RESOLVED: That a copy of this resolution be sent by the Western States Land Commissioners Association to the Chairs of the appropriate Congressional Committees.

Approved this 30 day of July, 1998


Ray Powell, President


Kevin Carter, Secretary



RESOLUTION 1999 - 1
RESOLUTION IN SUPPORT OF
THE PARTNERSHIP FOR AMERICA

WHEREAS, the Administration has proposed a Partnership for America's Resources to promote conservation, preserve habitat, reclaim abandoned mines, conserve historic resources, and enhance and increase parklands; and

WHEREAS, America's natural, recreational and historical resources define our nation's history and future; and

WHEREAS, to the detriment of our national resources, federal programs have been underfunded for years because of budget deficits; and

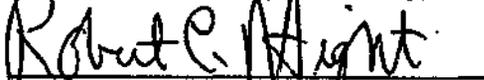
WHEREAS, next year's budget surplus affords the opportunity to begin to remedy past neglect of our important national resources; and

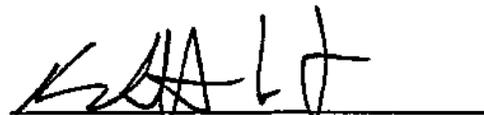
WHEREAS, the member states of the Western States Land Commissioners Association administer state-owned properties to promote recreational use and resource conservation; and

WHEREAS, by making funds available to the states for land acquisition, habitat conservation and other programs, the Administration's proposal recognizes the vitality and utility of the state-federal partnership for protecting America's resources;

NOW, THEREFORE, BE IT RESOLVED, that the Western States Land Commissioners Association supports, and calls on its member states to urge Congress to enact permanent funding for, important federal and state programs to protect the nation's natural, recreational, and historical resources.

Approved this 8th day of January, 1999


Robert C. Hight, President


Kevin Carter, Secretary