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RESOLUTION 2010-01
SUPPORTING PROPOSED GRANT OF INDEMNITY SELECTIONS FOR STATE TRUST
LANDS IN WILDERNESS STUDY AREAS AND NATIONAL MONUMENTS

WHEREAS, there is proposed federal legislation the purpose of which would grant states the right to select unappropriated federal public lands upon relinquishment of title to state trust lands located within federal wilderness study areas and national monuments; and

WHEREAS, the proposed legislation is modeled on existing federal law which permits states to select federal lands as “indemnity” or “in lieu” lands for statehood grant lands for which title did not pass to the states due to pre-existing and future federal reservations; and

WHEREAS, the proposed legislation expands the grant of indemnity selections to situations where title to trust lands has previously passed to the states, but where subsequent federal action may deprive a state of full use of the granted land.

NOW THEREFORE, BE IT RESOLVED THAT the Western States Land Commissioners Association does hereby support and endorse the passage of the proposed legislation which is intended to provide a fair and efficient means for solving state inholding issues.

Approved this day January 13, 2010.



Patrick H. Lyons, President
Western States Land Commissioners Association



Dave Hebertson, Secretary
Western States Land Commissioners Association



RESOLUTION 2011-02
SUPPORTING PROPOSED FEDERAL LEGISLATION TO GRANT INDEMNITY
SELECTIONS FOR STATE TRUST LANDS IN FEDERAL CONSERVATION AREAS

WHEREAS, the location of state trust lands as inholdings within existing and proposed federal conservation areas has created long-standing management difficulties for state and federal land managers; and

WHEREAS, existing legal mechanisms for the exchange of state trust lands out of federal conservation areas have generally proved ineffective, expensive, and time consuming; and

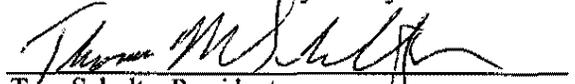
WHEREAS, the Western States Land Commissioners Association (WSLCA) and its members states have worked for several years to develop proposed federal legislation that would grant states the right to select unappropriated federal public lands upon relinquishment of the title to state trust lands located within federal conservation areas, as a means of eliminating conflicts between state and federal land management within federal conservation areas; and

WHEREAS, WSLCA enacted a resolution of approval of the concept of such legislation in January, 2010; and

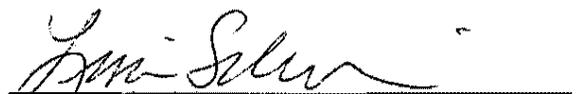
WHEREAS, after extensive consultation among the WSLCA and its member states, specific proposed legislation has been developed that would permit such selections;

NOW THEREFORE, BE IT RESOLVED, the Western States Land Commissioners Association does hereby support and endorse the passage of the proposed legislation as presented to the membership of the WSLCA, and requests that the members of the congressional delegations of each WSLCA state take all necessary actions to ensure the timely enactment of the proposed legislation into federal law.

APPROVED this 13th day of July 2011.



Tom Schultz, President
Western States Land Commissioners Association



Lisa Schneider, Secretary
Western States Land Commissioners Association



RESOLUTION 2012-01 ENDANGERED SPECIES ACT

WHEREAS, recent controversies related to the Endangered Species Act have brought attention to potential shortcomings in the original statute adopted in 1973; and,

WHEREAS, these flaws relate to the statutory deadlines requiring the United States Department of the Interior or its agencies to make ninety-day and twelve-month findings regarding the suitability for placement of certain species on the endangered or threatened list; and,

WHEREAS, during the first three decades of its history the average number of species petitioned for consideration was generally less than thirty per year, allowing adequate time for a scientific determination as to whether listing a species as endangered or threatened was warranted; and,

WHEREAS, during the years 2007 through 2010 inclusive, the number of species petitioned for consideration was approximately 400 per year, overwhelming the ability of the US Fish and Wildlife Service (the responsible US DOI agency) to complete the necessary scientific research; and,

WHEREAS, the result of this dramatic increase in workload has resulted in litigation alleging that these agencies have failed to meet their statutory deadlines to make the ninety-day and twelve-month findings of threatened or endangered for the species; and,

WHEREAS, as a result of this litigation, the concerned federal agencies have entered into settlement agreements with the plaintiffs that could result in designation of petitioned species based upon a requirement of settlement which many not be guided by the best scientific and commercial data available as required by the Endangered Species Act; and,

WHEREAS, any such designation of a species as threatened or endangered that is not based on sound science will likely have a significant negative economic impact on state trust lands and public lands held by the member states of the WSLCA; and,

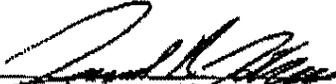
WHEREAS, a diminution in value and reduction of income from state trust lands and public lands would negatively impact the beneficiaries of these lands, such as public school children and other worthy beneficiaries; and,

BE IT THEREFORE RESOLVED THAT WSLCA respectfully requests that the US DOI and the United States Congress make whatever changes are necessary (including appropriation of funding) to the Endangered Species Act, or to the administration thereof, to ensure that a designation of species as threatened or endangered will be based solely on the best scientific and commercial data available.

BE IT THEREFORE RESOLVED THAT the terms of any litigation settlement must also adhere to this scientific standard and should fully preserve and comply with the administrative procedural safeguards set forth in the Endangered Species Act, which ensures that the public has notice and an opportunity to comment on any proposed listing.

BE IN FURTHER RESOLVED THAT a copy of this resolution shall be provided to the appropriate members of Congress and to the US DOI; and, that member states of WSLCA shall make every effort to inform the Congressional delegations of their respective states regarding the urgency of this resolution.

Adopted this 11th day of January, 2012.


Jarrod Johnson, President
Western States Land Commissioners Association


Lisa Schneider, Secretary
Western States Land Commissioners Association



RESOLUTION NO. 2012-SUMMER-01
SUPPORTING INLAND NAVIGABLE WATERWAY IMPROVEMENTS

Whereas, navigation of United States inland waterways and infrastructure, including locks and dams and the maintenance of channels, ports and harbors, is under the sole jurisdiction of the United States Army Corps of Engineers; and

Whereas, investment in inland waterway infrastructure is essential to the continued safe, economically-efficient, and environmentally-friendly transportation of goods and commodities from heartland producers to international markets; and

Whereas, Western State Land Commissioners manage agricultural lands, to the benefit of their constituencies, that produce goods and commodities that are shipped on inland waterways; and

Whereas, inland waterways support job creation and are essential to energy, manufacturing, and retail industries and the expansion of the Panama Canal is likely to strengthen Asian producers of goods and commodities with whom American producers compete; and

Whereas, current budget plans for investment in inland waterway infrastructure anticipates funding through Congressional budgeting and through trusts that capture revenue from inland waterway use fees (Trusts); and

Whereas, the Trusts have been depleted in recent years due to decreased revenues and increased demand for Trust revenue and the current Congressional rules banning earmarks benefiting only one Congressional district hamper needed inland waterway infrastructure projects, changes to the current financing system are needed to ensure that sufficient funds for necessary inland waterway infrastructure investment is available;

NOW THEREFORE, BE IT RESOLVED, the Western States Land Commissioners Association calls on Congress and the Administration to establish long-term, sustainable policies that:

Include and fund capital projects for the repair and replacement of infrastructure components of inland waterways;

Anticipate, study, and encourage the opening and development of new inland waterways to serve the heartland of the United States to support and create jobs;

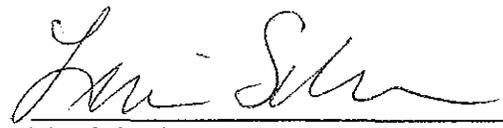
Improve navigable waterways through the deepening of channels and ports to maximize the efficiency of shipping on existing navigable inland waterways; and

BE IT FURTHER RESOLVED, that the membership of the Western States Land Commissioners Association maintain that inland waterways serve a regional purpose and that investment in inland waterway infrastructure benefits Western State trust land.

APPROVED this 11th day of July 2012.



Jarrod Johnson, President
Western States Land Commissioners Association
Association



Lisa Schneider, Secretary
Western States Land Commissioners



RESOLUTION 2014-02
EXPRESSING CONTINUED SUPPORT FOR PROPOSED LEGISLATION TO
GRANT INDEMNITY SELECTIONS FOR STATE TRUST LANDS IN FEDERAL
CONSERVATION AREAS

Whereas, the Western States Land Commissioners Association (“WSLCA”) and its member states have worked for several years to develop proposed federal legislation that would grant states the right to select unappropriated federal public lands upon relinquishment to the United States of title to state trust lands located within federal conservation areas, as a means of eliminating conflicts between state and federal land management within federal conservation areas; and

Whereas, through consultation and discussions with conservation groups, other governmental entities, and the public, prior draft proposals for such proposed legislation have been refined to take into account concerns and comments expressed by such groups; and

Whereas, the need for additional legislative means for resolving problems created by the location of state trust lands inholdings inside federal conservation areas remains pressing for WSLCA member states; and

Whereas, WSLCA and its member states, having reviewed modifications to the proposed legislation previously presented to the membership in connection with WSLCA Resolution 2011-02, fully support the modified proposal; and any subsequent modifications that retain the essence of original proposal.

BE IT THEREFORE RESOLVED THAT the WSLCA does hereby support and endorse the passage of the proposed legislation as presented to the membership of WSLCA, and requests that the members of the congressional delegations of each WSLCA state take all necessary actions to ensure the timely enactment of the proposed legislation into federal law.

Adopted this 15th day of January, 2014.

Kathy Opp, President
WSLCA

Lisa Schneider, Secretary
WSLCA



RESOLUTION 2014-03
CONCERNING THE PROPOSED DESIGNATION OF THE GREATER SAGE
GROUSE AND GUNNISON SAGE GROUSE AS PROTECTED SPECIES UNDER THE
ENDANGERED SPECIES ACT

Whereas, the Western States Land Commissioners Association (“WSLCA”) reaffirms its commitment to the conservation, preservation and restoration of America’s biodiversity; and

Whereas, the United States Fish and Wildlife Service has determined that listing the Gunnison Sage Grouse and the Greater Sage Grouse, including the Bi-State, Washington State, and other populations, as threatened or endangered under the Endangered Species Act (“ESA”) is warranted over all of their range; and

Whereas, the habitat of sage grouse covers more than 57 million acres of land in the Western United States; and

Whereas, members of the WSLCA manage millions of acres of lands and minerals which will be impacted by a listing of sage grouse under the ESA; and

Whereas, members of the WSLCA have state constitutional mandates to manage their lands and minerals for the generation of income for public education and other public purposes; and

Whereas, lands and minerals managed by the WSLCA member states are scattered and intermingled among millions of acres of federal ownership; and

Whereas, listing of sage grouse for ESA protection could have adverse effects on the economies of western states, including the ability of those states to generate funds from state trust lands; and

Whereas, states have primary jurisdiction for the management of wildlife within their own borders; and

Whereas, several states have crafted, or are in the process of crafting, their own management plans based on sound science and local information to conserve sage grouse populations while allowing for responsible economic growth within their state;

BE IT THEREFORE RESOLVED AS FOLLOWS:

1. The WSLCA recommends that if a state initiates a sage grouse conservation planning effort, the Secretary shall provide 10 years for states to develop and gain approval from the Secretary for their respective sage grouse conservation plans;
2. The WSLCA advocates that any decision to accept or decline a state's sage grouse conservation plan by the Secretary should be based on sound, peer-reviewed science;
3. The WSLCA recommends that all federal land use management plans and policies comply with the sage grouse management plan implemented by the state in that jurisdiction; and
4. The WSLCA urges Congress to take federal legislative action that allows states to craft their own conservation plans for sage grouse with final approval required from the Secretary of the Interior to protect and recover sage grouse species while allowing responsible economic development on Federal, State, and private lands.

Adopted this 15th day of January, 2014.



Kathy Opp, President
WSLCA



Lisa Schneider, Secretary
WSLCA



RESOLUTION 2014-04

CONCERNING THE PROPOSED CHANGES TO CLEAN WATER ACT JURISDICTION

Whereas, the Western States Land Commissioners Association (“WSLCA”) reaffirms its commitment to the conservation and preservation of America’s waters; and

Whereas, the Environmental Protection Agency (EPA) has proposed a rule to revise the regulatory definition of “waters of the United States” under the Clean Water Act; and

Whereas, the EPA’s proposed rule significantly broadens federal jurisdiction over state lands, waterways, and water resources in a manner that disregards sound science, contravenes Supreme Court precedent, and infringes on the constitutional and economic rights of western states and citizens; and

Whereas, members of WSLCA have state constitutional mandates to manage millions of acres of lands and waterways for economic development, public education, conservation, recreation, and other public purposes provided by state law, which will be significantly and adversely impacted if the proposed rule is adopted; and

Whereas, the proposed rule seeks to expand federal jurisdiction over wholly intrastate water bodies, wetlands, intermittently wet features, and all tributaries, regardless of their size, function, amount, and regularity of flow and relationship to traditional navigable waters, in contravention of Supreme Court precedent and the current scope of federal authority under the Clean Water Act; and

Whereas, the draft report the EPA claims as support for the proposed rule has not been finalized, has not undergone mandatory final peer review by the Science Advisory Board, and has not incorporated a rigorous analysis of the relationship of ephemeral systems to traditional navigable waters, instead lumping together ephemeral and intermittent systems as a basis to assert blanket jurisdiction over all tributaries; and

Whereas, the EPA fails to fully disclose and evaluate the negative economic impacts that will be caused by the rule, including the enormous impacts to land values, permitting and mitigation costs, and costs of project delays, all of which will severely harm the economies of the western states and impede the development, conservation, and productive use of public and private lands and scarce water resources; and

Whereas, many of the provisions of the proposed rule did not receive adequate state or local input, are vaguely written, and leave the regulated community without any clarity as to their regulatory status, thus exposing the regulated community to citizen suits and shifting the burden of proof to landowners to disprove federal jurisdiction; and

Whereas, states have primary jurisdiction for the management of bodies of water within their own borders, and several states have crafted, or are in the process of crafting, their own water management plans based on sound science and local information to conserve and preserve water and waterways while allowing for responsible economic growth within their state.

THEREFORE BE IT RESOLVED AS FOLLOWS:

1. WSLCA urges immediate suspension of the EPA's current rulemaking pending final peer review of the draft report entitled *Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence*. Any proposed changes to the regulatory definition of "waters of the United States" should not proceed until the conclusion of the required process for developing and evaluating regulatory options based on sound, peer-reviewed science.
2. WSLCA calls upon the EPA to respect the limits of Supreme Court precedent and the scope of federal authority under the Clean Water Act, and to refrain from any efforts to extend regulatory jurisdiction to reach tributaries, waterways, wetlands, and other water bodies and systems that lack a significant nexus to navigable waters as traditionally understood.
3. WSLCA urges the EPA to explicitly state that the revised standards in the proposed rule do not apply to projects and lands already delineated under existing standards. Given the magnitude of the current proposal, it is critical to recognize the validity of existing delineations and protect the rights and interests of landowners relying on the federal government's existing jurisdictional determinations.
4. WSLCA recommends that all federal land use management and water management plans and policies strictly comply with and conform to the state water management plans and policies implemented in each state's jurisdiction.
5. WSLCA urges Congress to take federal legislative action to preserve the primary responsibilities and rights of states to prevent, reduce, and eliminate pollution of waters wholly within a state while allowing responsible economic development of state and private lands and water resources.

Adopted this 22nd day of July, 2014.



John Thurston, President
WSLCA



Lisa Schneider, Secretary
WSLCA



RESOLUTION 2014-05
ENDANGERED SPECIES ACT

WHEREAS, recent controversies related to the Endangered Species Act have brought attention to potential shortcomings in the original statute adopted in 1973; and,

WHEREAS, these laws relate to the statutory deadlines requiring the United States Department of the Interior or its agencies to make ninety-day and twelve -month findings regarding the suitability or placement of certain species on the endangered or threatened list; and,

WHEREAS, as a result of this litigation, the concerned federal agencies have entered into settlement agreements with the plaintiffs that are often not transparent to the public and could result in designation of petitioned species based upon a requirement of a settlement which may not be guided by the best scientific and commercial data available as required by the Endangered Species Act: and,

WHEREAS, a diminution in value and reduction of income from state trust lands and public lands would negatively impact the beneficiaries of these lands, such as public schoolchildren and other worthy beneficiaries: and,

WHEREAS, state trust lands and public lands created for the benefit of public education are faced with the option of divesting trust lands because they are not able to generate revenue from these lands.

NOW BE IT THEREFORE RESOLVED THAT Western States Land Commissioners Association (WSLCA) respectfully requests that the United States Congress enact legislation that provides transparency to the public regarding the data used by federal agencies for listing determinations under the Endangered Species Act.

AND BE IT FURTHER RESOLVED THAT WSLCA respectfully requests that the United States Congress enact legislation that would require federal agencies to track, report to Congress and make available funds expended to respond to ESA lawsuits, the number of agency employees dedicated to respond to and work on litigation related to the ESA and the amount of attorneys fees awarded in the course of ESA litigation and settlement agreements.

AND BE IT FURTHER RESOLVED THAT WSLCA respectfully requests the United States Congress enact legislation that would require the US Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) to include and consider scientific data submitted by State and Local governments before making a listing determination.

AND BE IT FURTHER RESOLVED THAT WSLCA respectfully requests the United States Congress to enact legislation that caps attorney's fees under the Equal Access To Justice Act, making the ESA consistent with other federal laws.

AND BE IT FURTHER RESOLVED THAT the terms of any litigation settlement must also adhere to this scientific standard and should fully preserve and comply with the administrative procedural safeguards set forth in the Endangered Species Act, which ensures that the public has notice and an opportunity to comment on any proposed listing.

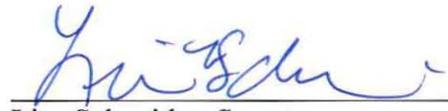
AND BE IT FURTHER RESOLVED THAT WSLCA respectfully requests that the US Department of the Interior (DOI) and the United States Congress change the Endangered Species Act and/or use of the Judgment Fund, or the administration thereof (including with regard to appropriation of funding), to ensure that no federal funding can be spent on private litigants' attorneys fees or other costs of litigation against the US Fish and Wildlife Service for failure to list a species.

AND BE IT FURTHER RESOLVED THAT a copy of this resolution shall be provided to the appropriate members of Congress and to the US DOI; and, that member states of WSLCA shall make every effort to inform the Congressional delegations of their respective states regarding the urgency of this resolution.

Adopted this 22nd day of July, 2014



John Thurston, President
WSLCA



Lisa Schneider, Secretary
WSLCA



RESOLUTION 2015-03
ENDANGERED SPECIES ACT

WHEREAS, petitions to list multiple species for protection under the Endangered Species Act (ESA) draw attention to potential shortcomings in the original statute adopted in 1973; and,

WHEREAS, these petitioned listings result in the United States Department of Interior (DOI) and United States Department of Commerce (DOC), namely the US Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), being unable to meet the 90 day and 12 month statutory deadlines required by the ESA; and,

WHEREAS, these petitioned listings artificially create violations of the ESA's statutory deadlines allowing groups to file suit against the FWS and NMFS; and,

WHEREAS, due to the subsequent litigation, the concerned federal agencies have entered into legal settlements with the plaintiffs that are often not transparent to the public, which can result in listing of petitioned species that may not be guided by the best scientific data available as required by the ESA; and,

WHEREAS, a loss of value and reduction of income from congressionally granted state trust lands and public lands would negatively impact the beneficiaries of these lands, such as public school children and other beneficiaries.

NOW BE IT THEREFORE RESOLVED THAT the Western States Land Commissioners Association (WSLCA) respectfully requests that the United States Congress enact legislation that provides transparency to the public regarding the data used by federal agencies prior to listing determinations under the ESA.

AND BE IT FURTHER RESOLVED THAT WSLCA respectfully requests that the United States Congress enact legislation that would require federal agencies to annually track, and report to Congress, all agency funds expended and the number of agency employees dedicated to the aforementioned litigation; as well as all attorney fees awarded to plaintiffs associated with any subsequent settlement.

AND BE IT FURTHER RESOLVED THAT WSLCA respectfully requests the United States Congress enact legislation that would reconfirm the FWS's and the NMFS's obligation to include and consider scientific data submitted by state and local governments, who generally possess the best knowledge of species within their borders, before making a listing determination.

AND BE IT FURTHER RESOLVED THAT WSLCA respectfully requests the United States Congress to enact legislation that limits attorney fees under the ESA making it consistent with other federal laws.

AND BE IT FURTHER RESOLVED THAT WSLCA respectfully requests the United States Congress strengthen state authority over non-migratory and non-ESA listed wildlife and provide deference to state conservation and management plans to protect candidate species under the ESA.

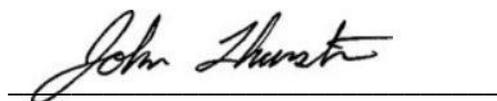
AND BE IT FURTHER RESOLVED THAT WSLCA respectfully requests the United States Congress require that any federal critical habitat designations defer to state determinations of such habitat.

AND BE IT FURTHER RESOLVED THAT WSLCA respectfully requests the United States Congress to enact legislation to change the 90 day and 12 month statutory deadlines currently outlined in the ESA so that the FWS and the NFMS have a reasonable timeframe to respond to proposed candidate listings and should this new timeframe be exceeded an administrative remedy can be sought that is transparent and open to the public and done outside the court system.

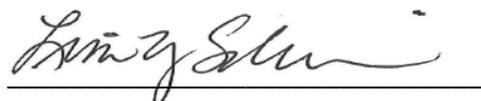
AND BE IT FURTHER RESOLVED THAT the terms of any subsequent litigation settlement must comply with the best available science standard and ensure the public has notice and an opportunity to comment.

AND BE IT FURTHER RESOLVED THAT a copy of this resolution shall be provided to the appropriate members of Congress and to the DOI and DOC; and, that member states of WSLCA shall make every effort to inform the Congressional delegations of their respective states regarding the urgency of this resolution.

Adopted this 22nd day of July, 2015



John Thurston, President



Lisa Schneider, Secretary