

# MANAGING THE WEST

*...serving the future*

Summer 2015

Volume 3 - Issue 4



## 2015 WSLCA

### Executive Committee

John Thurston, President  
Arkansas  
commissioner@cosl.org

Brent Goodrum, Vice President  
Alaska  
brent.goodrum@alaska.gov

Lisa Schneider, Secretary  
Utah  
lisaschneider@utah.gov

Keith Kuhlman, Treasurer  
Oklahoma  
keith.kuhlman@clo.ok.state

Tom German, General Counsel  
Wisconsin  
tom.german@wisconsin.gov

Kathy Opp, Executive Director  
Idaho  
kathyjopp@gmail.com

23 states

400+ million acres

\$3.8 billion in 2012  
for public education

Learn more at  
[www.wslca.org](http://www.wslca.org)

Welcome to the Summer 2015 issue of *Managing the West*...

Greetings colleagues! I hope you all are having an enjoyable summer and that everyone has made it through their legislative sessions and fiscal year ends and are looking onward to the remainder of 2015. It has already been a busy year with important rulings on the federal level being announced and changes within our own states. The WSLCA has submitted comments and letters on many of these federal issues and are working to lead the course of change. We will have much to discuss when we meet again in Moab.

Speaking of the conference, I hope you are registered and ready for a great time. Kevin Carter and his staff have prepared a packed agenda of networking, discussions, presentations and even some outdoor fun. Don't forget to bring good shoes, a hat and some sunscreen for the optional hikes!

Our committees have also been hard at work in the interim and are excited to share their work with everyone. I hope that you will join in during their meetings and learn about their projects and how you can help. Also, be sure to check out the strategic planning update on Wednesday of the conference as we recap the past year and unveil our future plans of action.

As this is my last time to be writing to you as president of the WSLCA I want to take a moment to reflect on my year of leadership. I began my term at a critical time in our organization. We were only a few months into a new era and the implementation of our strategic plan. It has been amazing to see the phases of the plan come to fruition and for the committees to jump on board with their action plans as well. We have come so far from where we began. Our voice is being heard. We are building foundations that will stand. We are taking part at a higher level and we are seeing that work pay off.

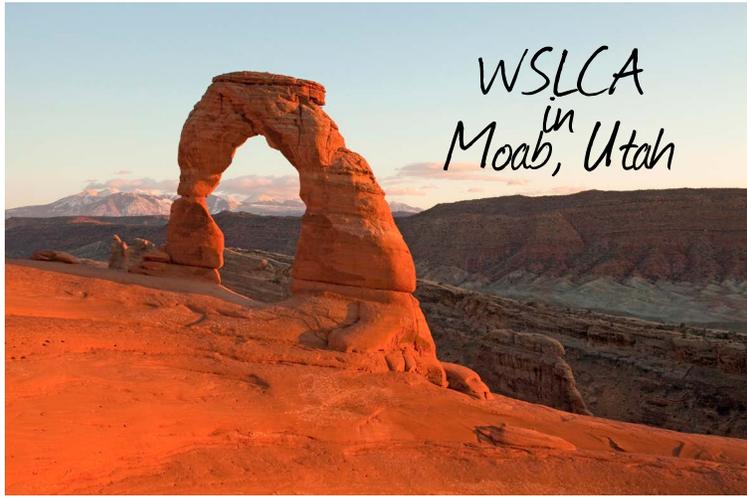
I cannot speak highly enough of our membership and their faith in the leadership of the WSLCA and willingness to participate in our ever evolving organizational roles. I believe this time next year you will see even more positive changes and results from YOUR work in the WSLCA. It has been an honor and a pleasure to serve you and lead you over the last year. We continue to move in the right direction and I am proud to have played a role in our successes.

As always, my "door" is open and I welcome the sharing of ideas and suggestions. Should you need anything please feel free to contact me.

  
John Thurston  
Arkansas Commissioner of State Lands  
President, WSLCA

## Focus on the summer conference...

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### Additional Moab, Utah information

For those joining us in Moab, Utah for the 2015 WSLCA Summer Conference: The Moab Adventure Center is offering a 10% discount to WSLCA conference attendees who book excursions online: <http://www.moabadventurecenter.com/>

Simply enter this discount code: WSLM2015 when booking a river rafting trip, climbing and canyoneering adventure, Jeep or Hummer safari, or any other activity they offer.

Also, here's a great video about Utah's five national parks. Moab is surrounded by Canyonlands and Arches national parks: <https://www.youtube.com/watch?v=QlKOcyf9I5M>

And finally, here are a few helpful websites for planning your trip:

City of Moab: <http://www.discovermoab.com/>

State of Utah: <http://www.visitutah.com/>

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### Committee meetings in Moab

#### *Some committee meetings at Moab conference call capable*

Host state Utah has a conference call capable speaker phone available for some committee meetings at the Moab summer conference. The Subsurface Lands Committee, Asset Management Committee and Communications Committee plan to use the speaker phone. If you have interest in attending these sessions, please contact these committee chairs for dialing instructions and passcodes. The phone line will be open approximately 5 minutes prior to meeting start times shown on the conference schedule.

### Committee agenda highlights

Communications- Monday, July 20 @ 1:30pm  
Presentation of 2015-16 action plan

Legislative- Monday, July 20 @ 1:30pm  
Washington update  
NAAQS impact on rural areas  
ESA resolution discussion

Surface and Land Tenure- Monday, July 20 @ 3:30pm  
ESA solution case study by affiliate member Apex Titan  
Panel discussion on the future of sage grouse management

Sub Surface- Monday, July 20 @ 3:30pm  
Presentation of 2015-16 action plan

Asset Management- Tuesday, July 21 @ 1:45pm  
Fiduciary governance presentation by affiliate member, BOK Financial

Submerged Land and Water- Tuesday, July 21 @ 3:45pm  
Presentation of 2015-16 action plan

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### WSLCA committee action plans deliver current year success and set strategic focus for 2015/16

During our first full year of implementation under our strategic plan, the association has made great strides in its collective advocacy and in meeting member needs. Supporting each other regionally and nationally is an important aspect of the WSLCA. It is what brought us together decades ago and continues to be an enduring value. Our collective voice, whether we are helping one state or many, is important to leveraging influence. One significant way we bring value to our members is through a strong, unified voice and behavior.

This past year the WSLCA exercised its voice by filing comments and expressing concerns to national leaders about the need for Endangered Species Act revisions. We engaged in collaborative work on state sage grouse plans, and worked on fully understanding and implementing the existing National Ambient Air Quality Standard before faced with another decrease that could have serious nonattainment consequences to our rural communities. Most recently, we sent a letter to each member of congress reiterating our concerns and our policy resolution position regarding the Waters of the United States (WOTUS) final rulemaking decision. These and other timely actions have raised awareness of the WSLCA and the important role that all of our members play in ensuring responsible development and use of working

lands across the West to fund education and support other worthy institutions.

Often our committee leaders are the first to identify an issue of concern or point out a need for greater training and collaboration. The vision of committee leaders for the coming year is exciting. More education opportunities are planned so members can obtain needed continuing education requirements or simply understand how a particular agreement is structured in a neighboring state. Smaller, more specific conferences like the April 2015 Royalty Policy Working Group conference are planned next year. These events will target the needs of front line staff; those who on a daily basis develop leases and perform essential regulatory and compliance functions. Similarly, the Asset Management Committee continues to study best practice in portfolio management. This group plans to explore developing self-study and webinar based learning over the coming year. Finally, as a result of conversations with state leaders last fall and winter, the association created a new Data Sharing Committee. The repository for this long needed endeavor will be a website hosted by Arizona State University. The advisor group is just getting underway prioritizing tools and resources to gather and share in one convenient location. Stay tuned over the next few months as this strategic project begins to build out.

Each WSLCA committee is developing its 2015-16 action plan for presentation and discussion at the Moab conference. Be sure to participate in the strategic plan update session on Wednesday, July 22<sup>nd</sup>. Following the conference, the annual report and final committee action plans will be posted to the WSLCA website.

## WSLCA sends letter to Members of Congress regarding “Waters of the United States” rulemaking

At last summer’s North Dakota conference members began to gain an understanding of the potential magnitude of the EPA and Army Corps of Engineers rulemaking intended to clear up confusion about the reach of the Clean Water Act that was passed in 1972. Subsequently, the association adopted a resolution and filed comments expressing concern about proposed changes to federal oversight contemplated by the rule. The recent release of the final rule has prompted a variety of bill proposals aimed to halt its implementation. Consistent with our policy resolution, WSLCA leadership recently sent a letter to all members of congress communicating our member concerns regarding the rule. See page 10 and 11 to view the letter.

## Updated ESA resolution ready for discussion

Endangered species listings and contemplated actions continue to be on the minds of most WSLCA members. In the May issue of *Managing the West* we reported a variety of ESA related legislation being contemplated in Washington, D.C. (see the ESA updates [here](#)). Our thanks to Kaleb Bennett (TX) who has drafted an update to our existing WSLCA resolution expressing member concerns regarding settlement actions and a general unwillingness of the services to accept state and local data. It is important to keep our issues in front of national leaders. Therefore, the updated resolution will be discussed and passed through appropriate committees for voting during the Moab conference. See page 8 and 9 for the draft resolution.

## 2015-16 draft association budget

WSLCA Treasurer, Keith Kuhlman (OK), has prepared the following draft budget for the coming fiscal year. Please feel free to contact any member of the executive committee if you have questions about the budget proposal. An association budget will be reviewed and approved as part of the business meeting on Wednesday, July 22<sup>nd</sup>.

<b>Western States Land Commissioners Association Strategic Initiative Budget July 1, 2015 - June 30, 2016</b>	
BEGINNING BALANCE (checking)	\$ 180,387.10
<b>EXPECTED RECEIPTS:</b>	
Member Dues	\$ 105,125.00
Donations/Affiliate Members	\$ 39,000.00
Refund of Conference Advances	\$ 14,000.00
Money Management Fund Interest	\$ 100.00
Member State Prof. Development Fee	\$ 25,000.00
<b>TOTAL EXPECTED RECEIPTS</b>	<b>\$ 183,225.00</b>
<b>TOTAL CASH AVAILABLE</b>	<b>\$ 363,612.10</b>
<b>EXPECTED EXPENSES:</b>	
Conference Advances	\$ 20,000.00
Washington DC Representative Fee	\$ 60,000.00
DC Representative and Executive Director Travel	\$ 12,000.00
Postage and Supplies	\$ 2,500.00
CLASS Associate Membership Dues	\$ 2,500.00
Miscellaneous Expenses and Fees	\$ 10,000.00
Audit Expense	\$ 3,000.00
Land Steward Scholarship	\$ 7,500.00
Executive Director Fee	\$ 51,000.00
<b>TOTAL EXPECTED EXPENSES</b>	<b>\$ 168,500.00</b>
<b>RECEIPTS LESS EXPENSES</b>	<b>\$ 14,725.00</b>
<b>Expected Ending Balance (checking)</b>	<b>\$ 195,112.10</b>
Certificate of Deposit 13 month	\$ 52,064.92
<b>ENDING BALANCE (ALL FUNDS)</b>	<b>\$ 247,177.02</b>

## Other news...

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### Members of WSLCA attend recent WGA meeting

Brent Goodrum, WSLCA's Vice President and Allen Freemyer had the opportunity to attend the Western Governors Association (WGA) meetings in Incline Village, Nevada this past month to continue WSLCA's valuable relationship with WGA. Attending the various presentations, they were able to gather important insight into the priorities of the Governors and to form relationships with attendees and Governor's offices. Outgoing WGA President, Governor Brian Sandoval of Nevada has focused WGA on drought issues and released WGA's first year report on the Western Governor's Drought Forum. Other issues discussed were transportation, enhanced oil recovery issues, agriculture, water resource management and minerals policy. Secretary Sally Jewell provided some fireworks during her speech which focused primarily on sage grouse and the recently released land use plan amendments which will govern sage grouse protections on federal lands. Several Governors expressed frustration with the process, the plan amendments, and the refusal of the Secretary to respect the actions of the states to recover sage grouse. These meetings occurred on the eve of protests being filed and during the Governor's consistency review period for the land use plans.

On behalf of WSLCA, Brent and Allen had opportunities to interact with many of the participants of the conference to spread the word about WSLCA and discuss how our issues are similar to those of WGA and its members. Several companies were approached to discuss affiliate membership in WSLCA and the early reports are that we have likely attracted at least two new affiliate members.

Governor Matt Meade of Wyoming is the incoming President of WGA and he concluded the conference by expressing his interest in pursuing an examination of the Endangered Species Act and the impacts of the Act on western states. This issue clearly provides an opportunity for further collaboration between WGA and WSLCA. Governor Steve Bullock of Montana is incoming Vice President for WGA.

### New GASB fair value measurement standard impacts state financial reporting of constitutionally granted lands

In February 2015 the Governmental Accounting Standards Board (GASB) published its final statement for the treatment for valuing and reporting governmental assets in Statement No. 72 Fair Value Measurement and Application (Final Statement). State Controllers, Treasurers and Auditors will be applying the requirements to state endowment and institutional trust lands during the preparation of Comprehensive Annual Financial Reports (CAFR) for fiscal year 2016, which for most states begins July 1, 2015 and ends June 30, 2016.

For many years WSLCA has interacted with GASB explaining the nature and long term purpose of constitutionally granted lands, both sovereign lands and endowment trust lands. Chief among our concerns has been the complexity and cost that would be associated with an acre by acre or asset by asset valuation; and to what end given the perpetual nature of most state land holdings. In early drafts of the statement GASB contemplated a specific exemption for state trust lands but the Final Statement scope and applicability do not provide such exemption. The application of the fair value investment standard rests on several key decisions of the reporting entity regarding: 1) Unit of Account of the asset, and 2) Present Service Capacity Based Solely on an Ability to Generate Cash.

Representatives from GASB and the WSLCA recently held a conference call to discuss the final statement and asset reporting decisions. The association developed a white paper following these discussions [[click here to see the full text](#)]. A GASB implementation guide is scheduled for release in Fall 2015, however, additional discussion specific to constitutionally granted land may not be included. Members are advised to review the white paper and visit with the entity in your state responsible for CAFR preparations as soon as possible to ensure mutual agreement on presentation and requirements.

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### WSLCA Spring 2016 conference!

The WSLCA will be returning to our nation's capitol next year for a host of networking opportunities and educational meetings. We will be staying at the Phoenix Park hotel and the dates are February 29 - March 3. Look for more information soon on the WSLCA website and see a draft agenda on [page 12](#).

## Affiliate Memberships...

WSLCA has adopted an Affiliate Membership program in order to provide public and private entities and individuals who share common interests in the WSLCA's objectives with an opportunity to formally communicate and cooperate with WSLCA members. The program allows Affiliate Members the opportunity to participate in the WSLCA's biannual conferences and to talk directly with other members on issues important to both. Applicants must be a corporation, non-profit entity, or an individual that has been recommended by a member state, approved by the WSLCA Executive Committee and paid at least one year of annual dues. Please see the affiliate page of the WSLCA 'Affiliate Members' web page for more information.

### 2015 Affiliate Members

Anadarko  
Alta Mesa Holdings, LP  
American Petroleum Institute  
Apex TITAN, Inc.  
Bank of Oklahoma Financial  
ConocoPhillips  
DMB  
DRZ Investment Advisors  
EOG Resources  
EnergyNet  
First Solar  
Freeport-McMorRan  
Grant Thornton  
Hein & Associates  
Holland & Hart  
ITC  
Land Advisors  
National Mining Association  
RioTinto  
RVKuhns & Associates, Inc.  
Sonoran Institute  
Salt River Project  
Torch Renewable Energy  
Trendwell Energy Corporation  
USEcology  
Vanguard

## Affiliate Member Spotlight...



EOG Resources, Inc., one of the largest independent crude oil and natural gas companies in the United States, joined the WSLCA as an affiliate member in December 2014. The company was formed in 1999, with corporate headquarters in Houston, Texas.

EOG's American operating areas extend from the Williston Basin in Montana and Wyoming to southern Texas. The company also has operations in the Pittsburg area. Operations outside the U.S. are located in Canada, China, Trinidad and Tobago, and the UK.

EOG, Inc. is the largest onshore crude oil producer in the lower 48 states. In 2014, their North American production volumes were 54 percent oil, 31 percent natural gas, and 15 percent natural gas liquids. They also are the largest crude oil producer in the state of Texas.

In 2011, EOG was honored with a Product Stewardship Award from BNSF Railway for safe transportation of hazardous materials; in 2012 they received a Business Friend of the Environment Award from the Wisconsin Manufacturers & Commerce organization; and in 2013, EOG former CEO Mark Papa was named by Harvard Business Review as one of the 100 best performing CEOs in the world.

WSLCA welcomes EOG Resources, Inc. as a new affiliate member!



# What's Happening...

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## Idaho

### *Idaho keeping public school timber sale on track despite lawsuit*

(LEWISTON) – The State Board of Land Commissioners (Land Board) and Idaho Department of Lands (IDL) are standing by the U.S. Forest Service and moving forward with plans to auction an Idaho County fire-burned timber sale that is expected to bring in approximately \$1.6 million for Idaho's public schools, despite efforts by a neighboring landowner and an environmental group to thwart completion of the sale through litigation against the federal agency.

In May, Idaho Rivers United (IRU) joined a landowner in suing the Forest Service to block the public – including logging contractors on an IDL timber sale – from accessing a Forest Service public road that borders the landowner's property. The portion of the road at issue is approximately 700 feet long. The Land Board and IDL filed a motion today to intervene in the lawsuit as defendants. The timber sale auction was held Friday, June 19 at 3 p.m. at the IDL office located at 913 Third Street in Kamiah.

In its intervention filings, the Land Board and IDL seek to protect the interests of Idaho's endowment lands, which provide financial support to public schools and other State institutions, by carrying out the Land Board's authorization of the salvage sale. The pleadings state in part, "Idaho has a substantial interest in this matter because Road 652 provides the only practicable access to the parcel. Without the ability to use Road 652 to conduct the salvage operations on the parcel, Idaho will be unable to protect that portion of the endowment...from spoliation due to decreased timber values, harmful erosion and insect infestation to healthy trees (both on and off the state parcel)."

A copy of the Land Board and IDL's brief supporting their intervention request is [attachment 1](#).

The Selway Salvage Sale will remove 6.8 million board feet of timber near Lowell in Idaho County that burned in the Johnson Bar Fire in 2014. Proceeds from the sale, worth an estimated \$1.6 million, will go into an endowment fund that supports Idaho's public school system. The timber sale was put together by a team of foresters with

support from an engineering geologist, fisheries biologist, and forest hydrologist. By salvaging the fire-killed timber IDL will reduce the spread of bark beetles and ensure the establishment of a new healthy forest that will provide future benefits to Idaho's public schools. A detailed fact sheet on the Selway Salvage Sale is [attachment 2](#).

"By intervening in the lawsuit and moving ahead with the timber sale auction we are acting in the best interests of the State and its beneficiaries, especially since 1.6 million dollars for Idaho's school children are at stake along with the long-term health of this public school endowment forest and the water that surrounds it," IDL Director Tom Schultz said. "We are confident that the eventual timber sale purchaser has the right of access to the State parcel without the need for Forest Service approval, and we're confident in the environmental integrity of our timber sale, which was put together by experienced foresters and scientists."

The IDL attempted to work with the landowner so the timber harvesting and replanting could move forward. Days after IDL met with him, the landowner and IRU filed a lawsuit against the Forest Service.

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## Utah

### *Changes to grazing policy*

The Utah School and Institutional Trust Lands Administration (SITLA) Board of Trustees approved new grazing policy and rule changes related to the notice of expiring grazing permits; reimbursement for approved range improvements; and the maximum terms of grazing permits.

New policy and rule changes will allow Utah SITLA to publish notice of expiring grazing permits on the agency website and in grazing industry newsletters. This policy change should make it easier for potential permittees to



identify areas where competing bids will be accepted.

The Board of Trustees also approved new policy and rule changes clarifying procedures for reimbursing permittees who lose the use of range improvements where trust land is sold, exchanged, withdrawn, or which is otherwise made unavailable. In a situation where a competing bid is submitted, the bidder will be required to submit an amount, determined by Utah SITLA, to reimburse the holder of an authorized range improvement project in addition to the competing bid.

The policy and rules regarding the extension of grazing permits was also changed. The maximum term of a grazing permit is 15 years and no extensions are allowed. However, if no competing interest is manifested upon expiration of a permit, the incumbent permittee qualifies for an additional 15-year term.

In addition, part of the approved rule changes complement existing board policy adopted in 2013 addressing grazing tenure of permits associated with land exchanges. Those rule changes call for two-term, non-compete protections for grazing permits transferred from the Bureau of Land Management to SITLA.

Initially, draft changes to policy and accompanying rules called for more aggressive advertising of expiring permits. However, negotiations with livestock industry leaders resulted in Utah SITLA's agreement to withdraw plans to advertise aggressively in exchange for increasing the assignment fee assessed by Utah SITLA when permits are assigned from one party to the other through independent business transactions. The assignment fee is currently \$1 per AUM. The increase is yet to be determined, and

Utah SITLA will discuss appropriate adjustments with industry leaders.

### *Trust land auction earns \$1.9 million for public schools*

The Utah School and Institutional Trust Lands Administration (SITLA) sold six trust land parcels at its biannual public auction June 3, earning \$1,957,000 for Utah's Permanent School Fund.

Four separate parcels in Garfield County sold for a total of \$647,000; a parcel in Millard County sold for \$260,000; and a large 1,500-acre parcel in Grand County sold for \$1.05 million.

All proceeds from sales of these school trust lands are deposited into the Permanent School Fund to grow the principal balance, which is now over \$2 billion. Interest and dividends from this trust fund are distributed annually to Utah's public schools, and totaled \$40 million last year.



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### *The Utah School and Institutional Trust Lands Administration (SITLA) is actively recruiting for a Director*

The SITLA Director manages and supervises the administration at the discretion of the Trust Lands Board of Trustees. The Director consults with the board, beneficiaries, and other stakeholders to determine how best to meet the Trust Lands' mission statement requirements and policies.

#### The Director:

Approves projects and requests from the various stakeholders and sees that they have adequate staff and resources assigned.

Makes recommendations and presentations to the board and follows-up on assignments as suggested by the board.

Has broad authority to manage the School and Institutional Trust Lands Administration.

Establishes procedures and rules for the day-to-day activities of the administration to carry out the policies of the Board of Trustees as outlined in Utah Code 53C-1-303.

If you are interested or know of a qualified candidate, please email a resume to Corrie Steeves at [csteeves@utah.gov](mailto:csteeves@utah.gov). You may also direct any questions regarding this position to Corrie Steeves at (801) 538-1018. For a complete job announcement, please visit <http://statejobs.utah.gov/jobseeker/>



*Draft* RESOLUTION 2015-xx  
ENDANGERED SPECIES ACT

**WHEREAS**, controversies related to significant nominations of proposed candidate listings of certain species for protection under the Endangered Species Act (ESA) draw attention to potential shortcomings in the original statute adopted in 1973; and,

**WHEREAS**, these proposed candidate listings result in the United States Department of Interior (DOI) or its agencies, 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 deliberate practices artificially created violations of the ESA's statutory deadlines allowing groups to file suit against the FWS and NMFS; and,

**WHEREAS**, due to this litigation, the concerned federal agencies have entered into legal settlements with the plaintiffs that are often not transparent to the public, and can result in designation of petitioned species which 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 constitutionally granted state trust lands and public lands would negatively impact the beneficiaries of these lands, such as public school children and other worthy beneficiaries; and,

**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 for 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 track, and report to Congress the agency funds expended to respond to aforementioned lawsuits, the number of agency employees dedicated to respond to and work on litigation related to the ESA and the amount of attorney 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 FWS and the NMFS 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 Equal Access To Justice Act, making the ESA consistent with other federal laws.

**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 FWS and 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 litigation settlement must also adhere to this scientific standard and should fully preserve and comply with the administrative procedural safeguards set forth in the ESA, which ensure that the public has notice and an opportunity to comment on any proposed listing.

**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, 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 22<sup>nd</sup> day of July, 2015

\_\_\_\_\_  
, President  
WSLCA

\_\_\_\_\_  
, Secretary  
WSLCA

John Thurston  
President, WSLCA

Kathy J Opp  
Executive Director, WSLCA



120 N. Robinson St.  
Suite 1000W  
Oklahoma City, OK 73102  
405-521-4012

June 19, 20145

The Honorable [name]  
United States Senate  
[address] Senate Office Building  
Washington, DC 20510

Dear Senator [name]:

We, the Western States Land Commissioners Association (WSLCA), urge Congress to oppose the proposed rule, Definition of "Waters of the United States" under the Clean Water Act (WOTUS). We urge Congress to take all actions necessary to suspend or block this rule given that it contravenes Supreme Court precedent and federal statutory authority. The WOTUS rule will severely impact states abilities to generate income from their school trust lands and assets across our 23 member states.

WSLCA is led by the land commissioners of 23 states, which together manage over 440 million acres of land, mineral properties, submerged lands, and water resources. Collectively, WSLCA's membership represents the nation's second largest landowner. Under state constitutional and statutory mandates, WSLCA members manage public lands and natural resources to generate income for the benefit of K-12 public education and to support other public purposes provided by state law. WSLCA also consists of affiliate members representing businesses, industries, and organizations that support WSLCA's mission and help to conserve, develop, and maximize the value of the lands and natural resources within the western states including the waterways under review in the rulemaking.

The EPA has failed to give due regard to the core principles of federalism embodied in the Clean Water Act, which states in relevant part : "[i]t is the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of States . . . to plan the development and use . . . of land and water resources." 33 U.S.C. § 1251(b). In conflict with this core principle, the EPA's rulemaking has proceeded without adequate state consultation and without appropriate consideration of local plans and priorities for land and water resources. As a result, the proposed rule is marked by regulatory uncertainty and overreach. If adopted, the rule will



significantly interfere with the rights, duties, and economic interests of western states and landowners. Most importantly, the WOTUS rule will damage our ability to fund public education in our states. The WOTUS rule will directly impact 23 state education budgets as it will impair our ability to effectively manage the 440 million acres of lands and minerals which are held in trust for our school children and individual state residents.

WSLCA requests that Congress take swift action to prevent implementation of the recently released final rule. If the rulemaking process should be reinstated, the rule should be developed from a process based on peer-reviewed scientific studies and comprehensive economic analyses, through input from landowners and state and local officials, and full integration of state land and water management authorities and plans.

Thank you for your consideration of our concerns on this matter.

Sincerely,

A handwritten signature in black ink, which appears to read "John Thurston". The signature is fluid and cursive, written in a professional style.

John Thurston, President  
Western States Land Commissioners Association  
[commissioner@cosl.org](mailto:commissioner@cosl.org)  
501-324-9422  
[www.wslca.org](http://www.wslca.org)



*Phoenix Park Hotel*

**SPRING 2016 - WASHINGTON, D.C.**

February 29 – March 3, 2016

Phoenix Park Hotel

[www.PhoenixParkHotel.com](http://www.PhoenixParkHotel.com)



**Monday, February 29**

1:00 – 5:00 p.m.

**Registration**

3:30 - 5:00 p.m.

**Executive Committee Meeting**

Georgian Room

**Tuesday, March 1**

7:00 - 10:00 a.m.

**Registration**

8:00 - 12:00 p.m.

**General Session**

WSLCA President's Welcome Address

Phoenix Park Ballroom

**Federal Agency Presentations TBD**

***TBD Examples Include:***

BLM, USFWS, USFS Congressional Members from WSLCA members states, House/Senate Natural Resource Committee Members, etc.

12:15 - 1:45 p.m.

**Lunch - Keynote Speaker**

Georgian Room

2:00 - 5:00 p.m.

**Panel Discussions on Key Initiatives**

***TBD Examples Include:***

ESA Listing Alternatives & State Plans  
Current Legislation/Rule Promulgation, Impacts to States and Solution Discussions

Phoenix Park Ballroom

5:00 p.m.

**Dinner on your own**

**Wednesday, March 2**

7:00 – 9:00 a.m.

**Breakfast**

Participants receive a voucher for the hotel restaurant

Phoenix Park

9:00 a.m. – 4:00 p.m.

**Hill Visits**

States schedule meetings in advance with their respective delegation members. Lunch on your own.

Capitol Hill

5:00 – 8:00 p.m.

**Closing Reception**

**WSLCA members and invited guests**

TBD

**Thursday, March 3**

7:00 – 9:00 a.m.

**Breakfast**

Georgian Room