

# MANAGING THE WEST

Wisconsin Arkansas Washington Nevada  
North Dakota Utah Alaska Arizona  
Wyoming Minnesota Missouri Kansas  
Texas Oregon South Dakota Oklahoma  
Montana Colorado New Mexico Idaho

Winter 2018

Volume 6 - Issue 1



## 2018 WSLCA

### Executive Committee

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20 states

515+ million acres

\$3.9 billion in 2015  
for public education

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

Welcome to the late Winter 2018 issue of *Managing the West*...

Thank you to everyone who attended the winter conference in Denver, Colorado. The abbreviated format is popular and serves our members well by providing concentrated time to work on committee initiatives and projects. A special thank you to Colorado State Land Board Director Bill Ryan, Kristen Kemp and the entire Colorado Land Board staff for hosting a memorable event. The conference included great informative sessions, including a restart to the Submerged Lands & Waterways committee, exploring potential collaborations with research professionals, a comparative asset management and investment policy study and a Communications Committee session that provided valuable information and presentation tools that can be shared among state land trust leaders and staff. Discussions with state leaders focused on a path forward that will maximize value to both state land offices and affiliate members.

Dr. Patty Limerick, Colorado State Historian, gave an interesting and captivating speech on the significance of state trust lands. As we work day to day it is easy to look past the farsightedness of our national founders who decided to support public education through the use of state trust lands. Dr. Limerick identified several unique perspectives about state trust lands. First, state trust land managers are in closer relationship to the founders than virtually anyone else. We “live with” the ideas of the founders in our daily work. State trust lands predate federal lands and national parks by several decades. Secondly, we represent a classic notion of true federalism. Third, we are the “poster child” for stewardship and sustainability of public resources managed as a perpetual trust. It is rare in America for public units to look at the world through the lens of long term posterity. Finally, we represent one of society’s most complex set of issues and relationships with our neighbors. Our lands are found at the corners of railroad spurs, in the middle of major intersections, beside rivers and lakes and sometimes inside of federal lands and national parks. These situations pose unique land management challenges that we as state land and asset managers face every day.

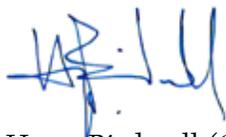
WSLCA state leaders and affiliate members are invited to attend a workshop on Friday, March 2nd in Phoenix, Arizona to discuss what states and affiliate members need from each other to maximize the best working relationship possible. This meeting will allow us to determine a preferred organizational structure for our “Friends of WSLCA.” Thank you to Freeport McMoRan for generously offering to host this meeting at their office in Phoenix. I encourage all state directors and affiliate representatives to attend this joint listening session so we form the best working relationship possible for our membership. More details to follow in the coming weeks.

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We are greatly surprised by the bittersweet news of Linda Fischer, Deputy Director of North Dakota Department of Trust Lands, retiring after 37 years of service. Linda has served as the secretary for WSLCA for the past 2.5 years, as well as, our expert host state “thank you” resolutions writer. She has been a wonderful colleague and friend. Congratulations, Linda on your well-deserved retirement. You will be missed and we wish you well.

I look forward to seeing all of you at the upcoming conference in Duluth, Minnesota. We have an exciting agenda full of robust, educational and timely sessions, exciting guest speakers and an exclusive mine tour. Another exciting and new feature of the summer conference is our collaboration with the University of Wisconsin – Stevens Point, to offer student scholarships. They will assist WSLCA with selection criteria and marketing so that we can fundraise and sponsor five (5) natural resource majors to attend the summer conference. This is a wonderful opportunity for students nearing degree completion to see the different aspects of land and asset management, and to mingle with industry professionals. Finally, another new feature with the summer conference is an ability to registration and pay with a credit card online through a new Eventbrite website. Go to the WSLCA homepage to plan your stay and register today! Thank you to the Wisconsin and Minnesota Land Offices for hosting our annual summer conference.



Harry Birdwell (OK)  
President, WSLCA



## WSLCA news...

### WSLCA Comments Halt Release of Shortsighted Policy Paper

As managers of a vast natural resource estate, and for some land office also serving as a member of their permanent fund investment board, WSLCA commissioners and directors know better than anyone the constant barrage of attacks to sell off state trust land or raid the permanent fund. Recently, nine-member states (AZ, CO, ID, MT, NM, OR, UT, WA, WY) were featured in a paper sponsored by the Cascade Policy Institute, “A Proposal to Generate Adequate Returns From Common School Fund Lands” by Eric Fruits, PhD. Dissatisfaction with the Oregon land board’s handling of the complex Elliot State Forest situation is the impetus for the author’s position that seven of nine states would be better off wholesale liquidating trust lands. The theory being there is less risk for mismanagement with financial trusts.

WSLCA executive director and several states took exception to the simplistic real estate sales ideology and Monte Carlo simulation presented. The very fact that WSLCA member state permanent funds total over \$140 billion dollars (more than Harvard, Princeton and Yale combined) is a testament to prudent, long-term management of the land assets. Annual revenues from the land provide the fuel for investing and better whole trust management. Citizens need to know about and understand the value these lands bring to their state’s economy, not only for education, but in providing clean air, clean water, and jobs.

We believe publication of Mr. Fruits paper would be a gross misrepresentation of the complexity of each states constitutional provisions governing land sales designed to preserve and protect public education beneficiaries in perpetuity. It is also folly to think that financial based trusts are more insulated from social political pressures to favor current beneficiaries in tough economic times. Land Boards and Land Commissioners have seen these pressures repeatedly over the last few years, and practically every decade prior. The ultimate challenge for any trustee is balancing the needs of future and current beneficiaries, and having the courage to fulfill the sacred trust they have been charged to protect.

Billed as Oregon’s premier public policy think tank, the Cascade Policy Institute, acknowledged that it extended its Oregon ideas across the western states. They are reportedly revising the paper due to the number of detailed comments received from circulating the draft. For WSLCA, the draft paper is another reminder of the

need to constantly educate the public about trust lands and how they bring connectivity to the landscape, as well as significant social, economic and educational benefits.

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## Association Secretary Transition

After nearly 37 years as a public servant for the State of North Dakota, 27 of those serving trust land beneficiaries, Linda Fisher has announced her retirement from State service effective February 28, 2018. In a recent conversation, Linda reflected fondly on the time spent collaborating with dedicated and competent professionals in the WSLCA who are truly committed to creating value for our beneficiaries through leadership, education and sound land management. For the past 2 ½ years she has served as the Association secretary. Linda not only kept us organized on minutes and resolutions, but she was the genius of host state “Thank You” resolutions – her gift with the rhyme is all but a crime. While serving on the executive committee, Linda was an active voice in the recently renewed WSLCA strategic plan that was adopted in summer 2017 – a plan she believes will “serve the Association and its member states well into the future, leaving the rich heritage and ‘story’ of trust land management in the west in committed and capable hands.”

We are very grateful to Bridget Hill, Director of the Wyoming Office of State Lands & Investments, for stepping into the WSLCA Secretary duties. President Harry Birdwell tapped Director Hill for the mid-term appointment, saying “she was the first person to come to mind and the association is grateful for her willingness to join the executive committee.”

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## Committee Leader Changes & Opportunities to Serve

South Dakota Land Commissioner, Ryan Brunner, who has served several years as chair of the Legislative Committee seeks a new chair person. Current vice-chair for the Legislative Committee, Kaleb Bennett (TX), plans to continue in a supporting role. The Legislative Committee reviews and determines implication of any Congressional or state legislation that may affect the membership and determines required actions due to pending or existing law.

There is an immediate need for a Resolutions Committee chair and vice-chair. The Resolutions Committee reviews any proposed resolutions and drafts documents for presentation to the association, typically at the business meeting.

After several years serving as vice-chair, then chair of the Asset Management Committee, Keith Kuhlman (OK) will shift focus to organizing the new affiliate member advisory council. Donna Caldwell (ID) will take over as *Asset Management* chair and Aaron Vande-Linde steps into the vice-chair role.

Finally, the Data Sharing Initiative will fold into the Communications Committee. This change recognizes the great support of Jessica Grogis (OK) and Nikki Heck (AR) who have been assisting states navigating and posting items to the WSLCA data sharing website.

Please take a minute to drop a line or place a call to thank all the new committee leaders. And, consider volunteering to serve in one of the open positions. A hallmark of the WSLCA is openly sharing our knowledge and leadership with peers. Contact executive director, Kathy Opp, if you have an interest in any of these opportunities.

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## New Support at Freemyer & Associates, PC

Chris Barney, who for a number of years served as a policy analyst for Allen Freemyer, recent achieved his Master’s degree in Strategic Management from the Kelley School of Business at Indiana University. Following his winter term graduation, Chris and his family have moved to the great state of Texas.

Coming online to support Allen now that Chris has moved on is Windsor Freemyer. Please welcome Windsor who is a government affairs consultant with 21 years of experience in federal legislative policy. She most recently was the DC representative to the City of Boulder City, Nevada. In that capacity, she worked closely with the Majority Leader of the US Senate, Members of the Nevada delegation and Administration to help secure millions of dollars for various projects in Boulder City. Prior to operating her own consulting firm, Windsor served as Chief of Staff to Congressman Jon Porter (R-NV). She was also on the team that crafted landmark legislation that forever improved and changed the federal land management process in Southern Nevada - the Southern Nevada Public Lands Management Act (SNPLMA). It improved education in Nevada, permanently protected pristine areas of Lake Tahoe and enhanced the quality of life in southern Nevada. Freemyer collaborated with House and Senate Committee staff, House Leadership and the Clinton Administration to enact this hallmark legislation.

In addition to her work before and within the Federal Government, Ms. Freemyer has been an active member of the Executive Board of the National Cathedral School for Girls in Washington, DC. A native of Chicago, Illinois, Freemyer is a 1992 graduate of the University of Colorado where she received a B.A. in International Affairs. Windsor resides in Washington, DC with her husband, our very own Allen Freemyer, and their three children.

## Washington D.C. update...

### 2018 Outlook

*by Allen Freemyer*

Infrastructure will likely be the drumbeat of Congress in this election year when Members are looking for issues where success is more likely and of course an opportunity to bring home federal dollars to fix roads, bridges, water and wastewater facilities, airports, etc. Of interest to state trust land managers is the somewhat overlooked provision in a leaked Whitehouse document that includes new authorities to clean up abandoned mine lands. Initially, it appears EPA will be looking to turn over federal jurisdiction sites to state and local governments for voluntary clean-up efforts. This could evolve into a path for good Samaritan legislation that would permit private resources to assist states in cleaning up these sites as well as full recovery of minerals from these legacy sites.

Funding the Federal Government continues to be a challenge for Congress as they have yet to finalize the FY 2018 appropriation bills but have limped along under multiple Continuing Resolutions (“CR”). With another CR deadline looming after the recent weekend shutdown, it appears yet another CR is imminent as immigration issues will continue to dominate this debate. As of now, an omnibus appropriations bill in March is likely to resolve some of the immigration issues (absent overall reform) and to fund the agencies through September. Of course both the House and Senate will have to quickly begin working on the FY 2019 bills immediately.

### Waters of the U.S. (WOTUS)

The Supreme Court has held that the nation-wide litigation must be brought at the District Court level and therefore the stay of the 2015 Obama Administration Rule imposed by the 6<sup>th</sup> Circuit Court of Appeals must be vacated. The EPA and the Army Corps of Engineers have moved quickly to finalize a Rule that would now delay the effective date of the 2015 Clean Water Rule by two years. This Rule was signed by Administrator Pruitt on January 31, 2018. In the meantime, both agencies

are working to re-write the Rule. Needless to say, the multiple court proceedings in various District Courts will continue to muddy this issue in the coming months.

### Educational Outreach

As part of our on-going efforts to keep WSLCA at the forefront of Congressional awareness, we are initiating another round of Congressional office visits as turnover in these offices is frequent. During these visits, we hand out our newest info graphic and discuss with offices our organization, the relevance of state trust assets, and the federal issues that impact our members. Additionally, we continue to coordinate with stakeholders to move the Advancing Conservation and Education (ACE) Act. The House sponsors, Congressman Stewart R-UT and Congressman Polis D-CO have been sending out letters to colleagues seeking co-sponsorship of the legislation and working with the House Committee on Natural Resources to secure a Congressional hearing. We of course are assisting in this process as much as possible given our non-profit status. We also continue to work with the Western Governors Association and the Wilderness Society on a regular basis to keep building support for the legislation.

### Issues to Watch

ESA compliance: Beyond the role back of mitigation requirements we can expect additional guidance to agencies to bring flexibility to administration of the Act.  
Sage Grouse: Both the BLM and the Forest Service have initiated their efforts to re-write the land use plan amendments for sage grouse. Scoping comments have been filed and the next step is the release of scoping documents which is expected in the coming weeks.  
Wild Horses: BLM now estimates that by October 2018 horse numbers will exceed 93,000 with no real plan to address the issue. BLM has been required to submit a strategy to the Appropriation Committees that does not include euthanasia. The BLM is already weeks late in submitting the report. Under any viable strategy, \$1 billion will be required over the next 10 years under any viable strategy. This will be a hot issue within BLM and the Department in the next year.  
Mining: Hard rock and critical minerals will likely be a constant theme at the Department of Interior as the Secretary is focused on military and national security concerns of reliance on foreign nations for multiple critical minerals. Coal exporting seems to be the path forward for coal and DOI is likely to support additional leasing—even though U.S. demand is decreasing.



(D-N.M.). “A change of this magnitude should only come after extensive, meaningful government-to-government consultation with the affected tribes. On its face, this looks more like a dismantling than a reorganization.”

Colorado Gov. John Hickenlooper as well as Ed Perlmutter (Colo.), Jared Polis (Colo.) and Kyrsten Sinema (Ariz.) have endorsed this reorganization. Hickenlooper said, “I think there's too much concentration of decision making in Washington already. Having some of that spread out in other parts of the country is not necessarily a bad idea.”

The Western Governors Association has requested to be a part of the plans and requested to consult with Zinke about his plans for reorganization in a letter written on 04/19/17. However, they were ignored and were not given a chance to look over the proposal or propose input into Secretary Zinke’s reorganization. The Association urged the Interior to delay implementation of the regional boundary changes and engage with the Association about options that will both meet DOI’s objectives and prove to be workable for state and local governments in a letter penned 2/1/18. The Association shows concern that states are divided between two or more regions, creating confusion in working with the Department on issues in that State.

The Western Energy Alliance has expressed their support for relocating BLM out West. However, they are skeptical about the reorganization of regions based on ecosystems and watersheds. In a statement regarding this issue Kathleen Sgamma, President of Western Energy Alliance, said, “The current BLM state office structure remains sound, with state offices for each state with a critical mass of public lands, roughly 30% or more.” Sgamma fears that moving the voice from the states and governors to regional directors will weaken the voice of the states and will cause inefficiency.

The Committee on Natural resources has expressed their support for Zinke’s measure. In which they stated, “We are eager to review the administration’s government reorganization plans for the Department of the Interior.” “Simply, put federal employees should know and live around the people, lands, and economies they regulate. Relocation coupled with devolving decision-making authority to local federal officials will go a long way towards restoring balance to the partnership between the states and federal government.” Signed by Rob Bishop (UT), Don Young (AK), Tom McClintock (CA), Doug Lamborn (CO), Paul Gosar (AZ), Doug LaMalfa (CA), Bruce Westerman (AR).

However, the politics of moving employees is often difficult. Jewell, the former Secretary of the Interior, attempted to consolidate the offices of New Mexico and Arizona yet Congress did not allow this to take place.

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“President Trump has submitted his Fiscal 2019 budget request to Congress. With the new two year budget deal in place as signed by the President earlier this month, this is the first meaningful budget request from the Trump Administration. There are significant funding/policy decisions included within these budget requests which, if followed by Congress, could have real impacts on policies and the operation of the agencies. Please go to: <https://www.doi.gov/budget/appropriations/2019/highlights> for the Department of Interior; <https://www.epa.gov/sites/production/files/2018-02/documents/fy-2019-epa-bib.pdf> for the Environmental Protection Agency; and <https://www.fs.fed.us/sites/default/files/usfs-fy19-budget-justification.pdf> for the U.S. Forest Service.”

-Allen Freemyer

## Winter 2018 Conference...

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### Denver Wrap-up

Thank you to Bill Ryan and his staff at the Colorado State Land board for their hospitality during the recent winter conference! Anyone who has hosted a WLSA conference knows the amount of time and work that go into hosting one. And thank you to all of the generous sponsors; without their help these conferences could not be done.

There were 70 guests from 14 states and 9 affiliate organizations in attendance in Denver. This was the second conference where we have offered the webinar as an alternative to attendance, and many more of you took advantage of joining us online in lieu of travel.

On Tuesday morning the Surface and Land Tenure Committee met. They heard updates on the Greater Sage Grouse plans from Mindy Gottsegen (CO), Allen Freemyer (WLSA) and Brian St. George (BLM). There was also an update from Allen on the current ACE legislation and a presentation from Jason Steiert with the Western Trust Lands Initiative.

The Asset Management Committee also met Tuesday morning. The committee hosted a panel discussing

investment consultant portfolio strategies and state case studies. Participating in the panel were: Sally Haskins (Callan Real Assets Consulting Group), Mark Higgins (RVK), Harry Birdwell (OK), Tom Schultz (ID) and Bill Ryan (CO). The committee also discussed the results of the recent state survey they conducted.

The membership reconvened for lunch and enjoyed hearing from the CO State Historian Patty Limerick.

That afternoon the Sub-Surface Committee met and discussed an upcoming spring professional development conference along with what topics states were currently interested in discussing for future meetings. They also had a presentation on managing minerals under submerged waterways with Hope Hogan (ND).

The afternoon sessions also featured a case study discussion on the marijuana policy in CO.

Tuesday evening the membership enjoyed a meal and PBR bull riding at the National Stock Show.

Wednesday morning the Submerged Lands and Water Committee discussed how states manage and value public trust ownership. Attendees discussed how their states manage various aspects, and also brainstormed future meeting topics.

State leaders began what will be an ongoing discussion/plan for increasing mutual value in the relationship between WLSA states and affiliate members. To advance the vision of *Helping States Fund Education* they agreed having an opportunity for face-to-face dialogue is essential. Francis McAllister, V.P. Land & Water division - Freeport McMoRan, graciously agreed to host the conversation. All state and affiliate leaders are invited to attend this meeting on March 2nd in Phoenix, AZ.

The Legislative Affairs Committee met Wednesday morning as well. They recapped the success of the Washington D.C. fly-in and began talks on another trip to D.C. They also discussed current member issues and rule making. Finally they talked about future meetings and plan to bring in affiliate members to suggest/broach issues of concern.

The Communications Committee presented the new "Trust Lands 101" slide show. Attendees were encouraged to utilize or adapt these informative slides for needs in their own states. The committee also had a presentation by NM Commissioner Aubrey Dunn, who presented a

slide show that he uses while addressing different groups in his state. Finally, they looked at two infographics, one from CO and one created by the WSLCA team.

Attendees reconvened for lunch, networking with the vendors and for the business meeting.

## Summer 2018 Conference...

### Plan Ahead for the 2018 Summer Conference in Duluth, MN

It's not too early to plan attendance at the annual 2018 summer conference to be held in Duluth, MN. Online registration opened in mid-January. For the first-time registration and payment will be made quick and easy through the establishment of an Eventbrite website. Registration, then pay by purchasing card – no checks or warrants to order! [Click here to register](#). Separately, call the Inn on Lake Superior reservations at (888) 668-4352, to book your hotel stay (online booking is not available).

As an organization we have long wanted to be able to do something positive for university level students in natural resource programs that would allow them to attend a WSLCA conference. It is now a reality! Dr. Laurie Gharis, assistant professor and director of the Wisconsin Center for Environmental Education at University Wisconsin - Stevens Point (UWSP), worked with executive director Opp to create a student scholarship program. The program will allow up to five (5) College of Natural Resource students to receive \$1,350 each to attend the summer conference. This allows students nearing graduation an opportunity to interact with state agency and affiliate business professionals in the fields of forestry, oil and gas, commercial real estate, financial and accounting services, and information technology.

Scholarship eligibility criteria and information is available on the UWSP College of Natural Resources website and the WSLCA website. Now we just need sponsors!! Let's not let down our future employees. If you know of a business or organization that would like to sponsor an almost graduate, please contact executive director, Kathy Opp, today.

# Winter 2018 Conference Denver, Colorado







# Western States Land Commissioners Association

2018 Summer Conference | July 8-12, 2018

Duluth, Minnesota

At the westernmost tip of the world's greatest lake, Duluth is a place like no other. It is a city built on an international harbor where 1,000-foot ships glide into a romantic port under the majestic Aerial Lift Bridge.

Dubbed the *Best Outdoor City in America*, Duluth is a crown jewel of the Upper Midwest's many treasured getaway spots. With the endless horizon of Lake Superior and the countless ways to get out and explore, the urban yet bucolic community is yours to discover.



## Conference Agenda

Expect a dynamic conference focused on “whole trust” management and the latest analytics and mapping technology. It will include a diverse group of speakers and presentations and a tour of the largest iron ore mining operation in North America. The conference will culminate with a dinner cruise on Lake Superior.

## Registration and Additional Information

- Conference Registration: [bit.ly/2B4gcXI](http://bit.ly/2B4gcXI).
- Conference hotel is the [Inn on Lake Superior](#). A variety of rooms and rates are available starting at \$160.00 per night.
- Duluth Visitors Bureau: [visitduluth.com](http://visitduluth.com). Tour Duluth by drone: [bit.ly/2qxppqgN](http://bit.ly/2qxppqgN).

## Conference Co-Hosts





# Western States Land Commissioners Association

## 2018 Summer Conference | July 8-12, 2018

### Duluth, Minnesota

## DRAFT AGENDA

### **Sunday, July 8**

3:00 PM – 6:00 PM	Registration
3:30 PM – 4:30 PM	Executive Committee Meeting
6:00 PM – 8:00 PM	Opening Reception at Lake Superior Railroad Museum <i>Speaker TBD</i>
8:00 PM – 11:00 PM	Hospitality Suite

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### **Monday, July 9**

7:30 AM – 8:30 AM	Breakfast
8:30 AM – 10:00 AM	Welcome / Opening Remarks / Roll Call
10:00 AM – 10:15 AM	Break
10:15 AM – Noon	Roll Call Resumes + Washington D.C. Report
Noon – 1:30 PM	Lunch & Keynote <i>Charles Schwab &amp; Co. portfolio strategies / fixed income presentations</i>
1:30 PM – 2:30 PM	ESRI – ARC GIS Online etc.
2:30 PM – 2:45 PM	Break
2:45 PM – 3:45 PM	ESRI / IT / Land Records Systems (affiliate panel)
4:00 PM – 5:30 PM	Committee Meetings – Concurrent Sessions <ul style="list-style-type: none"><li>• Legislative</li><li>• Data Sharing/Communications (joint)</li></ul>
Evening	Dinner (on your own)
8:00 PM – 11:00 PM	Hospitality Suite

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### **Tuesday, July 10**

7:30 AM – 8:30 AM	Breakfast
8:30 AM – 10:00 AM	Committee Meetings – Concurrent Sessions <ul style="list-style-type: none"><li>• Asset Management</li><li>• Surface and Land Tenure</li></ul>
10:00 AM – 10:15 AM	Break
10:15 AM – Noon	Wisconsin BCPL Trust Loan Program (panel with loan beneficiaries)
Noon – 1:15 PM	Lunch & Keynote <i>The Intersection between Conservation and Land Transactions</i> Larry Selzer, Executive Director, The Conservation Fund
1:15 PM – 2:30 PM	Subsurface Lands Committee OR Special Session: Submerged Lands and Water Management <i>Details TBD</i>
2:30 PM – 2:45 PM	Break

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2:45 PM – 4:15 PM Resolutions Committee  
Evening Dinner (on your own)  
8:00 PM – 11:00 PM Hospitality Suite

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**Wednesday, July 11**

7:00 AM – 8:00 AM Breakfast  
8:00 AM – 8:30 AM Load Bus  
8:30 AM – 10:00 AM Travel to U.S. Steel Minntac Iron Ore Mine Operations (Mt. Iron)  
10:00 AM – 10:15 AM Break  
10:15 AM – 1:00 PM Minntac Tour  
1:00 PM – 2:30 PM Load bus and return to Duluth  
*Box lunches on bus*  
3:00 PM – 5:00 PM WSLCA Business Meeting  
6:00 PM – 8:30 PM Dinner Cruise on Lake Superior  
8:30 PM – 11:00 PM Hospitality Suite

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**Thursday, July 12**

6:30 AM – 10:00 AM Complimentary hotel breakfast and departure

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