

Winter 2013 WSLCA Conference
Oklahoma City, OK
Summary

Monday, January 14

Lunch

Dr. Bob Blackburn, Executive Director of the Oklahoma History Center, provided attendees an interesting overview of a few famous personalities in Oklahoma's history.

Panel – 2:00-3:30 p.m. | Control Burn and Fire Ecology

John Weir, a professor with the Department of Natural Resource Ecology and Management at Oklahoma State University, and Doug Whisenhunt with the USDA NRCS in Nebraska, gave a presentation about controlled burns.

John Weir's presentation focused on the history of wildfire and controlled burns in the United States. Native Americans had more than 70 uses for fire, including using fire as a way to keep their lands healthy and productive. The Native Americans' recognition of the usefulness of fire differed from the European fear of fire, which settlers brought with them and which influenced the reduction in controlled fire on the landscape in North America.

John also covered notable wildfires, acts of Congress, and historical events in our nation's history that led to a negative collective view on fire. The public's view regarding fire – both wildfire and controlled burns – has changed over time to recognize fire's benefits, but as John noted, one natural burn will not cure more than 100 years of not burning. Fire frequency is key, as there is nothing that mimics fire in keeping lands healthy.

Doug Whisenhunt's presentation focused on the success of efforts in Nebraska to work with prescribed burn associations in carrying out controlled burns that improve vegetation.

Tuesday, January 15

Lunch

Ryan Barnes with the National Severe Storms Lab in Oklahoma City gave an interesting presentation on the work of the National Weather Service in providing the public and land managers useful and timely weather predictions, watches, and warnings.

Panel - Federal Legislation and Bureau of Land Management Update

Garrett King-Congressman Frank Lucas' Office (Lucas is Chairman of the House Agriculture Committee), Mike Nedd- Assistant Director, Federal Bureau of Land Management, Moderated by Kevin Carter- Utah Trust Lands Director

Garrett King discusses the 2013 and 2008 farm bill, comparing and contrasting and how it is currently progressing and what we can expect after the debt ceiling issue is resolved.

Mike Nedd discussed the relationship between the BLM and the WLSA, thanking the members for their continued work with the BLM. He read the recently signed MOU that outlines the work that the BLM

and WSLCA do together and their renewed commitment in management of state and federal lands. He went on to discuss energy (renewable energy), sage grouse, land assessments and hydraulic fracturing.

Wednesday, January 16

Lunch

Dr. Andrew Urich, a professor of Ethics and Legal Studies at the Spears School of Business at Oklahoma State University, gave an entertaining presentation on ethics and the innate human tendency of self interest. His honest approach to ethics kept the audience laughing all the way through his presentation.

Panel - Water and Tribal Authority

Robert Portiss-Director of Tulsa Port of Catoosa, Col. Michael Teague-Commander of the US Army Corps of Engineers for Texas, Oklahoma & New Mexico, Stephen Greetham- General Counsel to the Chickasaw Nation Division of Commerce, Moderated by Cory Cox-Governmental Liaison, Arkansas Commissioner of State Lands office

Robert Portiss explains the importance of inland waterways for transportation. The Port of Catoosa sends cargo down the Arkansas to the gulf, items such as grains, petroleum, fertilizer, iron, steel, etc. Approximately 1,000 semi-truckloads of product per day is moved through the port. The expansion of the Panama Canal will greatly affect the cargo that moves through the McClellan-Kerr Navigation system (MKARNS-Arkansas River), as well as other navigable systems. It will open us up even more to the world markets.

Stephen Greetham explains tribal law, how tribes own the water rights and how we came to the current standing of tribal water rights. They are governed by federal law instead of state. He goes on to explain issues and questions that can arise when dealing with tribal rights. He cites that Oklahoma's current approach to water planning is to recognize that there are questions, educates leaders about these questions, recommend engagement and integrate a "margin of error."

Col. Michael Teague explains the teamwork that goes into maintaining the MKARNS. They work with different states and agencies (Port of Catoosa and tribal authorities) to manage the waterways. He states that the Corps does not own the water, they manage the storage and the flow of water. Their management of water control is focused on maintaining a balance between the competing interests; water supplies, navigation, environmental and fish/wildlife, water quality, recreation, hydropower and flood management. He goes on to show some of the drought concerns in Oklahoma, explaining the affected areas of some.

Committee Meetings

Legal Committee Meeting-Cory Cox

Utah- there is a case pending of eminent domain. Last year the courts said that oil and gas do not count as minerals for eminent domain. Legislation fixed it. Now Rocky Mountain Power is doing upgrades on lines. The initial sighting of the line ran through the middle of trust lands. The Utah Administration has asked for damages for diminution of value. Rocky Mountain refused and filed a condemnation claim in state court. ISSUE- Can trust lands be condemned? Can they file this action without going through all administrative procedures?

Arizona was sued over whether proceeds from land can be used for Arizona's operations. The Arizona Supreme Court said it could not. They must now rely on general funds.

Idaho- Discussion about the case between the Idaho Attorney General and the land board over privately owned cabins on state owned lands.

Subsurface Committee Meeting- Louis Renaud

Discussed:

What minerals are owned by the state and their removal. Cited the CEMEX case in Texas where materials were taken from trust lands without permission.

Anti-drilling/fracking ordinances

Unreasonable delays in drilling on trust lands due to EIS timelines, also delaying infrastructure development.

Asset Management Committee Meeting-Kathy Opp

GASB Update

The committee spent a few minutes reviewing the status of discussions with GASB about the possible ramifications of all state lands, both public trust land and endowment trust land, being subject to Fair Value Measurement standards in conjunction with each state's published Comprehensive Annual Financial Report (CAFR). A significant break-through occurred this fall when project researchers highlighted that land "investments" held by governmental funds would be excluded from annual valuation. Members have been asked to determine the status of their state lands and report these findings to WSLCA Asset Committee Chair, Kathy Opp. Preliminary reports indicate most states are reporting their lands in the governmental fund type which would ultimately exclude these assets from "investment" classification and annual mark-to-market standards. A comprehensive response to GASB will be formulated and distributed to all member states.

The Self Storage Industry – An Asset Type Worth Considering!

Jane Wright, Strategic Business Analyst for the Idaho Department of Lands, led an educational presentation about the self storage industry. The purpose is to inform members regarding basic information about the industry and provided an overview of who is investing in self-storage – probably your pension fund! Since 2000 NCREIF began including the asset type in its reporting database; solidifying self storage as a mainstream asset that is now viewed favorably by private and institutional investors. By way of a case study, Idaho discussed components of the analysis it performed to evaluate a self-storage asset purchased for its endowment trust beneficiaries. Aspects of location, structural quality reviews, environmental site assessment, rent rolls and financial performance, risk, and active versus passive management models were discussed. A copy of the presentation slides will be made available on the WSLCA website