

# MANAGING THE WEST

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Winter 2015

Volume 3 - Issue 1



## 2015 WSLCA

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## Welcome to the Winter 2015 issue of *Managing the West*...

A new year is upon us and with it comes changes and the hope for another successful year. We recently wrapped up our winter conference in beautiful (and warm!) Phoenix, Arizona. It was a great conference with old and new friends to discuss topics that are affecting each of us in our respective states. A big thank you to Vanessa Hickman and the entire Arizona State Land Department staff for hosting and creating a memorable conference.

I would like to congratulate some of our new members, those who were elected in the Fall to serve as their state's land commissioner. Texas elected George P. Bush, New Mexico elected Aubrey Dunn and South Dakota elected Ryan Brunner. Welcome gentlemen to WSLCA, I look forward to working with each of you in the future.

At the Arizona conference we also filled some vacancies in our committees. Check out our newest chair and vice chair persons on page 5. We have a couple of vacancies to fill so please consider volunteering to help the organization in those areas. We rely heavily on our committees and they are an invaluable resource to the organization and to each of us. Thank you to those who have served and are serving in these roles, your leadership is helping to fulfill our goals.

We have also added another affiliate since our last newsletter. I would like to welcome DMB Associates to our organization. Many of you will remember them from our recent Arizona conference where we learned about real estate challenges and opportunities on trust lands, plus we viewed some of their work firsthand on our field trip to North Scottsdale. EOG Resources has also joined us, thank you to both of these groups, we look forward to working with you.

Finally, we achieved something that we have been working on for a few years at this past conference. We have made the first increase of membership dues in decades. The cost of business and desire to do more with our organization were the main driving factors in need for the dues increase. We are sensitive to individual state budgets and how this will affect some members, but as you'll read on page 5 we will work with everyone to ensure this is a smooth process. The WSLCA would not exist without its members and it has been demonstrated over the last few years that in order to make the impact across the states and nation, we must increase our funding.

I am proud to serve as your president and proud of what we are accomplishing. We are truly moving the needle on important issues and building lasting relationships that span beyond our state's borders. I hope each of you know that my "door" is always open. Should you need anything or have ideas to share, please feel free to contact me.

Arkansas Commissioner of State Lands  
President, WSLCA

# Washington Update...

January 6<sup>th</sup> marked the start of the 114<sup>th</sup> Congress. With 12 new republican senators and 1 new democrat senator, the Senate begins the new Congress with a lot of new faces. In the House, there are 43 new republican members and 15 new democrat members with the Republican Party enjoying its largest majority in the House since 1929. Many of these changes occurred in our member states. Needless to say, the 114<sup>th</sup> Congress provides us with plenty to do in the first part of this year. We have new senators in six of our member states to visit and many new house members to brief on the association and issues that impact our members.

Currently, our members are facing a long list of federal issues that promise to impact their ability to manage state trust assets. Below is a list of issues we are monitoring on a daily basis as well as providing various assistance to the association and our members on these issues.

## Selections Legislation:

The 114<sup>th</sup> Congress has begun on a very positive note regarding our selections legislation. Introduced as H.R. 4901 by Congressman Bishop in the House last Congress, the legislation must be reintroduced in the 114<sup>th</sup> Congress. Congressman Bishop is now the Chairman of the House Natural Resources Committee and has agreed to once again introduce our legislative proposal. On the other side of the aisle, Congressman Raul Grijalva from Arizona is the new Ranking Democrat on the House Natural Resources Committee and we are in discussions with his staff to have him be the primary co-sponsor on the Bishop legislation. So far, those discussions have been very positive. On the Senate side, we are working with Senator Heinrich (D-NM) and Senator Flake (R-AZ) to be our Senate sponsors. We will be conducting numerous meetings in the coming weeks to have our legislation introduced in both the House and the Senate and begin our efforts to navigate the legislative process.

## Ozone Regulation:

The EPA has proposed a new rule to strengthen the National Ambient Air Quality Standards (NAAQS) for ground-level ozone under the authority of the Clean Air Act. This action was the result of litigation brought against the EPA by the environmentalist group, Earthjustice. The courts found that the Obama Administration should have reviewed the ozone standards by March 2013 as directed in the Clean Air Act. The EPA now has a court order to issue a final rule by October 1, 2015.

In the proposed rule, the EPA has found that the current standard of 75 ppb of ozone is not adequate for the protection of public health. The new rule is considering changing the standard to a level somewhere within a range from 65 to 70 ppb. The EPA is also accepting comments on a standard as low as 60 ppb, but the proposed rule does not include a proposed standard lower than 65 ppb. The comment period for the proposed rule closes on March 17, 2015.

We have distributed more information to our member states and are soliciting input on how this new regulation might affect management of state trust assets. Certainly, the oil, gas, and mining activities in western states will be affected as several states could move from compliance with the Clean Air Act ozone regulations to “nonattainment” under the Act. We look forward to comments from our members on this issue.

## Methane Regulation:

The Environmental Protection Agency will announce regulations by the summer for “new and modified gas production sources, and natural gas processing and transmission sources.” Translated, this means that EPA will issue further regulation of methane and the oil and gas industries are the targets of this new regulation. The EPA will also develop new guidelines to assist states in tackling ozone-forming pollutants from the oil and gas sector and work to strengthen reporting of emissions and leaks of methane across the industry.

The Department of the Interior’s Bureau of Land Management will also update decades-old standards to reduce “wasteful venting, flaring, and leaks” of natural gas on public lands while the Obama Administration plans to propose \$15 million in the Department of Energy’s fiscal 2016 budget to develop new technology to detect methane leaks and reduce losses from the natural gas sector. The oil and gas industry states that methane emissions have decreased 16 percent from 1990 levels and argue that these voluntary measures are working while onerous regulations could disrupt America’s energy renaissance.

## Endangered Species:

The majority of our states are dealing with ESA issues impacting management of state trust lands and minerals. We certainly foresee the House of Representatives considering several issues regarding endangered species. While sage grouse is occupying much of the debate, the House Committee has made a point of highlighting the ESA as a priority issue. Of course this is a more difficult issue in the Senate but an increasing number of senators want to see modifications to the ESA and want action on specific species such as sage grouse and the lesser prairie

chicken. We will continue to monitor if legislation begins to move regarding ESA issues in the Congress.

## Federal Oil and Gas Royalties:

The BLM has announced they are planning to adjust the Federal royalty for onshore oil and gas. Although the Federal Register notice has yet to be published, it is expected that the Department of Interior will propose decoupling oil and gas royalty rates and will propose increasing both from the current 12.5 percent to somewhere between 16 percent and 18.75 percent. We expect this rule making under the Mineral Leasing Act to occur sometime this spring. With world oil prices dropping dramatically over the past few months and hovering around \$50 per barrel, there will be a lot of Congressional discussion about the wisdom of increasing federal royalties. Of course this increase could impact our members in a variety of ways. Although it might increase revenues to the states from their share of federal mineral receipts, the increased royalty may drive some companies out of areas where operations are more expensive. We will monitor the progress of this issue.

## Waters of the United States:

WSLCA members have adopted a resolution on this issue and the association filed official comments in response to the Federal Register solicitation on the proposed rule by the EPA. The comment period has been closed since October and there is little information on when the EPA may publish a final rule. EPA's proposal has been met with a great deal of opposition in the House and the Senate. Chairman Inhofe of the Senate Environment and Public Works Committee has stated that this rulemaking will attract a great deal of attention by the Committee. We expect to see both the House and the Senate take actions to derail or block the EPA in its efforts to expand the definition of "waters of the U.S."

## What's Happening...

The following segment highlights member news and activities. It is intended to be regular feature of the association newsletter to share issues, connect solutions and celebrate successes.

### Oregon

The Oregon Department of State Lands had a busy 2014 with an agency-wide reorganization, new land acquisitions and new partnerships. They also completed technological updates to their unclaimed property reporting portal and received positive feedback from a news story about public inquiries of unclaimed property.

The Oregon DSL has a busy 2015 planned as well. They are currently working on budget approval and legislative changes to protect their investments. Also, the Common School Fund will see a \$3 million dollar increase in distributions over 2014 topping out at \$54,170,374. Finally the Department has started a formal rulemaking process for the closure of some properties due to natural disturbances and vandals.

For more information on what Oregon is doing check out their latest newsletter [here](#) where you will also find links to their 2014 annual report and program facts and figures.

### Utah

The SITLA Oil and Gas, and Minerals groups held their quarterly lease offerings in January, generating more than \$1.06 million for beneficiaries.

The January lease offering generated more than \$1 million in bonus bids, largely in oil and gas within Duchesne County. The offering also resulted in leases on a 640-acre mining parcel in San Juan County, and 120-acre oil sand parcel in Uintah County.

Most of these leases are on lands managed by SITLA on behalf of public schools, which means lease funds will be added to the nearly \$2 billion Permanent School Fund and invested by the state treasurer. The balance of the revenue will be distributed to other beneficiaries, such as teaching colleges, Utah Schools for the Deaf and the Blind, and used at the discretion of each individual beneficiary.

## Member News

If you have news to share in our next newsletter or on the website, please email Nikki Heck (AR) at [nheck@cosl.org](mailto:nheck@cosl.org).

# Staying Connected...

## Winter 2015 WSLCA Conference Wrap-up

More than 130 state and affiliate delegates from 16 states, and Washington, D.C. met in Phoenix, Arizona in January for the annual winter conference. Topics ranged from federal regulatory & policy changes to commercial real estate challenges and opportunities on trust lands. Delegates enjoyed the wonderful hospitality and beautiful amenities of the Arizona Biltmore Resort as well. Please visit our website, [www.wslca.org](http://www.wslca.org), to view the agenda and presentations from this conference, as well as from past conferences.

Roll Call included topics such as the Endangered Species Act, mitigation banking and a newly elected Congress taking office. Oklahoma and Arizona reported they have expanded commercial real estate investments; Colorado reported they are updating internal IT services to become more efficient and Oregon discussed lost revenues from timber harvesting in the Elliott State Forest due to impending Endangered Species Act litigation. Texas, New Mexico and South Dakota all reported that they have newly elected agency Directors, some who were in attendance at the conference. Utah expressed excitement for hosting the Summer 2015 WSLCA in Moab, UT and provided an exciting outlook on sessions and activities that would take place in beautiful Moab.

The conference was packed with informative breakout sessions, business and committee meetings, as well as updates from affiliate members and our Washington D.C. representative Allen Freemyer. Topics featured during breakout sessions included coordination between state and federal partners, balancing trust obligations with mitigation opportunities and commercial real estate challenges and opportunities on trust lands. Speakers for the breakout sessions consisted of representatives from U.S. Fish and Wildlife Services, Bureau of Land Management Arizona state office, Arizona Mining Association and the Western Governor's Association. Discussions consisted of both state and federal topics affecting different land offices around the country and different solutions to similar problems faced by many in attendance. During the business meeting, an increase in state membership dues for the association was approved. More information is discussed in a separate article and will be distributed with annual invoices.

Allen Freemyer updated conference attendees on what is happening inside the beltway. Allen reported that the 114<sup>th</sup> Congress had just taken office and both the House of



Representatives and Senate are Republican controlled bodies. Both the House and Senate Natural Resources Committees are comprised of members from states represented by WSLCA and support for several of WSLCA's resolutions is expected from these committees.

Thank you to the Arizona Land Department for hosting WSLCA members and affiliates in the sunny southwest! We hope to see everyone in Moab, Utah in July, 2015.

## Moving On...

Shortly after completing the winter conference in Phoenix, our very own association vice-president, Vanessa Hickman, announced leaving the Arizona Land department to head up a new real estate initiative at the W. P. Carey School of Business at Arizona State University (ASU). The effort is aimed at establishing a collaborative dialogue to gather, analyze and disseminate information about big land issues, and to help drive responsible public policy on a global scale. As the former land commissioner responsible for Arizona's 9.2 million acres of state land, Hickman brings extensive expertise in the areas of real estate law, land-use planning and zoning, development agreements, natural resource management and state trust lands. Despite her new role Vanessa desires to stay connected to the WSLCA and to help members fulfil their many roles and responsibilities. The executive committee is discussing a variety of ways to work with ASU to meet a number of our most pressing strategic goals and strategies.

In keeping with the association bylaws, president John Thurston has been in discussions with the nominating committee and will appoint a new WSLCA vice president soon.

## Royalty Policy Working Group Conference

April 19-21, 2015

San Antonio, Texas

Please join WSLCA members at the historic Alamo in San Antonio, Texas this April for a 2-day conference on royalty accounting, auditing and litigation issues. The cost of the conference is \$100 per person, this includes lunch on Monday. The host hotel is the Emily Morgan Hotel, located conveniently across from the Alamo. **Deadline to register for the conference is April 6.** If you have questions please contact WSLCA Executive Director Kathy Opp, [kathyjopp@gmail.com](mailto:kathyjopp@gmail.com). Registration materials can be found on the [WSLCA](#) website.

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### Congratulations to new committee members... ...additional volunteers needed!

It is important for any team or organization to develop bench strength and depth in leadership. The fall 2014 general elections, as well as retirements and job changes, bring new leadership to land offices as well as association committees. We want to thank the following individuals for volunteering to serve the association:

- Kim Christy (UT) – *new chair*, Surface and Land Tenure Committee
- Shawn Thomas (MT) – *new vice chair*, Surface and Land Tenure Committee
- Ryan Brunner (SD) – *new vice chair*, Legislative Committee
- Drew Combs (ND) – *new chair*, Subsurface Lands Committee
- Rene Truan (TX) – *new vice chair*, Subsurface Land Committee
- Eric Metz (OR) – *new vice chair*, Submerged Lands & Waterways Committee
- Lance Gaebe (ND) – *new chair*, Resolutions Committee
- Tom German (WI) – *new association legal counsel*

The WSLCA continues to seek volunteers for a vice chair to assist Lance with the Resolutions Committee. The Legal Committee is seeking a new chair and vice chair for our July 2015 conference. Please consider sharing your knowledge and serving the association.

## Other news...

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### WSLCA state member dues increase for 2015/16

For the past several years the association discussed the need to provide a stable funding base necessary to meet its strategic goals and objectives. In late 2012 a study was conducted and distributed comparing the dues of similar regional and national organizations to the WSLCA. Most peer organizations use a combination of more substantial dues and corporate memberships or conference sponsorships to build an effective organization. Our own affiliate membership program began in 2013, and we now have about 30 affiliate members who pay \$3,000 each annually. However, this mechanism is viewed as providing a limited amount of funding with the number of affiliates to be reserved for a relatively small, diverse group of entities who best align and complement our mission.

When the association launched its first ever strategic plan in January 2014 we knew enhanced funding would be necessary to provide professional education outreach, some level of baseline staff services for our all-volunteer leadership team, and to truly become “a nationally recognized voice for prudent land management.” Harry Birdwell, chairman of the Affiliate Membership Committee, continues to selectively search for a large donor. From July 2014 through June 2015 several states provided one-time additional funding for a part-time executive director. To maintain the current level of support and continue to advance the strategic plan, the membership once again considered the amount of state member dues at the January 2015 business meeting. Beginning in March 2015 members voted to increase state member dues to \$5,000 annually. The membership recognizes that some states have rather long budget lead times, may currently be under severe budget restrictions, or may simply be a very small entity with a very small overall budget. Upon receipt of the annual dues invoice, members can send a letter to the WSLCA executive committee to request a dues abatement, stating the amount that can be paid. Abatement requests apply to the current year’s invoice only. Please feel free to contact WSLCA leadership with questions regarding the dues amount or the abatement process.

## 2015 Summer conference - Moab, Utah...

The red rock landscapes of Moab in southeastern Utah are the backdrop for the WSLCA Summer Conference July 19-23, 2015.

Director Kevin Carter and staff are working to finalize an informative conference agenda to include interesting



site tours, panel discussions, and speakers. Because of the expected hot temperatures, the team is planning outdoor excursions during morning and evening hours, and presentations and meetings in the afternoons.

### Accommodations

Room blocks at three hotels have been secured for the conference:

- Moab Valley Inn and Conference Center, located on historic Main Street, serves as host hotel
- Moab LaQuinta Inns and Suites is located across the parking lot from the conference hotel
- Moab Comfort Suites is an easy five-minute drive from the conference hotel

Please watch for email communication regarding hotel reservation codes and registration information.

### Travel

Moab is located in southeastern Utah near the east bank of the Colorado River and west of the 12,500-foot LaSal Mountains. When making travel arrangements, please note the following distances from area airports:

- Canyonlands Field Airport, located 20 miles north of Moab, is served by regional air service
- Salt Lake International Airport is located approximately 240 miles or four hours from Moab
- Grand Junction Regional Airport in Colorado is approximately 115 miles or just under two hours from Moab

Shuttle services from Salt Lake International Airport and Grand Junction Regional Airport

- Elevated Transit: [elevatedtransit.com](http://elevatedtransit.com)
- Redrock Express: [redrockexpress.com](http://redrockexpress.com)
- Road Runner Shuttle: [roadrunnershuttle.com](http://roadrunnershuttle.com)
- Moab Luxury Coach: [moabluxurycoach.com](http://moabluxurycoach.com)

### Tentative Agenda Items

- Tour and Panel Discussion: Integrating recreation with development
- Tour: Balancing sensitive lands and mineral development; land exchanges and transfers
- Guided hike to Corona Arch, site of land exchange with Bureau of Land Management
- Dinner cruise along the Colorado River



[www.wslca.org](http://www.wslca.org)

Check out our website for information on:  
Member states, affiliate members,  
upcoming conferences and past  
conference materials, adopted resolutions,  
committee contacts and more.

## 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 offers 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.

## Affiliate Member Spotlight...



Grant Thornton LLP joined the WSLCA as an affiliate member in 2014. They were formed in Chicago in 1924 and are the US firm of Grant Thornton International Ltd, a leading independent audit, tax and advisory firm with 58 offices across the country. Their holistic business approach serves organizations that range from civics and religious groups to corporate and government entities.

Grant Thornton's audit division works with clients to improve their overall financial reporting and to keep them informed of changes that may affect their business. Their tax team consists of a system of professionals across the country with experience in local, state, federal and international taxes. They also provide full-service advisory for their client's markets, offering problem solving, risk management and growth opportunities.

The WSLCA and our Royalty Policy Working Group are pleased to have Grant Thornton as the sponsor of their upcoming royalty conference in San Antonio, Texas. Information about the conference can be found on page 4 of this newsletter and on the WSLCA website. Please make plans to attend the conference, April 20-21, 2015, and join us in thanking them for their sponsorship.

We continue to add affiliate members to our group and many have attended a conference already. We are pleased to have them join us and look forward to getting to know their business and learn how we can all work together to achieve our goals.

Welcome to our newest members!



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### 2015 Affiliate Members

Anadarko  
Alta Mesa Holdings, LP  
American Petroleum Institute  
Bank of Oklahoma Financial  
ConocoPhillips  
DRZ Investment Advisors  
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First Solar  
Freeport-McMoran  
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



*"Wilderness is not a luxury but a necessity of the human spirit"*

Edward Abbey - Desert Solitaire

Dead Horse Point State Park

Moab will surround you with the warmth and hospitality of a small resort town at the center of some of the most stunning red rock landscapes on Earth. Moab's unique combination of two national parks, beautiful red rock scenery, and the cool waters of the Colorado River has made it one of the most sought after destinations in the southwest.



**Arches National Park** – The world's largest concentration of natural sandstone arches. Although over 2,000 arches are located within the park's 76,518 acres, the park also contains an astounding variety of other geological formations. Colossal sandstone fins, massive balanced rocks, soaring pinnacles and spires dwarf visitors as they explore the park's viewpoints and hiking trails. A paved scenic drive takes visitors to many of the major viewpoints within the park. (5 miles from Moab)

**Canyonlands National Park** – Utah's largest national park! The Island in the Sky district, which is closest to Moab, sits atop a massive 1500 foot mesa and is quite literally an Island in the Sky. Twenty miles of paved roads lead to many of the most spectacular views in canyon country. From these lofty viewpoints visitors can often see over 100 miles in any direction, resulting in panoramic views that encompass thousands of square miles of canyon country. (32 miles from Moab)

**Dead Horse Point State Park** – The view from Dead Horse Point is one of the most photographed scenic vistas in the world. Towering 2,000 feet above the Colorado River, the overlook provides a breathtaking panorama of Canyonlands' sculpted pinnacles and buttes. (32 miles from Moab)

**Colorado River** – Moab has an abundance of river recreation opportunities available to suit any taste. While the area is known for its family oriented whitewater trips on the Fisher Towers section of the Colorado River, there are several wilder single and multi-day trips available in Westwater and Cataract Canyons. Additionally, canoes and kayaks are the perfect way to explore the calm water segments of the Colorado. Individuals or groups may raft the river on their own or with a professional river outfitter.

**Scenic Byways** - The Moab area is blessed with three Scenic Byways, U-128, U-279 & U-313. Scenic Byways help recognize, preserve and enhance selected roads throughout the United States based on their archeological, cultural, historic, natural, recreational and scenic qualities. Every trip to Moab should include a drive along at least one byway, although driving all three is a great way to spend a relaxing day.

**La Sal Mountains** - Just 20 miles south of Moab are the La Sal Mountains, which are part of Manti-La Sal National Forest. Attaining heights of nearly 13,000 feet, these alpine mountains are the second highest mountain range in Utah. Numerous hiking and mountain bike trails, along with picturesque campsites, make these mountains a great complement to your visit to Moab.

Consider Moab for meetings and events!



**Hiking** - In addition to all the great hiking in our national parks, the Moab area also contains a large number of pet friendly trails on public lands to suit any experience level. From cool stream-side hikes to spectacular sandstone arches, the Moab area is full of exciting day-hikes suitable for the entire family.

**Biking** - Moab is home to the greatest mountain biking on the planet and offers a huge variety of trails for mountain bikers of any experience level, from beginners looking for a scenic ride through beautiful canyons and mesa tops, to seasoned bikers looking for the ultimate challenge. Moab has also been discovered as the new landscape in road cycling, with truly breathtaking and inspirational views from every route in this geological wonderland. Come and see why so many skinny tire riders now come to Moab!

**Off Highway Vehicle Trails** - Moab is a must-visit destination for those that love off road adventure. The area's beauty, history, and hundreds of miles of old mining roads and 4x4 trails make it a place that will never be forgotten. Visitors can bring their own vehicle, rent one, or take a tour with one of Moab's experienced guides.

**Meetings & Events** - Moab offers year round spaces for events, festivals, celebrations, conventions, meetings, weddings and group tours. Moab's unique venues include a surprising variety of indoor facilities as well as extraordinary outdoor settings to suit any taste.

**Visiting Moab** - Moab has a great selection of hotels, motels, bed & breakfasts, guest houses, condos and campgrounds to choose from. Allow some time to discover downtown Moab's diverse restaurants, shops & galleries. Enjoy some of Moab's lesser known activities such as golfing, canyoneering, skydiving, ballooning or horseback riding.

**Moab Information Center**  
Once you arrive in Moab, your first stop should be the Moab Information Center (MIC). Conveniently located at the corner of Main and Center Street in Moab, the MIC offers information on recreational opportunities and services throughout southeastern Utah. Address for Vehicle Navigation Systems: 25 E Center St, Moab, UT 84532



### Free Moab Travel Guide!

Order a copy of our free Moab Travel Guide on [discovermoab.com](http://discovermoab.com) or by calling 800-635-6622.

