



**RESOLUTION 2016-01
STATE VS. FEDERAL OWNERSHIP OF SUBMERGED LANDS**

Whereas, the Western States Land Commissioners Association (“WSLCA”) and its member states manage over 440 million acres of public trust lands and minerals that are interspersed with federal lands managed by the Bureau of Land Management (“BLM”); and

Whereas, members of WSLCA have state constitutional mandates to manage millions of acres of lands and waterways for economic development, mineral access, public education, conservation, recreation, and other public purposes provided by state law and the Public Trust Doctrine ; and

Whereas, the Supreme Court has long held that navigability must be determined pursuant to their holdings in *The Daniel Ball*, 77 U.S. 557 (1870); and

Whereas, planning and management decisions made by the BLM have significant impacts on WSLCA members’ ability to effectively manage trust assets for constitutional beneficiaries; and

Whereas, the WSLCA member states are mandated under their State Constitutions to generate income for the benefit of public education and other state functions from the management of state trust assets and public trust assets; and

Whereas, Congress, under the Equal Footing Doctrine, vested in the States “title to and ownership of the lands beneath navigable waters within the boundaries of the respective States upon statehood”; and

Whereas, the BLM is consistently claiming ownership to lands underlying navigable rivers within WSLCA member states to the detriment of state trust ownership and management; and

Whereas, the BLM is litigating claims to submerged lands against states, contrary to settled law and to the detriment of state trust and public trust management; and

Whereas, the BLM is claiming ownership to lands between states along river channels and ignoring state survey standards; and

Whereas, the BLM is causing financial harm to state and public trust incomes by clouding title to minerals and lands beneath navigable waters; and

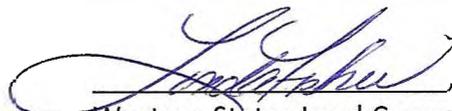
Whereas, the BLM refuses to recognize state law, state survey data, state survey standards, and deference to state law to the detriment of trust assets.

THEREFORE BE IT RESOLVED THAT:

1. The Western States Land Commissioners Association is united in supporting states in their efforts to retain ownership of lands and minerals underlying navigable waters; and
2. The BLM should work with states to resolve boundary disputes in a manner that reduces litigation, gives deference to state law, utilizes established survey practices in coordination with states, and implements state survey practices and data; and
3. The BLM should resolve ownership and boundary disputes in a manner that gives deference to statehood rights and respects the grants to states for the support of public education and other state functions; and

Adopted this 13th day of July, 2016.


_____, President
Western States Land Commissioners
Association


_____, Secretary
Western States Land Commissioners
Association



**RESOLUTION 2016-02
IMPACT AND MANAGEMENT OF WILD HORSES AND BURROS**

Whereas, the Western States Land Commissioners Association (WSLCA) and its member states manage over 440 million acres of trust lands and minerals that are interspersed with federal lands managed by the Bureau of Land Management (BLM); and

Whereas, members of WSLCA have state constitutional mandates to manage millions of acres of lands for economic development, public education, conservation, recreation, and other public purposes provided by state law; and

Whereas, WSLCA member states lease state trust lands for grazing and wildlife management purposes; and

Whereas, WSLCA member states manage their grazing lands for the long term health of the range and sustainability of forage resources; and

Whereas, millions of acres of trust lands are interspersed with federal lands in Western states where wild horse and burro populations occur; and

Whereas, wild horses and burros are protected under the Wild and Free Roaming Horses and Burros Act of 1971; and

Whereas, according to the BLM, holding capacity of federal lands for wild horses is 25,000 horses; and

Whereas, current wild horse populations on federal lands exceeds 67,000 horses with the population doubling every 4 years; and

Whereas, the BLM is already housing 46,000 horses in long-term facilities which are now at capacity; and

Whereas, the population crisis of wild horses results in the trespass of thousands of wild horses on state trust lands which cause environmental damage, reduce grazing capacity for leased lands, and reduces funding for public education; and

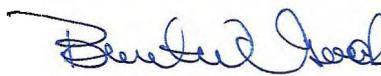
Whereas, the BLM has no plan to significantly reduce the population of wild horses or address the trespass of wild horses on state trust lands which is compounded daily; and

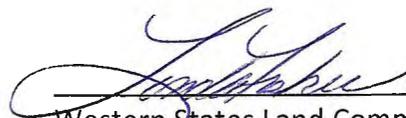
Whereas, State trust land managers have no ability to herd, round up, or manage wild horses under current law:

THEREFORE BE IT RESOLVED THAT the BLM must:

1. Maximize its authority to remove large numbers of horses with a priority of removing horses in trespass of state trust lands; and
2. Prioritize the removal of mares to reduce the breeding stock on the range; and
3. Enter into cooperative agreements with appropriate state agencies to reduce range damage, over-grazing, and trespass on state lands; and
4. Conduct roundups on state lands in coordination with state trust land managers; and
5. Explore private and state sponsored solutions to the wild horse population crisis; and
6. Work with Congress to authorize and fund aggressive policies to resolve the wild horse population crisis and reduce damage to federal and state grazing lands.

Adopted this 13th day of July, 2016.


_____, President
Western States Land Commissioners
Association


_____, Secretary
Western States Land Commissioners
Association



**RESOLUTION 2016-03
CONCERNING WILDFIRE BUDGETING RESPONSE
AND THE FOREST MANAGEMENT ACT OF 2016**

Whereas, members of the Western States Land Commissioners Association (“WSLCA”) manage forested state trust lands surrounded by or near National Forest System lands; and

Whereas, state trust lands are managed to maximize revenue for beneficiaries, primarily K-12 public education, through economic development, active forest management, and other management practices including conservation, recreation, and other public purposes provided by state law; and

Whereas, forested state trust lands provide a dependable source of timber accounting for nearly 1 billion board feet of harvested volume annually; an amount that represents nearly ten percent of annual housing starts; and

Whereas, timber harvest from forested state trust lands contributes to public education in the United States by returning hundreds of millions of dollars each year to state trust land beneficiaries; and

Whereas, forest fires on National Forest System lands may threaten the value of forested state trust land resources particularly in instances where federal resources are underfunded; and

Whereas, the Wildfire Disaster Funding Act amends the Balanced Budget and Emergency Deficit Control Act of 1985 to accommodate appropriations for wildfire suppression operations in the Wildland Fire Management Accounts at the Department of Agriculture and the Department of the Interior; and

Whereas, the National Cohesive Wildland Fire Management Strategy represents a collaborative effort by Federal, state, local, and tribal governments, non-governmental partners, and public stakeholders to manage for resilient landscapes, create fire adapted communities, and provide for safe and effective wildfire response; and

THEREFORE BE IT RESOLVED THAT:

1. WSLCA supports the passage of the Wildfire Disaster Funding Act to appropriately fund fire suppression on federal lands.
2. WSLCA urges the United States Departments of Agriculture and Interior to effectuate the three tenets of the National Cohesive Wildland Fire Management Strategy to manage for:
 - a. resilient landscapes
 - b. fire adaptive communities, and
 - c. safe and effective wildfire response
3. WSLCA urges the United States Department of Agriculture to maximize the Good Neighbor Authority granted by Congress to enter into agreement and contracts to reduce hazardous fuels, treat insect and disease, and improve forest health.

Adopted this 13th day of July, 2016.


_____, President
Western States Land Commissioners
Association


_____, Secretary
Western States Land Commissioners
Association



RESOLUTION 2016-04
EXPRESSING OPPOSITION TO THE BUREAU OF LAND MANAGEMENT'S
PROPOSED RESOURCE MANAGEMENT PLANNING RULE (PLANNING 2.0)

Whereas, the Western States Land Commissioners Association (WSLCA) and its member states manage over 440 million acres of public trust lands, minerals and waterways that are interspersed with federal lands managed by the Bureau of Land Management (BLM); and

Whereas, members of WSLCA have state constitutional mandates to manage millions of acres of lands and waterways for economic development, public education, conservation, recreation, and other public purposes provided by state law; and

Whereas, planning and management decisions made by the BLM have significant impacts on WSLCA members' ability to effectively manage trust assets for their constitutional beneficiaries; and

Whereas, the BLM has issued a Proposed Rule entitled "Resource Management Planning" popularly known as Planning 2.0 that would amend the BLM's established land use planning procedures; and

Whereas, the BLM must conduct federal land use planning and management under the Federal Land Policy and Management Act of 1976 pursuant to the Congressional mandate of multiple use and sustained yield and must coordinate planning and management with state and local governments; and

Whereas, the Proposed Rule fails to respect and follow the Congressional mandate requiring the BLM to consider and coordinate with State Governments, and to the extent practical, resolve inconsistencies between Federal and non-Federal Government land planning; and

Whereas, many state land management agencies are often separate entities from a state governor with unique state constitutional powers and should automatically be granted cooperating agency status and additionally should be provided with "early public notice of proposed decisions which may have a significant impact on non-Federal lands"; and

Whereas, the Proposed Rule will significantly reduce the role of State and local governments in federal land planning, inventory, and management decisions by granting equal status to any commenting entity—regardless of their connectivity or proximity to the federal lands; and

Whereas, the Proposed Rule pushes federal land planning, inventory, and management decisions further from local BLM managers creating centralized decision making by BLM political appointees located in Washington DC; and

Whereas, the Proposed Rule would implement landscape-level resource management plans, crossing multiple state and local government jurisdictions, which will greatly inhibit the BLM's ability to craft management strategies consistent with state and local land planning as required by FLPMA; and

Whereas, the Proposed Rule attempts to enact through regulation the President's mitigation policy and justify the Department of Interior's recent landscape planning scheme in regard to species management across 10 states and impacting over 165 million acres of land in the name of Greater sage grouse protections; and

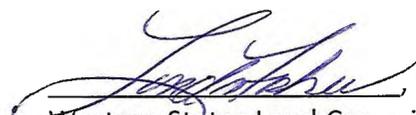
Whereas, the Proposed Rule neglects to address the BLM's failure for decades to satisfy and respect the land grants to states to support funding of critical state government functions and constitutionally granted beneficiaries, primarily K-12 public education; and

Whereas, WSLCA having reviewed the Proposed Rule has filed public comments opposing various aspects of the new rule.

THEREFORE BE IT RESOLVED THAT the WSLCA does hereby oppose the implementation of Planning 2.0 and urges the BLM to withdraw the Proposed Rule as currently drafted and work with state trust land managers to craft provisions to streamline resource management planning in a way that honors states' rights and addresses the many deficiencies in the Proposed Rule.

Adopted this 13th day of July, 2016.


_____, President
Western States Land Commissioners
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_____, Secretary
Western States Land Commissioners
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RESOLUTION 2016-05
RULES RELATED TO THE DESIGNATION OF CRITICAL HABITAT
UNDER THE ENDANGERED SPECIES ACT

Whereas, recent revisions to the regulations and policies governing administration of the Endangered Species Act (ESA) have fundamentally changed the United States Fish & Wildlife Service's and National Marine Fisheries Service's (collectively "the Listing Services") implementation of the ESA; and,

Whereas, these revisions include a final rule defining the term "destruction or adverse modification," a final rule governing impact analyses of critical habitat, and a final rule implementing changes to the designation of critical habitat; and,

Whereas, the revisions to the regulations and policies governing administration of the ESA remove important, and statutorily mandated, restraints on the Listing Services' ability to designate areas as critical habitat; and,

Whereas, in promulgating these revisions, the Listing Services are impermissibly eliminating all meaningful consideration of the economic impact of critical habitat designations, their prudence or necessity for management or recovery, or even the presence of protected species within the designation; and,

Whereas, the designation of critical habitat for species has numerous negative consequences for landowners and state trust lands, including creating a patchwork of regulatory requirements that inhibits leasing, increases costs, creates operational delays, and often a loss of access to state trust lands; and,

Whereas, critical habitat designations have increased on both number and size, with the largest recent designations totaling tens of thousands of miles each; and,

Whereas, the number of species being listed as threatened or endangered, and thus requiring designation of critical habitat, has risen over the past several years; and,

Whereas, a designation of critical habitat will likely have a significant negative economic impact on state trust lands and public lands held by the member states of the WSLCA; and,

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

THEREFORE BE IT RESOLVED THAT WSLCA requests that the Listing Services rescind their critical habitat rules and avoid direct designation of critical habitat that is in contravention of the ESA and Congressional intent.

AND BE IT FURTHER RESOLVED THAT the Western States Land Commissioners Association (WSLCA) respectfully requests the United States Congress resolve the growing contemptible and unintended outcomes of ESA-related decisions and actions by the U.S. Department of Interior by establishing an ESA Congressional Oversight Committee commensurate with ESA decisional impacts, and that it shall conduct an investigative analysis, hold public hearings on its findings for purposes of amending the ESA and associated rules by the year 2020;

Adopted this 13th day of July, 2016.


_____, President
Western States Land Commissioners
Association


_____, Secretary
Western States Land Commissioners
Association



**RESOLUTION 2016-06
REAFFIRM THE NEED FOR CHANGES TO THE ENDANGERED SPECIES ACT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Adopted this 13th day of July, 2016.


_____, President
Western States Land Commissioners
Association


_____, Secretary
Western States Land Commissioners
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**RESOLUTION 2016-07
OPPOSING THE 10 MILLION ACRE PROPOSED FEDERAL MINERAL WITHDRAWAL**

Whereas, the Western States Land Commissioners Association (WSLCA) and its member states manage over 440 million acres of trust lands and minerals that are interspersed with federal lands managed by the Bureau of Land Management (BLM); and

Whereas, members of WSLCA have state constitutional mandates to manage millions of acres of lands and waterways for economic development, public education, conservation, recreation, and other public purposes provided by state law; and

Whereas, planning and management decisions made by the BLM have significant impacts on WSLCA members' ability to effectively manage trust assets for their constitutional beneficiaries; and

Whereas, the US Department of Interior has proposed removing over 10 million acres of federal land from economic mineral entry to meet the recommendation of the Greater Sage-grouse federal land use management plans; and

Whereas, state trust lands are commonly adjacent to and in 'checkerboard' proximity to withdrawn tracts of land in an unseverable relationship to the economic activity on these federal lands; and

Whereas, the removal of economic mining activity from these lands prevent future exploration and expansion to adjacent state trust lands, denying states from capturing the full economic potential and return for the intended beneficiaries that includes public education; and

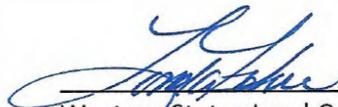
Whereas, the governors of the withdrawal affected states have all opposed the Greater Sage-grouse federal land use management plans and subsequent withdrawal as unnecessary and harmful to economic development through either legal challenge or consistency review.

THEREFORE BE IT RESOLVED THAT the WSLCA opposes the US Department of Interior proposed 10 million acre mineral withdrawal as a detriment to the economic development and return on land managed by the states for the intended beneficiaries of the public trust.

AND BE IT FURTHER RESOLVED THAT a copy of this resolution shall be provided to the US Department of the Interior (BLM) and to appropriate members of Congress 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 13th day of July, 2016.


_____, President
Western States Land Commissioners
Association


_____, Secretary
Western States Land Commissioners
Association



**RESOLUTION 2016-08
THANKING IDAHO FOR HOSTING THE
SUMMER WSLCA CONFERENCE
SANDPOINT, IDAHO
JULY 10-14, 2016**

Whereas, the regular Summer 2016 meeting was held in the beautiful “foothills” of Sandpoint, Idaho and was hosted by the Idaho Department of Lands, and

Whereas, Idaho’s promise of hosting a “really cool” summer conference was clearly an understatement, and

Whereas,

State programs are busy – the roll call confirms – despite those who shared they had budget concerns. While healthy State coffers are always preferred – fiduciary warriors cannot be deterred.

Committees are working on projects galore – it’s all quite exciting what might be in store. Standardized data and State data sharing – all new initiatives – bold, brave, and daring. IT innovations and assets discussed, Best Management Practice discussions robust. We made resolutions – in all there were eight – our transitional team has a lot on its plate.

We listened intently to Allen expound. He’s our Washington expert – our boots on the ground. He updated members on WOTUS and ACE – and even disclosed a new President’s face.

We all donned our hard hats and ear plugs and vests – for a lumber mill tour that was simply the best. A bus trip through Farragut Park was enjoyed (except when “Bus 1” had its fender destroyed). We shared a great meal on a fabulous night – the Coeur d’ Alene lake cruise was quite a delight.

THEREFORE BE IT RESOLVED THAT Tom Schultz and his staff were up to the task – this conference delivered beyond what we’d asked. We thank them profusely for all that they’ve done to schedule a week filled with learning and fun.

Adopted this 13th day of July, 2016.


_____, President
Western States Land Commissioners
Association


_____, Secretary
Western States Land Commissioners
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