



March 25, 2022

The Honorable Edward Buchanan  
Secretary of State  
Herschler Building East  
122 W. 25th Street, Suite 100  
Cheyenne, Wyoming 82002

Re: Veto of HEA0042/HB0137 - State land exchanges-public notice

Dear Secretary Buchanan:

The State Board of Land Commissioners (SBLC) was created by the Constitution of the State of Wyoming, and through the provisions of Article 18, Section 3 was given express authority over the “direction, control, leasing and disposal of lands granted to the state.”

All members of SBLC take their responsibility seriously. This legislation, while well-intentioned, augurs against proposing land exchanges, and potentially hinders the SBLC’s ability to effectively evaluate land exchanges were one to be proposed. This legislation inserts a rigid application process for land exchanges where a more fluid one is oftentimes appropriate to best optimize the direction, control, leasing and especially disposal of lands granted to the state. This legislation could also require public notice harmfully early in the exchange process when no facts have been confirmed, information is still changing, and the price of a parcel could be affected by outside influence. Therefore, at this time, I find it necessary to veto the State land exchanges-public notice legislation.

Currently, there is a process in place to nominate land for an exchange. The nomination is meant to start the conversation and the gathering of information to determine if the transaction has the potential to satisfy one or more of SBLC’s Trust Land Management Objectives. During that period, the only information being gathered is from the perspective of the nominator and no analysis is being conducted to confirm the factual nature of the nominator’s claims. Once the Director of the Office of State Lands and Investments (OSLI) determines that on its face the nomination has merit, she presents the exchange to SBLC in executive session. If SBLC agrees to proceed, OSLI must then present the exchange to SBLC again only this time in an open public meeting whereby the SBLC may instruct OSLI to conduct a detailed analysis of the exchange. The initial review in executive session is expressly permitted by W.S.16-4-405(a)(vii) - the Public Meeting Act and allows SBLC to review the nomination without fear of impacting the value of the lands proposed for acquisition in the exchange.

Within the detailed analysis, OSLI includes factual information regarding the value of the parcels, income generating potential, manageability, existence and importance of any wildlife habitat and wildlife oriented recreational opportunities, and the existence and importance of any public recreation opportunities or cultural resources. Once all the facts are pulled together regarding the nominated parcels, the public is

then noticed and asked to comment and provide their perspective on both the exchange and the details of it.

This existing process ensures the public is commenting on factual data and not speculating in an uninformed way. The official public comment period is 60 days long, and the proposed exchange must be posted publicly.

The ability to effectuate land exchanges is integral to grouping public trust lands and state lands into more manageable units, providing public access, and better configuring land holdings, which must ultimately benefit the trust beneficiaries. When the objectives are met, exchanges occur without much concern. Where there may be public concern such as we have seen, in recent high-profile land exchanges, we see the process works as it is supposed to by providing a timely opportunity for public scrutiny. The public is made aware of proposed exchanges in a timely and appropriate manner. The OSLI secures adequate time to confirm associated considerations of any proposed exchange. The public is given an opportunity to engage once all information is confirmed. Parties have the opportunity to comment, as does the public in open forum. Ultimately, hearings have an impact on SBLC's consideration of an exchange. The process provides an effective filter screening out candidates that do not meet the most stringent objectives. The public ultimately would not be afforded greater opportunity to scrutinize proposed land exchanges with this Act in place than it currently does; rather, because the process envisioned in this Act would dampen enthusiasm to look for opportunities to exchange lands, the public would only have fewer potential exchanges to review.

The public deserves an informed and substantial opportunity to examine proposed land exchanges. The state and those interested in finding opportunities to be constructive in exchanging lands should not be discouraged out of hand, and the trust beneficiaries interests should be optimized in accordance with Wyoming's Act of Admission. I believe that the present system has worked despite the frustrations of some who have suggested notification has not been adequate. Changing the requirements of the process will not result in greater public awareness, only fewer proposals both good and bad. For that reason, I am vetoing HEA042/HB0137. This Act does not improve the process, it will have a chilling effect on exchanges generally, and hinders SBLC from fulfilling its constitutional duties.

Sincerely,



Mark Gordon  
Governor

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cc: The Honorable Dan Dockstader, President of the Senate  
The Honorable Eric Barlow, Speaker of the House  
Chief Clerk, Wyoming Senate  
Chief Clerk, Wyoming House of Representatives