

COMMITTEE ON NATURAL RESOURCES
Disclosure Form
As required by and provided for in House Rule XI, clause 2(g) and
the Rules of the Committee on Natural Resources

H.R. 1126, “*Disposal of Excess Federal Lands Act of 2011*”
October 25, 2011 at 10:00 a.m.
1334 Longworth House Office Building

For Individuals:

1. Name:
2. Address:
3. Email Address:
4. Phone Number:

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For Witnesses Representing Organizations:

1. Name: J. Mark Ward
2. Name of Organization(s) You are Representing at the Hearing: Utah Association of Counties
3. Business Address: [Information redacted for privacy]
4. Business Email Address: [Information redacted for privacy]
5. Business Phone Number: [Information redacted for privacy]

Name/Organization J. Mark Ward / Utah Association of Counties

Title/Date of Hearing H.R. 1126 “Disposal fo Excess Federal Lands Act of 2011” / October 25, 2011

a. Any training or educational certificates, diplomas or degrees or other educational experiences that are relevant to your qualifications to testify on or knowledge of the subject matter of the hearing.

- Assistant Attorney General for the State of Utah specializing in Public Lands and Natural Resources, 2002-2006
- Senior Policy Analyst and Public Lands/Natural Resources Counsel for Utah Association of Counties, 2006- Present
- Drafted several state legislative bills regarding public lands issues in Utah
- Testified many times before Utah legislative committees on public lands and natural resource issues
- Active in advising commissioners of all rural public-land counties in Utah, as well as the Governor’s Office and numerous State legislators, regarding a broad array of public lands and natural resource issues

b. Any professional licenses, certifications, or affiliations held that are relevant to your qualifications to testify on or knowledge of the subject matter of the hearing.

- Member in good standing of the Utah State Bar since 1984
- Registered Utah State lobbyist in good standing with the Utah Lt. Governor’s Office.
- Admitted to practice and in good standing in the United States District Court for the District of Utah, the United States Court of Appeals for the Tenth Circuit and the United States Supreme Court

c. Any employment, occupation, ownership in a firm or business, or work-related experiences that relate to your qualifications to testify on or knowledge of the subject matter of the hearing.

- As mentioned above, I have worked in the public lands arena since 2002 both as an Assistant Utah Attorney General and as Senior Policy Analyst and Public Lands/Natural Resources Counsel for Utah Association of Counties, advising state and local governments on a broad array of public lands and natural resources issues.

d. Any federal grants or contracts (including subgrants or subcontracts) from the Department of the Interior (and/or other agencies invited) that you have received in the current year and previous four years, including the source and the amount of each grant or contract.

- None.

e. A list of all lawsuits or petitions filed by you against the federal government in the current year and the previous four years, giving the name of the lawsuit or petition, the subject matter of the lawsuit or petition, and the federal statutes under which the lawsuits or petitions were filed.

- None filed in my name. Please refer to paragraph -i- below for litigation filed by Utah Association of Counties, the organization I represent.

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f. Any other information you wish to convey that might aid the Members of the Committee to better understand the context of your testimony.

- I closely advise local government leaders who deal regularly with the impacts of federal land ownership in their counties.

In addition, for witnesses representing organizations:

g. Any offices, elected positions, or representational capacity held in the organization(s) on whose behalf you are testifying.

- No elected positions. I am employed with Utah Association of Counties. My job title is Senior Policy Analyst and Public Lands/Natural Resources Counsel.

h. Any federal grants or contracts (including subgrants or subcontracts) from the Department of the Interior (and /or other agencies invited) that were received in the current year and previous four years by the organization(s) you represent at this hearing, including the source and amount of each grant or contract for each of the organization(s).

- None.

i. A list of all lawsuits or petitions filed by the organization(s) you represent at the hearing against the federal government in the current year and the previous four years, giving the name of the lawsuit or petition, the subject matter of the lawsuit or petition, and the federal statutes under which the lawsuits or petitions were filed for each of the organization(s).

Title of Lawsuit

UINTAH COUNTY, UTAH COUNTY, UTAH COUNTY BOARD OF COMMISSIONERS, AND **UTAH ASSOCIATION OF COUNTIES** vs. KEN SALAZAR, in his official capacity as SECRETARY OF THE INTERIOR; the UNITED STATES DEPARTMENT OF THE INTERIOR; ROBERT V. ABBEY, in his official capacity as DIRECTOR OF THE BUREAU OF LAND MANAGEMENT; and the UNITED STATES BUREAU OF LAND MANAGEMENT

Court and Case Number

United States District Court for the District of Utah
2:10-cv-0970-CW

Federal Statutes Under Which Suit Was Filed

The lawsuit was filed under the U.S. Constitution’s separation of powers doctrine, the Property Clause, ART. IV, SECTION 3, CL. 2, the Tenth Amendment to the U.S. Constitution, the Federal Land Policy Management Act, (FLPMA), 43 U.S.C. §§1701-1784, the National Environmental Policy Act (NEPA), 42 U.S.C. §4332(2)(C); and the Administrative Procedures Act, APA, 5 U.S.C. §706.

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Subject Matter of Lawsuit

Challenging the BLM's de-facto wilderness policies of the BLM for violating (1) current BLM Resource Management Plan EIS documents, the multiple use mandate of FLPMA Section 1712, and the 2003 Utah-Norton Wilderness Settlement Agreement.

j. A list of any countries from which the organization(s) you represent at the hearing have received foreign donations and the total amount of donations received from each country, for the current year and the previous four years, by each organization.

- None

k. For tax-exempt organizations and non-profit organizations, copies of the three most recent public IRS Form 990s (including Form 990-PF, Form 990-N, and Form 990-EZ) for each of the organization(s) you represent at the hearing (not including any contributor names and addresses or any information withheld from public inspection by the Secretary of the Treasury under 26 U.S.C. 6104)).

- Utah Association of Counties (UAC) is a non-profit organization. However, UAC is not required to file IRS Form 990s, because of a Section 115 letter ruling which exempts UAC from this requirement. Due to the short notice of this opportunity to testify, I am unable to access a copy of this Section 115 letter ruling today (Friday October 21st). The individual in our organization with access to this letter ruling is out of town all week. Per conversation October 21st with subcommittee clerk Casey Snider, I request leave to submit this Section 115 letter ruling next week when I make contact with our executive director and obtain this record.