

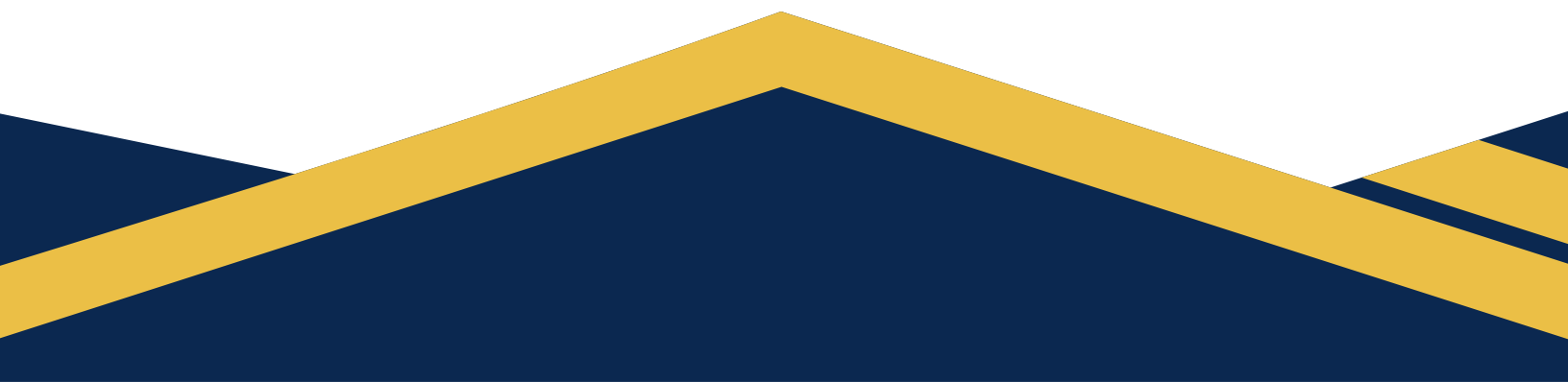


**MOUNTAIN STATES LEGAL  
FOUNDATION**

CENTER FOR AMERICAN PROSPERITY & ENERGY



**CENTER FOR  
AMERICAN PROSPERITY  
& ENERGY**



# RECLAIMING THE IDEALS OF PROSPERITY

## BUILDING ON YEARS OF SUCCESS PROTECTING THE AMERICAN DREAM

In America, we should never be in an economic downturn. We have it within our borders to continue as we have for centuries: providing the next generation a better, more prosperous life than that of their parents. We achieve progress because of our resources—we know how to responsibly use and steward them.



In 2022, researchers at Utah State University reminded us of a simple, intuitive fact: “Cheap energy decreases the cost of all the goods and services we consume today that use energy in their production. But more importantly, it also enables us to produce more and new goods and services in ways that are only economical when energy costs are low.”

DID YOU KNOW THAT “AN INCREASE IN ENERGY CONSUMPTION LEADS TO AN INCREASE IN ECONOMIC GROWTH AND VICE VERSA?”

The researchers at Utah State dared to ask the question, “What would it be like if we were able to consume vastly more energy?”

---

1 Energy Superabundance: How Cheap, Abundant Energy will Shape our future

2 Energy Consumption and Economic Growth: New Insights into the Cointegration Relationship

Their vision of a future with “superabundant energy” was one of prosperity—prosperity that rippled across our globe.

What a paradigm shift! It is an echo of a past that preceded the burdensome regulations now placed on American energy production. In 1954, Lewis Strauss, Chairman of the still-new U.S. Atomic Energy Commission, shifted his agency’s focus from building atomic bombs to harnessing that same energy for commercial use. He believed that, “It is not too much to expect that our children will enjoy in their homes electrical energy *too cheap to meter.*”

The future of limitless energy that Strauss envisioned is fully attainable. Not just in relation to oil and gas as the Utah researchers asked, nor just in mining as Strauss suggested, but in all of the resources our country boasts. As our Republic moved West following the trails blazed by earlier explorers, even our music recognized the plenty, “O beautiful for spacious skies, For amber waves of grain, For purple mountain majesties Above the fruited plain! America!”

That is the vision of America that we are reaching for, too, and how fitting that the poem that gave words to “America the Beautiful” was originally entitled “Pikes Peak,” the beautiful mountain majesty just south of our Foundation’s home.

There are no prizes for guessing that the small businesses of America—the entrepreneurs, and the innovators—are the ones who have led the charge to find and make productive, responsible use of these resources. In his farewell address, Texas Governor Rick Perry, noted of his state. “We realize that freedom breeds innovation, and over the years, we have cultivated a climate where entrepreneurs can take risks with less government intrusion and keep more of the return when their venture succeeds.” That used to be true of America, too.

**Entrepreneurs and their  
small enterprises are  
responsible for almost all  
the economic growth in the  
United States.  
– Ronald Reagan**



# THE SYSTEMATIC WAR ON EXTRACTIVE RESOURCES

How often have you heard, “It’s never been this bad”? We’ve said that for years, if not generations, right? The statement has rarely been wrong and isn’t wrong today. In the last several years, attacks against those who enable the prosperity we dream of—through the entrepreneurial use of our natural resources—have increased in number and in intensity.

Those operating on private lands see their activity attacked by those who work in conjunction with government officials to weaponize well-intentioned laws such as the Endangered Species Act. Think of the Northern spotted owl. It was listed in 1990, and the listing brought timber operations on public and private lands to a screeching halt. Thirty years later, the spotted owl is still listed as endangered despite the massive regulations limiting timber operations inside their habitat.

Those who ply their trade west of the Mississippi River often do so on federal public lands. After all, the U.S. government owns north of 650 million acres, or roughly 29% of the entire country. And over 90% of federal lands are found in just 12 western states. Entrepreneurs often face insurmountable challenges.

For example, a small oil and gas company purchased a lease from the federal government in 1982. After complying with all the requirements of its lease and drilling permit it was confronted by a government willing to bend to the demands of environmentalists and a nearby Indian tribe that declared that the lease—while not part of reservation lands— “encompassed the tribe’s real birthplace.” The company was held in regulatory limbo for decades before finally suing to regain their lawful right to drill on their lease.

Over 40 years later things reached a climax when the federal government defied a federal court judge and attempted to cancel the lease and drilling permit. This is a real story of one of our clients. We fought back in court for more than a decade, and won a final victory in the closing months of 2023 on behalf of Solenex and the Longwell family.

Both cases highlight the real challenges for entrepreneurs seeking to do their part to increase America’s prosperity in oil and gas, mining, and timber. The challenges are designed to bankrupt, immobilize, and debilitate the individuals, companies, and investors who propel our country’s prosperity. The government’s actions are often justified by ill-intended platitudes regarding public health and safety. As the judge in Solenex remarked, “Horsefeathers!”



OUR GOVERNMENT HAS A STRANGLEHOLD ON THE EXTRACTIVE INDUSTRIES, LEAVING PRODUCERS AT THEIR MERCY AND MAKING IT NEARLY IMPOSSIBLE TO DO BUSINESS. TO ILLUSTRATE:

## THE MINING INDUSTRY

The federal mineral estate contains 2.46 billion acres, which represents 62% of our country's total. The types of mining operations range from gold, platinum, and diamonds to oil, gas, and coal to iron, copper, lithium, and nickel.

Uranium and rare earth minerals have captured our national interest due to their importance in our energy and high-tech industries. In August 2023, President Biden used the Antiquities Act of 1906 to pull nearly a million acres of some of our country's richest uranium deposits out of production. Keep in mind that we import about 95% of the uranium we use for nuclear power reactors from Kazakhstan, Canada, and Russia. For context, nuclear energy provides 20% of U.S. electricity and 50% of carbon-free electricity.

For those who fear mining the uranium will contaminate nearby water and wildlife, the "U.S. Geological Survey in 2021 found springs and wells in the [Grand Canyon] region met federal drinking-water standards despite decades of uranium mining." A whole host of state and federal agencies oversee existing uranium mining in the area, including The U.S. Forest Service, the Bureau of Land Management, the Environmental Protection Agency, the Mine Safety and Health Administration, the U.S. Department of Transportation, the Arizona Department of Environmental Quality, and the Arizona Department of Water Resources.



2.46 BILLION  
ACRES OF MINERAL ESTATE OWNED  
BY FEDERAL GOVERNMENT



THAT'S  
62%  
OF OUR NATION'S TOTAL



1 MILLION ACRES  
TAKEN OUT OF PRODUCTION

# THE OIL & GAS INDUSTRY

In the first week of 2024, the Wall Street Journal reported on Chevron's announcement that it was "writing down its upstream assets in California owing to

'CONTINUING REGULATORY CHALLENGES'."

The picture that led the article was of a gas station sign in Los Angeles registering regular gasoline at \$6.89/gal. Chevron isn't rolling up their carpet everywhere. The same article noted the company's recent \$53 billion investment in U.S. shale and offshore Guyana—a small country just east of Venezuela. To be clear, the company's actions demonstrate greater confidence that they can productively run operations in a South American country besieged by violent crime and drug trafficking than in America's California.



PHOTO: ROBYN BECK/AGENCE FRANCE-PRESSE/GETTY IMAGES

In 2022, President Biden signed the Inflation Reduction Act (IRA), which immediately doubled the rental rates for oil and gas leases on federal lands, increased royalties and fees, and added a few new fees just for good measure. Oil and gas producers can look forward to lease rental rates eventually increasing tenfold and those new fees costing millions.

Just the year before, President Biden had called for a pause on new federal leases. And when President Biden's Department of the Interior finally released its plan for offshore lease sales in December 2023 it called for *no sales at all* in 2024, and three sales by 2029. For context, his predecessor hosted 47 sales in 4 short years. Biden's plan preserves his record for leasing fewer federal acres for oil and gas than any president since World War II.

Even before the IRA, the federal government had enacted regulations so onerous that obtaining the rights to drill and operate on federal lands takes a staggering amount of time. For example, in 2021, it took an average of 182 days to complete an application for a Permit to Drill on federal lands. In comparison, in Texas, in 2018 and 2019, it took an average of two days to process standard drilling permits.



# THE TIMBER INDUSTRY

For decades, the timber yielded from federal lands has been in significant decline. In 2021, the timber industry suffered as the federal government diminished forest available for production by 11% in a single year on federal lands. That is on top of the 78% decline the government had already implemented from 1987 to 2011. This is *despite* plenty of laws on the books demanding that forests be stewarded by allowing appropriate productive use of the forests.

Without harvesting timber, forests get overcrowded, naturally shed branches and leaves are left to rot on the forest floor alongside trees felled by insects and diseases. After so many years of mismanagement, it is no wonder that America is battling forest fire after forest fire. No matter how often climate change is held out as the reason for wildfires, rising CO2 isn't to blame.



The government that is running the timber industry off the land also has management policies on the books that would prevent the massive wildfires of the last few years, with tools such as logging and prescribed burns. These policies would reduce CO2 emissions more than all our federal mandates for offshore wind or electric vehicles. *Or they would if we used them.*

Timber harvesting can tackle two issues at once by first moving a forest towards a healthier condition while secondly providing economic value through the sale of the timber. Nevertheless, in December 2023 President Biden's U.S. Forest Service proposed to update all its forest management plans simultaneously to ban harvesting timber on nearly 25 million acres.

GOVERNMENT EXISTS TO PROTECT US FROM EACH OTHER.  
WHERE GOVERNMENT HAS GONE BEYOND ITS LIMITS IS IN  
DECIDING TO PROTECT US FROM OURSELVES.

– RONALD REAGAN

# ENTER MSLF'S CENTER FOR AMERICAN PROSPERITY & ENERGY

With progressives advancing their agenda across both federal and state governments, the fight is no longer confined to Western federal lands—and neither are we.

During his administration, President Biden was relentless in his efforts to undercut and dismantle American energy production, using executive agencies to push a singular, aggressive agenda. However, the courts—especially the Supreme Court—did not look favorably on this approach, increasingly striking down executive overreach. In recent years, the Supreme Court has returned to its constitutional roots, reaffirming the separation of powers and holding itself to the highest standard of judicial excellence.

This is the moment we've been waiting for—a Supreme Court, Congress, and President more committed to the Constitution than ever before. As the fight extends beyond public lands, Mountain States Legal Foundation is rising to the challenge with a bold new initiative: **the Center for American Prosperity & Energy**.

MSLF's new Center for American Prosperity & Energy (CAPE) will not only lead the charge in high-impact litigation but also serve as a powerful force in shaping the future of natural resources and energy policy.



## SINCE 1977...

For almost 50 years, MSLF has worked alongside these entrepreneurs. They are the small and midsized operations that do the hard work of finding new opportunities and, with a hope and a prayer that the opportunity turns profitable, dive into the task at hand. Later, they work to steward the resources that are discovered.

We join them in taking on the challenges. We know how to litigate for the cause of liberty. MSLF's CAPE opens a new front on the war for America's growth and success.

## ... SO WHY CHANGE NOW?

Because the need is there. Mountain States Legal Foundation has a reputation for excellence in natural resources law. And we have built a stable of aggressive, impactful litigators who are driven to restore and preserve the principles that enable liberty.

For nearly half a century, we have asked our capable attorneys to be generalists, able to tackle any case we put before them. But as conditions worsen, we need to empower them to dig in and be the specialists for the battles we face.

Additionally, we have already seen that when we allow our attorneys to specialize, they dream of slaying bigger Goliaths, and they bring more cases. We need both of those things! What would you give to have the federal government honestly live by multiple use on federal lands? Or issue permits in a timely fashion? Or respect private property rights, rather than conspire with activists to deny those rights, by twisting the words and meaning of laws?

Our traditional natural resources practice encompasses far more than just the Center for American Prosperity & Energy (CAPE) will. But this center is only the first step in a grander vision that is inspired by the fights before us. In the years ahead, MSLF intends to take intentional, incremental steps to break out additional parts of our overall natural resources practice into centers of legal excellence that provide experienced litigators and principled leadership to all the natural resource areas that are under attack by the government. Not all heroes wear CAPES. But we do.

CAPE is led by a seasoned litigator who, as CAPE grows, will be joined by top-notch attorneys who bring specific expertise in this area. This team is laser-focused on taking precedent-setting cases, working in collaboration with like-minded groups, and leading the charge to restore the Spirit of the West.

# MISSION


MSLF's Center for American Prosperity & Energy (CAPE) is dedicated to restoring America's economic strength and energy independence. Our attorneys do this through relentless and principled litigation. We protect property rights, innovation, and the free market while rolling back government power grabs that threaten our prosperity.

# VISION

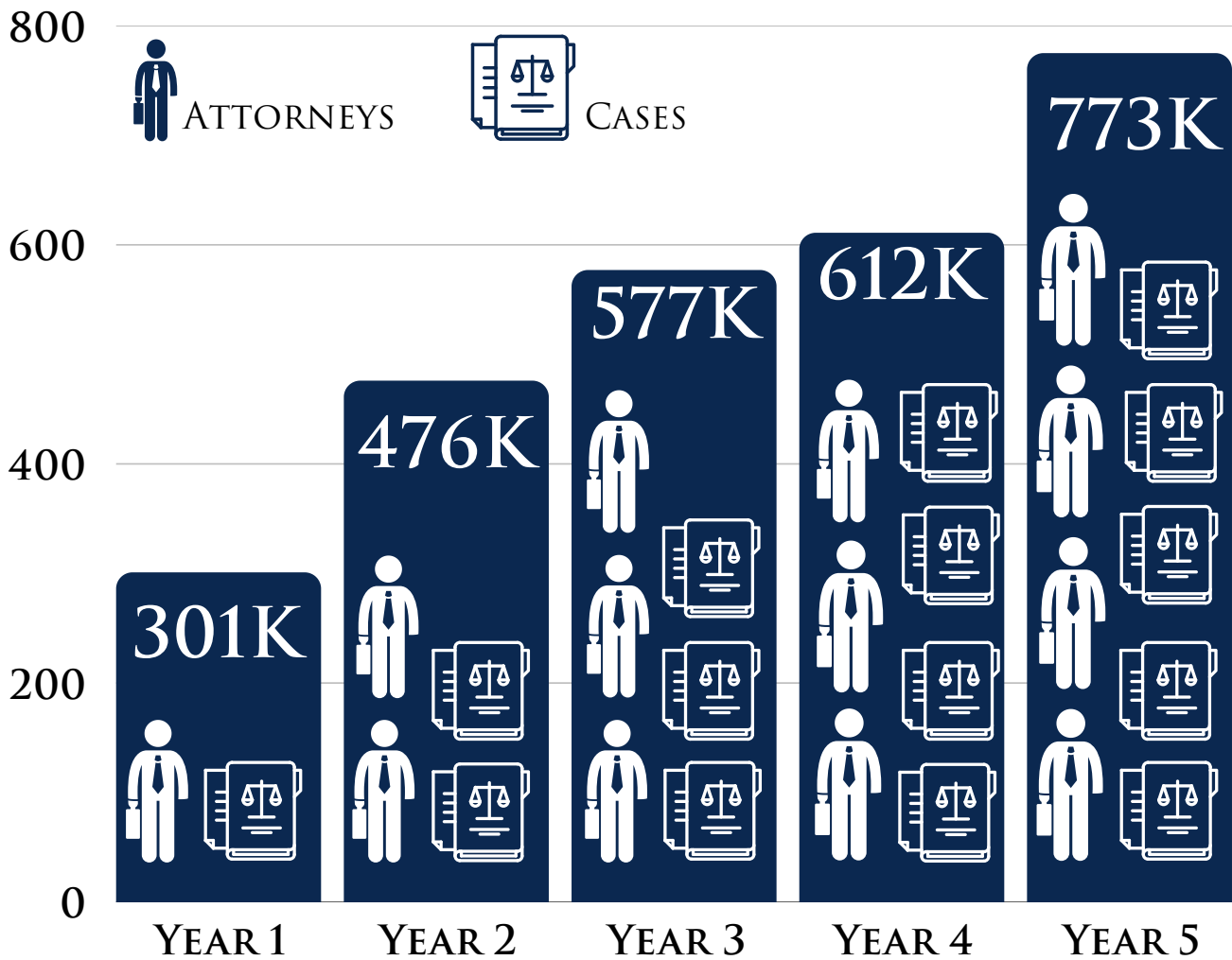
MSLF's CAPE will be the nation's premier legal force defending the extractive industries—ensuring that free-market principles, not bureaucratic meddling, determine success. **Our vision is clear: American prosperity thrives when our natural resource industries are strong, our property rights are secure, and our government stays within its Constitutional limits.** By restoring the right to use and develop America's natural resources responsibly, we will once again put economic freedom, innovation, and resilience at the forefront of our national policy. The battle for America's future never ends, but neither does our commitment to fight.

# CAPE GOALS

THE CENTER FOR AMERICAN PROSPERITY & ENERGY  
HAS 5 MAIN GOALS:

- **Protect** property rights that implicate energy issues.
  - **Promote** free enterprise.
  - **Shield** citizens from the weaponization of regulations and regulators.
  - **Limit** the power of government actors at all levels, to embark on anti-energy schemes.
  - **Deregulate** the administrative state, and create a lawful and reasonable regulatory landscape for extractive resource producers and consumers.
- 

# TIMELINES & RESOURCES



Assuming a 5% return on funds endowed, \$5.6M is needed to perpetually endow the MSLF Center for American Prosperity & Energy. The return on the endowment would be used to pay for the above yearly expenses of the MSLF center.

# OUR LEADERSHIP



**CRISTEN WOHLGEMUTH**  
PRESIDENT & CEO

She served as a policy advisor to Governor Rick Perry, focusing on natural resources issues. Cristen joined Mountain States Legal Foundation in July 2017 and was promoted to President and CEO in March 2020.

**AUSTIN SCOTT**  
CHIEF OPERATING OFFICER

Austin serves as the Chief Operating Officer at MSLF. With a deep-rooted passion for protecting property rights, especially given his Texan heritage and family history of land use, Austin is committed to ensuring individuals can manage and utilize their land.



**WILLIAM TRACHMAN**  
GENERAL COUNSEL

William E. Trachman is General Counsel for Mountain States Legal Foundation, where he protects the rights of individuals to live freely and securely under the U.S. Constitution.



# SOLENEX V. HAALAND



In 1982, Sidney Longwell purchased a federal oil and gas lease in Montana's Lewis Clark National Forest. For over a decade, Sidney worked diligently to ensure that his project passed all environmental and archeological reviews. Despite passing all of those government-mandated reviews, Sidney's lease was suspended in 1993, and remained suspended for over two decades. During the suspension, each time Sidney would win a victory, in the courts or at the agency, the Department of the Interior would change the reason for the suspension. Federal bureaucrats, have no authority to cancel a lawfully issued oil and gas lease unless Congress has provided them that authority.

Not only was the Department of Interior wrong in canceling Sidney's oil and gas lease but they also revoked his right to drill on the lease. Luckily, a federal judge ruled that the DOI had canceled his lease and the court ordered that it be reinstated, again. But then the government appealed, the court reversed the first court's decision in Sidney's favor and sent the case back on remand stating that the reason for its decision were inadequate.

“IT IS TIME TO PUT AN END TO THIS INTERMINABLE AND INSUFFERABLE, BUREAUCRATIC CHESS MATCH.”

-JUDGE RICHARD LEON (U.S DISTRICT COURT FOR COLUMBIA)

## VICTORY FOR SIDNEY & MSLF

After five presidents and decades, this case has finally come to a victorious conclusion. The federal government and its allies who intervened in the case have signed settlement agreements that uphold Sidney Longwell's hard-fought victories. And they have agreed to pay Solenex \$2.62 million to resolve the case, with the federal government supplying \$2 million, and the intervening activists supplying the other \$624,700.



# RAYCO, LLC V. HAALAND



Rayco, LLC is a small, family-owned mining company established by the Ray family. Monte Ray is a life-long miner whose parents first staked the Cima Cinder Mine in 1948. A humble business that represents a legacy of love, his parents worked hard fulfilling the American dream for future generations. However, the government put that legacy in grave peril.

The Secretary of the Interior delayed this family's patent application for more than 27 years. The patent would have given them permanent ownership of the land they'd mined for generations. The government decided not to respond. Unpatented mining claims are not permitted to be operated and the Ray family was forced to watch their beloved business crumble to pieces, as a result of the government's delay.

## GOVERNMENT DELAYS DESTROY FAMILY DREAMS

One of the ways government agencies harm citizens is by deliberately doing nothing. Agency bureaucrats delay for years or even decades and hope the families will run out of money while fighting for their land rights or will simply give up. This is what happened to the Ray family. With weaponized bureaucratic delay, businesses across America that were once successful, sadly turn to dust.



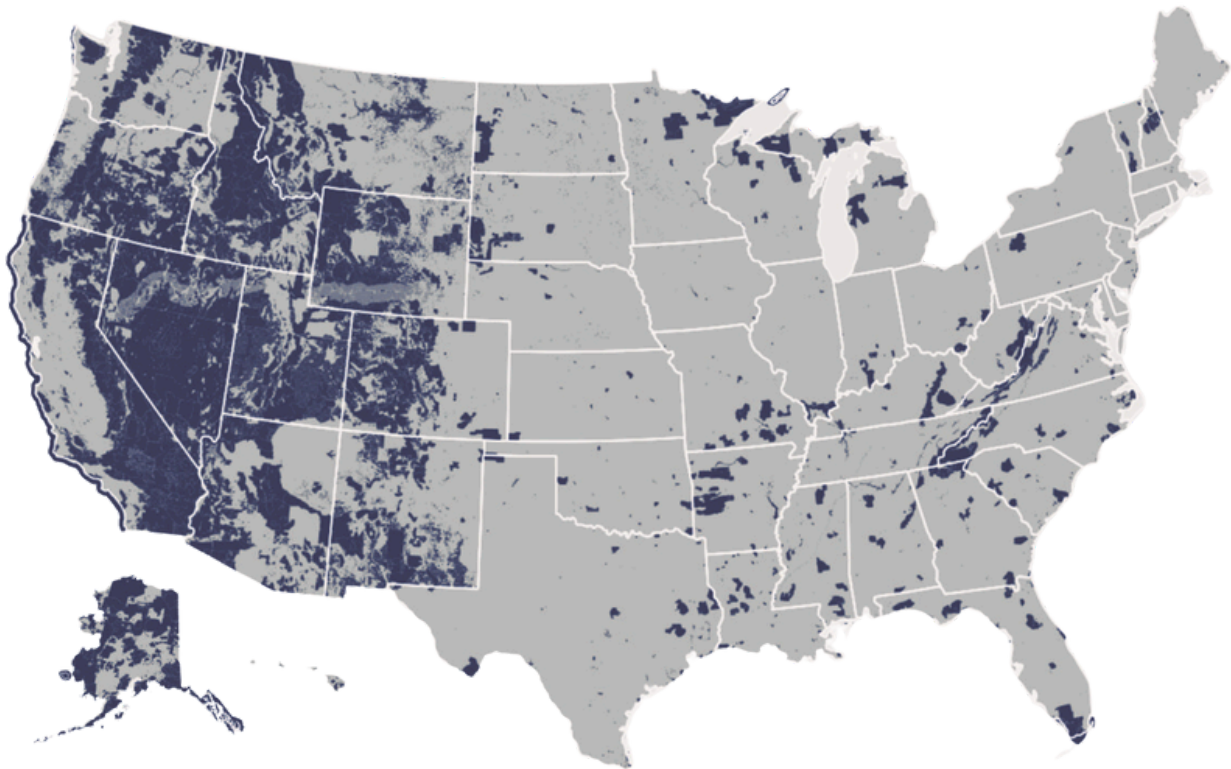
It took 29 years and one federal lawsuit, filed by MSLF in 2019, for the Bureau of Land Management (BLM) to finally provide the Ray family with a decision, denying their application. The rejection letter, finally providing an operable response, now gives the Rays the legal right to fight for what is rightfully theirs. With your support, MSLF will continue to fight for those who have had their American dream shattered by the federal government.

# FREE COUNTRY. FREE PEOPLE.

Mountain States Legal Foundation was born in 1977 with a unique mission: defend private property in the West in the courtroom. We've grown since then to fight the good fight in the entire United States, but we remain true to our roots. We call those roots the Spirit of the West.

Mountain States Legal Foundation's mission is to protect and restore those rights enshrined in the Constitution of the United States of America, through pro bono litigation. We protect individual liberty, the right to own and use property, the principles of limited and ethical government, and the benefits of the free enterprise system.

BLUE REPRESENTS LAND OWNED  
BY THE  
FEDERAL GOVERNMENT





# RECLAIMING THE IDEALS OF AMERICAN PROSPERITY & ENERGY



MOUNTAIN STATES LEGAL FOUNDATION  
2596 S. LEWIS WAY, LAKEWOOD, CO 80227  
MSLEGAL.ORG | 303 - 292 -2021