

1 **RESOLUTION SUPPORTING LAWSUIT**
2 **OPPOSING GRAND STAIRCASE ESCALANTE**
3 **NATIONAL MONUMENT DESIGNATION**

4 1998 GENERAL SESSION

5 STATE OF UTAH

6 **Sponsor: Dennis H. Iverson**

7 A JOINT RESOLUTION OF THE LEGISLATURE EXPRESSING SUPPORT FOR THE
8 LAWSUIT BROUGHT BY UTAH'S COUNTIES AND THE SCHOOL AND
9 INSTITUTIONAL TRUST LANDS ADMINISTRATION OPPOSING THE GRAND
10 STAIRCASE ESCALANTE NATIONAL MONUMENT DESIGNATION; SUPPORTING
11 THE MEANINGFUL INVOLVEMENT OF UTAH'S CITIZENS IN ANY FUTURE
12 MONUMENT DESIGNATIONS; AND URGING CONGRESS TO REVERSE THE ACTION
13 OF THE PRESIDENT OF THE UNITED STATES IN DESIGNATING THE MONUMENT.

14 *Be it resolved by the Legislature of the state of Utah:*

15 WHEREAS there are dozens of laws governing the management of the lands and resources
16 which belong to all of the people of the United States, all of which ensure that these lands and
17 resources will be responsibly managed for the broad public interest and the interests of future
18 generations;

19 WHEREAS these laws direct, among other things, that before major actions are taken, all
20 aspects of proposed land management decisions, including their environmental, economic and
21 social impacts, will be thoroughly considered and analyzed with full public participation;

22 WHEREAS only the observance of all of these requirements of law can ensure that the
23 peoples' lands and resources are managed in the broad public interest and in the best interests of
24 future generations;

25 WHEREAS the lands in the state of Utah designated by the President to be the Grand
26 Staircase Escalante National Monument are lands belonging to the people of the United States and
27 therefore subject to the laws and regulations which govern the management of such lands;

1 WHEREAS these lands were being managed according to the requirements of these laws;

2 WHEREAS there were no pending land management decisions which could be even
3 remotely considered a threat to any objects of historic or scientific interest found on these lands;

4 WHEREAS the President cited the Antiquities Act of 1906 as his authority for designating
5 the Grand Staircase Escalante National Monument;

6 WHEREAS the authority granted to presidents by Congress under this Act is limited,
7 particularly in the amount of land which they can designate as part of the national monument
8 which can be no more than that necessary "for the proper care and management of the objects
9 being designated";

10 WHEREAS the 1.7 million acres of land the President designated far exceeds that
11 necessary for the proper care and management of its scenic values;

12 WHEREAS the designation of this amount of land makes difficult or impossible the
13 development of large amounts of the public's natural resources found within the boundaries of the
14 new national monument;

15 WHEREAS reliable estimates are that the value of these resources is in the billions of
16 dollars;

17 WHEREAS not developing these resources has a negative impact upon the national public
18 interest, the interests of the people of the state of Utah, and particularly upon the school children
19 of Utah because 176,000 acres of land belonging to the school children has been captured within
20 the monument's boundaries and effectively rendered economically worthless by the designation
21 of the monument;

22 WHEREAS documents brought to light by congressional subpoena show that the
23 President's staff colluded to avoid both the letter and the spirit of these laws and regulations which
24 govern the management of the public's lands and resources;

25 WHEREAS these documents also show that the officials at high levels in the executive
26 branch of the federal government intentionally mislead the Governor and members of Utah's
27 congressional delegation on various aspects of the planning being done to create this national
28 monument;

29 WHEREAS the public interest and the public trust have both been violated by these
30 actions;

31 WHEREAS the Utah School and Institutional Trust Lands Administration and Utah's

1 counties have had to resort to costly and time consuming litigation in an effort to protect the rights
2 and resources of the school children of Utah and the public interest; and

3 WHEREAS it is the particular responsibility of all elected officials to ensure that the laws
4 are obeyed both in letter and in spirit at all levels of government:

5 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah express
6 support for the legal action initiated by Utah's counties and the School and Institutional Trust
7 Lands Administration as designed to bring attention to the designation of the Grand Staircase
8 Escalante National Monument and, if successful, could require a more meaningful involvement
9 of affected citizens in future monument designations under the Antiquities Act.

10 BE IT FURTHER RESOLVED that the Legislature urge Congress to take immediate
11 action to reverse the action of the President in designating the Grand Staircase Escalante National
12 Monument.

13 BE IT FURTHER RESOLVED that the Legislature call upon the President, if he believes
14 that special management is warranted for objects of historic and scientific interest within the
15 boundaries of the monument, to initiate such recommendations under existing law or propose
16 legislation for consideration by Congress as might be appropriate.

17 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of
18 the United States, the Speaker of the United States House of Representatives, the President of the
19 United States Senate, the Utah Association of Counties, the School and Institutional Trust Lands
20 Administration, and the members of Utah's congressional delegation.

Legislative Review Note
as of 1-23-98 8:49 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel