

1 **RESOLUTION EXPRESSING PREFERRED**
2 **APPROACH TO WILDERNESS DESIGNATION**

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Bradley T. Johnson**

6 A CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR
7 ENCOURAGING A REGIONAL APPROACH TO WILDERNESS DESIGNATION; AND
8 URGING ALL PARTIES TO WORK TOGETHER WITH THE GOVERNOR TO DEVELOP A
9 CONGRESSIONAL PROPOSAL FOR THE DESIGNATION OF WILDERNESS IN THE
10 STATE OF UTAH WHICH PROTECTS VALID EXISTING RIGHTS ON FEDERALLY
11 MANAGED LAND AND ON ALL LAND CONTIGUOUS TO FEDERALLY MANAGED
12 LAND.

13 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

14 WHEREAS, Utahns share a common love of the land and its resources;

15 WHEREAS, the issue of wilderness designation has faced the people of Utah for decades;

16 WHEREAS, because the land being considered for wilderness designation is already
17 protected by numerous federal laws and regulations and wilderness designation inevitably involves
18 resource management tradeoffs which may enhance some resource values but hurt others, any
19 responsible wilderness designation process must thoroughly weigh these tradeoffs;

20 WHEREAS, land and resource conservation decisions must also consider the relationship
21 between the land and the local economy, because many jobs are tied to activities on public lands
22 such as mining, agriculture, and tourism;

23 WHEREAS, previous attempts at a statewide designation of wilderness in Utah have failed;

24 WHEREAS, the Governor and others have recently developed an innovative process to
25 resolve difficult problems such as the designation of wilderness;

26 WHEREAS, this process, known as Enlibra, is based upon the principles of balance,
27 stewardship, and collaboration of affected parties;

28 WHEREAS, Enlibra can only be successful if it fosters early consultation and complete
29 inclusion of all parties with an interest in the resolution of the Utah wilderness problem;

30 WHEREAS, the Governor and the Legislature agree that the standards set forth in the
31 Wilderness Act of 1964 must be the guiding principles and criteria for identifying lands that will
32 be recommended for designation of wilderness;

33 WHEREAS, the Wilderness Act of 1964 precisely defines the characteristics that an area
34 of federal land must meet to qualify as wilderness as: 'an area where the earth and its community
35 of life are untrammelled by man, where man himself is a visitor who does not remain. An area of
36 wilderness is further defined to mean in this act an area of undeveloped federal land retaining its
37 primeval character and influence, without permanent improvements or human habitation, which
38 is protected and managed so as to preserve its natural conditions and which:

39 (1) generally appears to have been affected primarily by the forces of nature, with the
40 imprint of man's work substantially unnoticeable;

41 (2) has outstanding opportunities for solitude or a primitive and unconfined type of
42 recreation;

43 (3) has at least five thousand acres of land or is of sufficient size as to make practicable
44 its preservation and use in an unimpaired condition; and

45 (4) may also contain ecological, geological, or other features of scientific, educational,
46 scenic, or historic value'; and

47 WHEREAS, 43 U.S.C. Section 1782 (1998) provides that: "the Secretary shall review
48 those roadless areas of 5,000 acres or more and roadless islands of the public lands, identified
49 during the inventory required by Section 201(a) of this Act as having wilderness characteristics
50 described in the Wilderness Act of September 3, 1964 (78 Stat. 890; 16 U.S.C. 1131 et seq.) and
51 shall from time to time report to the President his recommendation as to the suitability or
52 nonsuitability of each such area or island for preservation as wilderness":

53 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
54 Governor concurring therein, find that a regional strategy involving all affected parties is the
55 preferred approach to wilderness designation.

56 BE IT FURTHER RESOLVED that the Legislature and the state of Utah, the Governor
57 concurring therein, urge the United States Department of the Interior, local government authorities,
58 those affected state agencies, the Utah congressional delegation, industry, sportsmen, recreational

59 interests, and environmentalists to work together in concert with the Governor of the state of Utah
60 to develop a congressional proposal for the designation of wilderness in Utah.

61 BE IT FURTHER RESOLVED that any designation of wilderness in Utah must include,
62 recognize, and protect all valid existing rights on federally managed land and on all land
63 contiguous to federally managed land.

64 BE IT FURTHER RESOLVED that copies of this resolution be sent to the Secretary of the
65 Interior, the members of Utah's congressional delegation, and each county legislative body in the
66 state.

Legislative Review Note

as of 2-19-99 12:30 PM

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

Office of Legislative Research and General Counsel