

1 **CONCURRENT RESOLUTION OPPOSING UNITED STATES**
2 **SECRETARY OF INTERIOR'S WILDERNESS**
3 **RE-INVENTORY**

4 2011 GENERAL SESSION

5 STATE OF UTAH

6 **Chief Sponsor: Michael E. Noel**

7 Senate Sponsor: Dennis E. Stowell

8
9 **LONG TITLE**

10 **General Description:**

11 This concurrent resolution of the Legislature and the Governor urges the United States
12 Secretary of the Interior to honor the 2003 Settlement Agreement and abandon the
13 "Wild Lands" wilderness re-inventory, and urges Congress to honor longstanding
14 commitments to multiple use public lands management.

15 **Highlighted Provisions:**

16 This resolution:

- 17 ▶ urges the United States Secretary of the Interior to honor the 2003 Settlement
18 Agreement and abandon the "Wild Lands" wilderness re-inventory; and
19 ▶ urges the United States Congress to honor the longstanding commitment to multiple
20 use management of public lands in Utah and the Western United States.

21 **Special Clauses:**

22 None

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

25 WHEREAS, the wise multiple use of the public lands in Utah and in the Western
26 United States is necessary for economic stability, is critical to the state's future, and is an
27 important part of Utah's culture and heritage;



28 WHEREAS, prudent application of sustainable multiple use principles allows the state's
29 renewable and abundant natural resources to be of value to all Americans, while protecting the
30 many unique and sensitive parts of the state;

31 WHEREAS, the federal government controls two of every three acres of the state of
32 Utah, second only to Nevada among the contiguous 48 states;

33 WHEREAS, the multiple use management of the lands held in common in Utah has
34 contributed to the well being of the state and nation through energy development, mineral
35 development, production of food and fiber, and recreational opportunities;

36 WHEREAS, the creation of new wealth is tied directly to the land and the judicious
37 development of the state's natural resources;

38 WHEREAS, ownership and private property rights are the catalyst to increasing wealth
39 and improving society's standard of living, and is a belief central to capitalism and a successful
40 free enterprise system;

41 WHEREAS, risk and investment capital seek market opportunities that exhibit political
42 and policy stability, the hallmarks of Utah's business climate, but are adversely affected by the
43 political posturing and disregard for state input related to management of 23,000,000 acres of
44 land administered by the United States Department of Interior's Bureau of Land Management;

45 WHEREAS, Revised Statute 2477, effective for more than 100 years and purposely
46 protected in the Federal Land Policy Management Act of 1976, provided for the development
47 of Utah's natural resources;

48 WHEREAS, the Taylor Grazing Act of 1934 established the legal obligation and
49 responsibility of the federal government to safeguard livestock grazing rights as part of the
50 cultural and social fabric of the West, ultimately upheld as the "chiefly valuable for grazing
51 doctrine";

52 WHEREAS, generations of economically viable livestock grazing operations in Utah
53 have been forged to families combining private and public land resources that ultimately
54 contributes to local economies and are the catalyst for preserving open space in many rapidly
55 developing areas;

56 WHEREAS, management of the unreserved federal lands administered by the Interior
57 Department are obligated under the Federal Land Policy Management Act (FLPMA) to
58 incorporate into agency management plans "consistency" in partnership with state and local

59 planning;

60 WHEREAS, a fundamental principle espoused by the nation's Founders called for
61 equality among the states and is referred to as the "Equal Footing Doctrine," a principle that
62 calls for each state to enter the Union equal in their sovereign power;

63 WHEREAS, the Interior Department's "Treasured Landscapes" internal planning
64 document reveals an agency bias, and outside influences identified as much as 130,000,000
65 acres of Bureau of Land Management (BLM)-administered lands for special "Wild Lands"
66 designation;

67 WHEREAS, the "Treasured Landscapes" internal document also recommends that the
68 Secretary of the Interior circumvent congressional mandates related to wilderness designations,
69 calling for wilderness protection through Presidential Proclamations;

70 WHEREAS, on December 23, 2010, the Secretary of the Interior announced Secretarial
71 Order 3310, calling for a re-inventory of Bureau of Land Management lands with "wilderness
72 characteristics" under a new Secretarial definition of "Wild Lands" and diverting funds from
73 critical agency needs;

74 WHEREAS, the BLM has inventoried lands with wilderness characteristics, following
75 the National Environmental Policy Act (NEPA) requirements, as part of the agency's Resource
76 Management Planning (RMP) process;

77 WHEREAS, Secretarial Order 3310 seeks to establish new wilderness study areas in
78 Utah and throughout the West based on the new wild lands definition and BLM inventory
79 guidance providing the BLM broader authority to stop energy development, livestock grazing,
80 mineral extraction, and recreational activities;

81 WHEREAS, jobs generated through multiple use activities on the public lands provide
82 family sustaining, well paying jobs to hundreds of thousands of Utahns and are the economic
83 backbone of Utah's rural communities;

83a **H→ WHEREAS, in recent testimony before Congress's House Natural Resources**
83b **Committee, the Director of the BLM indicated that he lacked the statutory authority to**
83c **implement the policies of Secretarial Order 3310; ←H** and

84 WHEREAS, the Secretary of the Interior's decision to withdraw from the 2003
85 Utah--Interior Settlement Agreement is an insult to Utahns, and Secretarial Order 3310 is a
86 violation of the spirit and the letter of the Wilderness Act of 1964, ultimately undermining the
87 goodwill and collaborative efforts currently underway in Utah to find mutually agreeable land
88 use solutions:

89 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the

90 Governor concurring therein, urge the United States Secretary of the Interior to honor the 2003
91 Settlement Agreement and abandon the "Wild Lands" wilderness re-inventory.

92 BE IT FURTHER RESOLVED that the Legislature and the Governor urge the United
93 States Congress to honor the longstanding commitment to multiple use management of public
94 lands in Utah and the Western United States.

95 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Majority
96 Leader of the United States Senate, the Speaker of the United States House of Representatives,
97 the United States Secretary of the Interior, the President of the United States, and to the
98 members of Utah's congressional delegation.

Legislative Review Note
as of 2-22-11 3:06 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.C.R. 12

SHORT TITLE: **Concurrent Resolution Opposing United States Secretary of Interior's
Wilderness Re-inventory**

SPONSOR: **Noel, M.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.