

59 WHEREAS, Utah is entitled, under the Equal Footing Doctrine, to the same rights of  
60 sovereignty, freedom, and independence as the original states;

61 WHEREAS, Section 3 of Utah's Enabling Act, with respect to disposition of public  
62 lands, reads: "And said Convention shall provide by ordinance irrevocable with the consent of  
63 the United States and the people of said State . . . that until the title (to the unappropriated  
64 public lands) have been extinguished by the United States, the same shall be and remain  
65 subject to the disposition of the United States";

66 WHEREAS, by these words the United States may only shelter public lands from the  
67 obligation of disposal by the consent of the state of Utah;

68 WHEREAS, with the passage of the Federal Land Policy and Management Act  
69 (FLPMA) of 1976, the United States shifted from a policy of disposal of public lands and  
70 extinguishment of the Federal title to one of retention of public lands and their management in  
71 perpetuity through the United States Bureau of Land Management (BLM);

72 WHEREAS, the BLM now ~~H~~→ [has] claims ←~~H~~ jurisdiction of over 22,600,000  
72a acres of public land in  
73 Utah, which is nearly twice as much land as the 11,512,000 acres of land in private ownership;

74 WHEREAS, the BLM was directed to manage the public lands for multiple use and  
75 sustained yield and to afford Utah and other Western States a share of the revenues from the  
76 production of the natural resources on public lands, including revenues from timbering, oil and  
77 gas production, and mining;

78 WHEREAS, the state and federal partnership of public lands management has been  
79 eroded by an oppressive and over-reaching federal management agenda that has adversely  
80 impacted the sovereignty and the economies of the state of Utah and local governments;

81 WHEREAS, Sections 6, 7, 8, and 12 of Utah's Enabling Act provided for land grants to  
82 fund critical public functions such as primary and secondary education, public buildings, and  
83 water development;

84 WHEREAS, federal courts, including the United States Supreme Court, have  
85 recognized this land grant as the establishment of a trust, even a "solemn contract" between the  
86 United States and the state of Utah, with the United States in the role as settlor of the trust and  
87 the state of Utah in the role of trustee;

88 WHEREAS, as settlor of the trust, the United States has an obligation to pursue actions  
89 and policies that support the trustee in its efforts to fulfill the purposes of the trust;

183 efforts in a more efficient manner than the federal government, to the benefit of all users,  
 184 including recreation, conservation, and the responsible development of energy, grazing, timber,  
 185 and other economic industries;

186 WHEREAS, citizens of the state of Utah have a love of the land and have demonstrated  
 187 responsible stewardship of lands within state jurisdiction;

188 WHEREAS, the state of Utah has a proven regulatory structure to manage public lands  
 189 for multiple use and sustained yield;

190 WHEREAS, federal land management policies are eroding the fundamental pillars of  
 191 sovereignty, freedom, and independence upon which all states and the state of Utah are  
 192 founded under the Equal Footing clause; and

193 WHEREAS, by means provided under the Constitution, damaged states may assert their  
 194 rightful claim to the public lands within their borders and restore the constitutional design for  
 195 the benefit of present and future generations ~~H→~~ [:] ; and

195a WHEREAS, Utah fully reserves and asserts all sovereign and constitutional claims  
 195b to its public lands: ~~←H~~

196 NOW, THEREFORE, BE IT RESOLVED, that the Legislature of the state of Utah calls  
 197 on the United States, through their agent, Congress, to relinquish to the state of Utah all right,  
 198 title, and jurisdiction in those lands that were committed to the purposes of this state by terms  
 199 of its enabling act compact with them and that now reside within the state as public lands  
 200 managed by the Bureau of Land Management that were reserved by Congress after the date of  
 201 Utah statehood.

202 BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Secretary of  
 203 the United States Department of Interior, to the United States Director of the Federal Bureau of  
 204 Land Management, to the Majority Leader of the United States Senate, to the Speaker of the  
 205 United States House of Representatives, and to the members of Utah's Congressional  
 206 Delegation.

**Legislative Review Note**  
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**Office of Legislative Research and General Counsel**