

28 executive branch unilateral authority to set aside vast swaths of land within the borders of a
29 state without input from Congress ~~H~~→ [or] and ←~~H~~ state officials;

30 WHEREAS, egregious federal overreach is among the greatest threats to:

- 31 • the current strength and vitality of the state;
- 32 • the health, safety, and welfare of its citizens;
- 33 • the pursuit by its citizens of life, liberty, and happiness;
- 34 • the long-term economic prosperity of the state; and
- 35 • the equitable per pupil funding of education for Utah's children;

36 WHEREAS, the Utah Legislature and the Governor oppose the actions of those who
37 would seek to resolve conflicts with the federal government by methods outside the bounds of
38 the law;

39 WHEREAS, it is in this spirit of lawful resolution of conflicts that the Utah Legislature
40 and the Governor submit the matters herein set forth;

41 WHEREAS, the state of Utah is a public lands state, committed to preserving certain of
42 these lands in their natural condition, allowing continued recreational access for hunters,
43 anglers, campers, and other recreators on other land, as well allowing some public lands to be
44 utilized for additional benefits, including agriculture, timber production, and energy and natural
45 resource development;

46 WHEREAS, a high and critical priority for the Legislature and the Governor is the
47 health, protection, preservation, and productivity of, and access to the public lands within the
48 state—lands that are greater in size than the total land mass within the borders of 19 of the
49 other 49 states;

50 WHEREAS, roughly 66% of the land within the sovereign state of Utah is presently
51 owned and administered by the federal government, unlike 38 states in the Union that govern
52 almost all the land within their borders, and members of the Legislature and the Governor are
53 concerned by federal policies and management that threaten the health, protection, and
54 productivity of, and access to these public lands;

55 WHEREAS, Utah is 50th in the nation in per pupil spending due to the large portion of
56 the state that is held as federal land and not subject to property tax;

57 WHEREAS, the officials of the state have a legitimate basis to believe that President
58 Barack Obama is considering issuing a proclamation under the Antiquities Act designating one

121 WHEREAS, the Legislature and the Governor believe that democratic process matters,
 122 and that consideration of whether to set aside Bears Ears for preservation should involve all
 123 interested stakeholders, in a manner that protects Bears Ears while still allowing local concerns
 124 to be heard and recognized;

124a **H→ WHEREAS, local Native American tribal members in San Juan County who were the**
 124b **first known inhabitants of the Bears Ears area are strongly opposed to the designation of a**
 124c **national monument and should be afforded additional time to present their concerns and**
 124d **interests in how the area would be managed in the future; ←H**

125 WHEREAS, the Legislature and the Governor invite the President and the Secretary of
 126 the Interior to join Utah's congressional delegation, the Governor, state legislative leadership
 127 from both parties, locally elected officials, and interested stakeholders to engage in such a
 128 constitutional process;

128a **H→ WHEREAS, the Legislature and the Governor urge federal, state, and local**
 128b **cooperation to ensure that multiple use and sustained yield are maintained on public lands**
 128c **while protecting ancient Native American artifacts under existing laws like the Archeological**
 128d **Resource Protection Act (ARPA) and the National Environmental Policy Act (NEPA); ←H**

129 WHEREAS, the Legislature and the Governor are opposed to a unilateral use of the
 130 Antiquities Act to create a Bears Ears National Monument without a more in-depth process that
 131 draws all stakeholders together;

132 WHEREAS, while some resident and non-resident individuals and groups support the
 133 designation of the monument, the majority of San Juan County citizens, including Navajo tribal
 134 members, are opposed to it;

135 WHEREAS, the Legislature and the Governor also favor protection and conservation of
 136 the Bears Ears area, but prefer a constitutionally sound, locally driven legislative approach;

137 WHEREAS, citizens in rural Utah already experience difficult economic prospects, and
 138 tourism alone from Utah's current seven national monuments and five national parks has not
 139 been able to provide a sufficient, year-round revenue base for these communities;

140 WHEREAS, citizens in rural Utah deserve the opportunity to create a diversified,
 141 ongoing economy;

142 WHEREAS, responsible and environmentally sound economic development can be
 143 pursued simultaneously with wilderness preservation and conservation;

144 WHEREAS, a monument designation would remove forever the possibility of
 145 economic development in the Bears Ears region, hurting those who live in the area to benefit
 146 those who only wish to visit the area;

152 have done any environmental or socioeconomic impact study of the proposal;

153 WHEREAS, the system of having federal officials over a thousand miles away govern
154 land in Utah, particularly without sufficient local input, is contrary to the dual sovereignty
155 design of our federal republic, which protects individual liberty by diffusing sovereign power;

156 WHEREAS, decisions regarding the health, safety, and welfare of Utah citizens are,
157 under our federal system, properly placed with local governments;

158 WHEREAS, the use of the Antiquities Act in recent years by presidents to designate
159 millions of acres of land as national monuments disparately impacts western states, including
160 Utah, because only western states have large areas of federal land remaining within their
161 borders;

162 WHEREAS, two western states—Wyoming and Alaska—received special exemptions
163 from the Antiquities Act in 1950 and 1980, respectively, after the act was used extensively
164 within the boundaries of those two states; and

165 WHEREAS, Utah is already the home to seven national monuments and should be
166 considered for an exemption from the Antiquities Act, like Wyoming and Alaska:

167 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
168 Governor concurring therein, expresses strong opposition to the creation of any new national
169 monuments within the state by the President of the United States without approval by the
170 Governor and the Legislature.

171 BE IT FURTHER RESOLVED that the Legislature and the Governor encourage
172 Congress to amend the Antiquities Act to prevent presidents from unilaterally designating
173 enormous amounts of land within a sovereign state, Utah in particular, as national monuments
174 without local input and state legislative approval.

175 BE IT FURTHER RESOLVED that the Legislature and the Governor ~~H→~~ [encourage]
175a request that ~~←H~~
176 Attorney General Sean Reyes ~~H→~~ [to-research] oppose ~~←H~~ the authority of the President of the
176a United States to
177 designate a proposed national monument within the borders of the state of Utah without state
178 legislative approval.

179 BE IT FURTHER RESOLVED that the Legislature and the Governor ~~H→~~ [encourage]
179a request that ~~←H~~
180 Attorney General Sean Reyes ~~H→~~ [to-research-and-explore] pursue ~~←H~~ all legal options ~~H→~~ and
180a recourse ~~←H~~ available to the state
181 regarding ~~H→~~ improper ~~←H~~ unilateral national monument designations.

182 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of