

1                   **CONCURRENT RESOLUTION URGING THE PRESIDENT TO**  
2                   **RESCIND THE BEARS EARS NATIONAL MONUMENT**  
3                   **DESIGNATION**

4                   2017 GENERAL SESSION

5                   STATE OF UTAH

6                   **Chief Sponsor: Gregory H. Hughes**

7                   Senate Sponsor: Wayne L. Niederhauser

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9                   **LONG TITLE**

10                  **General Description:**

11                  This concurrent resolution urges the President of the United States to rescind the Bears  
12                  Ears National Monument designation.

13                  **Highlighted Provisions:**

14                  This resolution:

- 15                  ▶ expresses strong opposition to the Bears Ears National Monument designation; and
- 16                  ▶ urges the President of the United States to rescind the Bears Ears National

17                  Monument.

18                  **Special Clauses:**

19                  None

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

22                  WHEREAS, the state of Utah is a public lands state, committed to conservation and  
23                  continued recreational access for hunters, anglers, campers, and other recreationists, as well as  
24                  allowing for productive uses, including agriculture, timber production, and energy and natural  
25                  resource development;

26                  WHEREAS, the Legislature and the Governor are committed to the health, protection,  
27                  preservation, and productivity of, and access to, the public lands within our state;



28 WHEREAS, roughly 66% of the land within the sovereign state of Utah is presently  
29 controlled by the federal government;

30 WHEREAS, 38 non-western states in the Union govern and exercise their  
31 constitutional jurisdiction over virtually all the land within their borders, and the legislatures  
32 and the governors of those states tend to the health, safety, and welfare of their citizens;

33 WHEREAS, on December 28, 2016, President Barack Obama designated the Bears  
34 Ears National Monument, limiting public access to 1.35 million acres in San Juan County,  
35 Utah;

36 WHEREAS, every member of Utah's congressional delegation publically opposed the  
37 designation of the Bears Ears National Monument;

38 WHEREAS, the designation of the Bears Ears National Monument sets a dangerous  
39 precedent of allowing special interest groups to unduly influence the monument designation  
40 process and silence local voices;

41 WHEREAS, local Native American groups with historical ties to the area have passed  
42 resolutions opposing the designation of the Bears Ears National Monument;

43 WHEREAS, San Juan County commissioner Rebecca Bennally, whose constituency  
44 includes members of the Navajo Nation who live in San Juan County, and the entire San Juan  
45 County Commission, opposed the monument designation and unanimously passed a resolution  
46 expressing their opposition;

47 WHEREAS, every city council in San Juan County has passed a resolution opposing  
48 the designation of the Bears Ears National Monument;

49 WHEREAS, counties across the state have passed resolutions standing unitedly with  
50 San Juan County in opposition to the Bears Ears National Monument;

51 WHEREAS, every member of the Utah State Legislature representing San Juan County  
52 opposed the designation of the Bears Ears National Monument;

53 WHEREAS, the Legislature passed a resolution last summer expressly opposing the  
54 creation of the Bears Ears National Monument, with the Governor concurring therein;

55 WHEREAS, Governor Gary R. Herbert wrote to the President of the United States in  
56 August 2015 and in February 2016 urging him not to use the Antiquities Act to designate  
57 another national monument in Utah;

58 WHEREAS, Governor Gary R. Herbert noted that another monument designation

59 would "inflamm passion, spur divisiveness, and ensure perpetual opposition";

60 WHEREAS, the Antiquities Act limits a presidential monument designation to the  
61 "smallest area compatible with proper care and management of the objects to be protected";

62 WHEREAS, the Bears Ears National Monument is almost twice the size of the state of  
63 Rhode Island;

64 WHEREAS, once-thriving rural Utah communities and their citizens are suffering  
65 economic deprivation at the hand of their own federal government, which a national monument  
66 tourism economy fails to alleviate;

67 WHEREAS, the power granted to the president to designate national monuments under  
68 the Antiquities Act has been exploited and abused by presidents of both parties for over a  
69 century;

70 WHEREAS, newly designated monuments averaged 15,573 acres in 1906 when the  
71 Antiquities Act was signed into law but, in the year 2016, have averaged 739,305 acres, which  
72 is more than 47 times the size of those created 110 years ago;

73 WHEREAS, because only western states have large areas of federal land within their  
74 borders, use of the Antiquities Act by presidents to designate millions of acres of land as  
75 national monuments disparately impacts western states;

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

78 WHEREAS, considerable funding for the Utah public education system comes from the  
79 responsible development of our abundant natural resources and other economic uses of our  
80 public lands;

81 WHEREAS, continued opportunity for multiple uses of our public lands is vital to the  
82 economies of San Juan County and the state of Utah, providing tax revenue that supports  
83 students' education statewide;

84 WHEREAS, within the sweep of President Obama's Bears Ears National Monument  
85 designation is 109,000 acres of school and institutional trust land designated to produce  
86 funding for our school children;

87 WHEREAS, Utah is already home to five national parks and seven national  
88 monuments;

89 WHEREAS, all or part of four national monuments, one national park, and one national

90 recreation area are located in San Juan County;

91 WHEREAS, San Juan County, despite the presence of these national monuments,  
92 parks, and recreation areas, is the poorest county in the state and among the most economically  
93 depressed in the nation;

94 WHEREAS, Navajos in San Juan County experience some of the highest rates of  
95 unemployment in the state;

96 WHEREAS, rural economies depend on multiple uses of our public lands for  
97 sustenance and growth;

98 WHEREAS, the Bears Ears National Monument designation will forever remove the  
99 possibility of economic development and decimate the economy of the region with impacts felt  
100 around the state;

101 WHEREAS, citizens in rural Utah deserve the equal opportunity to pursue happiness  
102 through the protection of their life, liberty, property, and right to determine their own destiny  
103 unimpeded by their own federal government;

104 WHEREAS, San Juan County residents, including local Native American tribes, fear  
105 that woodcutting, pinion gathering, traditional religious and cultural practices, and a host of  
106 other historical uses of the area will be restricted or entirely prohibited; and

107 WHEREAS, San Juan County's Natural Bridges National Monument prohibits  
108 woodcutting, and grazing has declined by almost a third in Grand Staircase-Escalante National  
109 Monument despite a presidential promise that grazing would "remain at historical levels";

110 WHEREAS the United States Forest Service and Bureau of Land Management, which  
111 are charged with managing the Bears Ears National Monument, have a combined deferred  
112 maintenance backlog of almost \$6 billion;

113 WHEREAS, these federal land management agencies clearly do not have the funding to  
114 maintain the lands for which they are currently responsible; and

115 WHEREAS, Utahns are best positioned to care for and manage our public lands:

116 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the  
117 Governor concurring therein, strongly urges the President of the United States to rescind the  
118 Bears Ears National Monument designation.

119 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of  
120 the United States, Utah's congressional delegation, the Secretary of the Department of the

121 Interior, and the Secretary of the United States Department of Agriculture.

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