

RESOLUTION NO. 2016-08

A RESOLUTION OF SAN JUAN COUNTY, UTAH:

DEFICIENCIES OF A PROPOSAL BY A NON-GOVERNMENTAL ORGANIZATION FOR ESTABLISHMENT OF A NATIONAL MONUMENT IN SAN JUAN COUNTY; NOTIFICATION OF COUNTY PREROGATIVES AND INTENT FOR LAND USE PLANNING

WHEREAS, we, the Commission of San Juan County, Utah, are locally-elected government officials responsible for the security, health, welfare, taxation, customs, culture, economic stability, and land-use planning for the county;

WHEREAS, San Juan County is a sovereign political subdivision of the State of Utah that contains Federal, State, and county managed lands;

WHEREAS, the Bears-Ears Inter-Tribal Coalition (hereafter the Coalition), a Non-Governmental Organization having no governmental jurisdiction over San Juan County land-use planning activities, has made a proposal to the President of the United States and the Secretaries of Interior and Agriculture requesting the establishment of a national monument under Title 54 of the National Park Service Preservation Statutes, Title 43 of the Federal Land Policy and Management Act, and other statutes;

WHEREAS, the proposal by the Coalition advocates pre-emption of no less than 18 established Federal, State and local land use and planning efforts, including an agreement between San Juan County and the Navajo Nation;

WHEREAS, the Coalition's assertion of "rampant looting" of artifacts conflicts with reports from local and Federal law enforcement, the boundary proposed by the Coalition is arbitrary, and the proposal is deficient of the Quality, Utility, Objectivity and Integrity standards required of Federal Agencies for decision-making;

WHEREAS, the 1.9 million acre area proposed for a national monument contains 151,000 acres of revenue-generating, School and Institutional Trust Lands Administration lands owned by the State of Utah that are valid existing property interests not meeting the definition of "public lands;"

WHEREAS, the area proposed for a national monument contains 43 grazing allotments that are limited-fee title, surface-estate lands that are valid existing property interests not meeting the definition of "public lands;"

WHEREAS the area proposed for a national monument contains no less than 661 state-appropriated water-right diversion points that are valid existing property interests not meeting the definition of "public lands;"

WHEREAS the area proposed for a national monument contains approximately 18,000 acres of patented property that are valid existing property interests not meeting the definition of "public lands;"

WHEREAS, pre-1976 in perpetuity easements, prescriptive RS 2477 roadways, ditches, water conduits, utility routes, and first-responder rights-of-way across public lands do not meet the statutory, historical definition of "public lands" and are valid, pre-existing property interests not under ownership or control of Federal Agencies;

WHEREAS, the Manti-La Sal National Forest contains the entire watershed, water storage and water-transfer infrastructure that the cities of Blanding and Monticello are entirely dependent upon for their culinary water needs;

WHEREAS, the United States has no authority to appropriate water rights from, in, or to the Manti-Sal National Forest, such authority being vested with the State of Utah;

WHEREAS, ongoing and unencumbered right-of-way access is essential to the exercise of property interests, rights, civic duties for law enforcement and day-to-day operational aspects of livestock grazing allotments;

WHEREAS, the 1.9 million acre tract, having been demonstrated to contain vast private interests and areas of valid existing inholdings;

THE AFOREMENTIONED FACTS BEING PRESENTED, QUESTIONS HAVING BEEN RAISED, OR CONCLUSIONS HAVING BEEN MADE, THE GOVERNING BODY OF THE COUNTY OF SAN JUAN CONCLUDES AND AFFIRMS:

- I. The 43 surface grazing allotments occurring as split estate throughout the area proposed for a national monument do not meet the definition of "public lands," those lands being under the jurisdiction of State of Utah and San Juan County.
- II. The Antiquities Act gives the POTUS authority to withdrawal only Federally-owned or controlled public lands for national monuments; the presence, location and/or extent of public lands, if any, within the 1.9 million acre boundary proposed by the Coalition has not been inventoried by the POTUS, the Departments of Interior or Agriculture.
- III. The Coalition's proposal would preempt State and local jurisdictions and a Memorandum of Agreement with the Navajo Nation for land use planning;
- IV. The Coalition's proposal violates protocols, has minimal basis in statutory law, and requests actions neither the POTUS nor the Secretaries of Interior or Agriculture have authority to grant;

- V. The Coalition's proposal effectively requests the POTUS and Secretaries of Interior or Agriculture to re-appropriate water rights, take public and private rights-of-way, encumber or extinguish grazing allotments, and take State-owned tax revenue lands - all without procedural due-diligence, inholder notification, or opportunity for adjudication or compensation.
- VI. Title II, Section 202(c)(9) of the Federal Land Policy and Management Act affirms San Juan County as having a first-among-equals authority in land use planning, requiring the Secretaries of Interior and Agriculture to attempt consistency with the land-use plans and planning efforts of San Juan County.
- VII. Establishment of a national monument, as proposed by the Coalition, has not been sufficiently investigated, has not been demonstrated as warranted, and, as proposed, will have foreseeable, negative consequences and impacts to the human environment.

THEREFORE, BE IT RESOLVED THAT THE GOVERNING BODY OF THE COUNTY OF SAN JUAN, UTAH HEREBY PROPOSES AND DIRECTS:

- 1) Revise and update San Juan County Land Use Master Plan, review, consider and incorporate, as appropriate, all County-wide State and Federal land-use plans and planning efforts;
- 2) Lead the updating of a San Juan County Master Plan using the FLPMA doctrine of Coordination and a historical understanding of the definition of "public lands;"
- 3) Survey, distinguish and publish in the updated County Master Plan, Federally-owned minerals and timber from valid existing surface rights, grazing allotments, water rights;
- 4) Furnish advice to the Secretaries of Interior and Agriculture on timber harvesting, allocation and permitting in the Manti-La Sal National Forest such as will balance the environment and economic interests of all citizens and populations of San Juan County.
- 5) Review - using established San Juan County Heritage Council or other County programs - the concerns of the Coalition for veracity and potential inclusion in the land-use planning process.

ADOPTED AND APPROVED by the Governing Body this 4th day of October 2016.



Phil Lyman Chair, San Juan County Commissioner

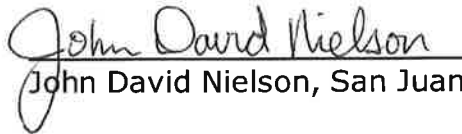


Bruce Adams, San Juan County Commissioner



Rebecca Benally, San Juan County Commissioner

ATTEST:



John David Nielson, San Juan County Clerk

