

SAN JUAN COUNTY, UTAH
RESOLUTION NO. 2025 ____

**A RESOLUTION OPPOSING CONTINUED PRESIDENTIAL ABUSE OF THE 1906
PRESERVATION OF AMERICAN ANTIQUITIES ACT**

WHEREAS, pursuant to Section 11-51-103 of the Utah Code, San Juan County has the authority to exercise jurisdiction on federally managed land, including a national monument, if an action or inaction of a federal agency related to federally managed land, including a national monument, threatens to adversely affect the health, safety, or welfare of the people of San Juan County; and,

WHEREAS, Section 17-27a-401 of the Utah Code requires counties to adopt a general plan, containing a resource management plan for the public lands within the county, addressing mining; land use; livestock and grazing; irrigation; agriculture; fire management; noxious weeds; forest management; water rights; ditches and canals; water quality and hydrology; flood plains and river terraces; wetlands; riparian areas; predator control; wildlife; fisheries; recreation and tourism; energy resources; mineral resources; cultural, historical, geological, and paleontological resources; wilderness; wild and scenic rivers; threatened, endangered, and sensitive species; land access; law enforcement; economic considerations; and air quality. Additionally, the 2021 Utah Legislature charged the counties with addressing renewable energy, critical minerals, utility corridors and pipelines and infrastructure in these resource management plans. For each of these items, a county's resource management plan shall establish findings pertaining to the item; establish defined objectives; and outline general policies and guidelines on how the objectives are to be accomplished; and,

WHEREAS, San Juan County prepared such a Resource Management Plan in 2017 as amended in 2022 which contains the following policies:

San Juan County maintains that the citizens of the county are best served by applying multiple-use and sustained-yield principles in public land use planning and management.

Multiple use and sustained yield management means that federal agencies develop and implement management plans and make other resource-use decisions that:

- 1. Meet the needs of economic and/or community development .*
- 2. Meet the personal, business-related and recreational transportation needs of the citizens of the county and state by providing access throughout the county.*
- 3. Achieve and maintain in perpetuity a high-level annual or regular periodic output of mineral and various renewable resources (livestock and wildlife forage and habitat and watershed condition on a sustained yield basis) from public lands.*
- 4. Meet the traditional, customary and conventional needs of Native Americans.*
- 5. Support the specific plans, programs, processes, and policies of state agencies and local governments.*

6. *Minimize negative impacts on local government, infrastructure and community services.*
7. *Provide for the preservation of cultural resources, both historical and archaeological.*
8. *Provide for the protection of water rights and water quality.*
9. *Are consistent with or complementary to the custom, culture and lifestyle of county residents.*
10. *Provide access through federal lands for private property owners to exercise their right to access, use and enjoy their property.*

San Juan County expects that federal land management agencies will coordinate with San Juan County's Resource Management Plan, local officials and staff, and use the best available information in their planning and decision making. Coordination is the process by which federal land management agencies meet their legal responsibilities to coordinate their land use planning with local government plans. Coordination is mandated by the Federal Land Policy and Management Policy Act (FLPMA) for the Bureau of Land Management (BLM) and similarly by the National Forest Management Act (NFMA) for the Forest Service.

Coordination under FLPMA requires that BLM plans be consistent with county plans to the extent of federal law and agency regulations. Coordination under NFMA requires the Forest Service to review local (county) plans and where inconsistencies are found with the federal plan to consider alternatives for their resolution. Coordination also requires that federal agencies review and keep apprised of local government plans and provide local government with opportunities for meaningful involvement in the development of federal plans.

WHEREAS, under the 1906 Act for the Preservation of American Antiquities, presidents can unilaterally designate national monuments, by administrative fiat, without input or involvement of the public, community leaders, or elected officials; and,

WHEREAS, the Antiquities Act was enacted before the creation of federal land management laws, and was intended by Congress to be used in emergency situations to protect historic artifacts, and sites of scientific value, from "imminent threat" which, in all cases, must be confined to the smallest land area necessary to protect those objects or sites; and,

WHEREAS, since its establishment over 118 years ago, the Antiquities Act has been misused for political purposes by presidents to establish large scale designations intended to limit specific uses, activities, or motorized access to vast areas of public lands; allowing unfettered governmental control and hindering the productive multiple use and sustained yield of resources from those lands (contrary to the policies of the San Juan County Resource Management Plan); and,

WHEREAS, many businesses and citizens are involved in or otherwise depend on industries that utilize federal lands and their resources, including the oil and gas industry, livestock grazing, mining and mineral development, recreational industries, hunting, fishing, and other outdoor recreation; and,

WHEREAS, these industries are important components of the national, state and local economies and are major contributors to the economic and social welfare of our citizens.

WHEREAS, creating additional federal land designations and placing public lands into permanent conservation status causes dramatic and irreversible harm to the economies and welfare of the citizens of many counties such as San Juan County; and,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of San Juan County, Utah that:

1. San Juan County opposes the designation of lands, whether private lands or government lands, as national monuments, wilderness, wilderness study areas or similar wilderness character protection designations, wildlife preserves, open space, or other conservation land, thereby restricting public access to such lands and preventing the development and productive use of the resources on or within such lands; and
2. San Juan County calls on Congress to repeal the 1906 Preservation of American Antiquities Act or at a minimum to remove the unilateral Presidential discretion for designation and require that designation proposals have the approval of Congress after consultation and concurrence with state and county governments with jurisdiction within the monument boundaries.
3. Notwithstanding the foregoing, San Juan County requests that any legislation adopted by Congress continues to authorize the President, by executive order, to decommission lands as national monuments if the decommissioning has the approval of state and county governments having jurisdiction within the boundaries of the monument.

PASSED, ADOPTED AND APPROVED by the Board of San Juan County Commissioners this ____ day of February, 2025.

Those voting aye:

Those voting nay:

Those abstaining:

Absent:

BOARD OF SAN JUAN COUNTY COMMISSIONERS

Sylvia Stubbs, Chair

ATTEST:

Lyman Duncan
County Clerk/Auditor