

**SAN JUAN COUNTY UTAH  
RESOLUTION NO 2023-05**

**A RESOLUTION SUPPORTING CONGRESSMAN CURTIS'S CONGRESSIONAL HOUSE BILL H.R.3397  
- TO REQUIRE THE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT TO WITHDRAW A RULE  
OF THE BUREAU OF LAND MANAGEMENT RELATING TO CONSERVATION AND LANDSCAPE  
HEALTH**

**WHEREAS**, on April 3, 2023, the BLM proposed the "Conservation and Landscape Health Rule;" (Proposed Rule) which "proposes new regulations that, pursuant to the Federal Land Policy and Management Act (FLPMA) of 1976, as amended, and other relevant authorities, would advance the BLM's mission to manage the public lands for multiple use and sustained yield by prioritizing the health and resilience of ecosystems across those lands" (88 Fed. Reg. 19583); and

**WHEREAS**, the Proposed Rule seeks to define "conservation" as a "use" thus contravening the principles and requirements of FLPMA to manage for "multiple use and sustained yield";

**WHEREAS**, the Proposed Rule would also violate federal case law declaring that the BLM lacks the statutory authority to prioritize conservation use to the exclusion of other uses (Public Lands Council v. Babbitt, 167 F. 3d 1287 (10th. Cir. 1999)); and

**WHEREAS**, FLPMA, in referencing ACEC's, states "the preparation and maintenance of such inventory or the identification of such areas shall not, of itself, change or prevent change of the management or use of public lands" until the official designation of the ACEC in a BLM Resource Management Plan (RMP) (43 U.S.C. 171 l(a)); and

**WHEREAS**, the Proposed Rule will revise existing regulations allowing the BLM to prioritize designating ACEC's and "interim management may be evaluated, considered, and implemented" outside of an RMP, pushing protection-oriented management similar to the National Park Service rather than multiple use and sustained yield-oriented management as required by FLPMA 88 Fed. Reg. 19583; and

**WHEREAS**, on May 17, 2023, our Congressman Curtis (for himself, Mr. Fulcher, Mr. Stewart, Ms. Hageman, Mr. Stauber, Mr. Gosar, Mr. Newhouse, Mr. Lamborn, Mr. Moore of Utah, Mr. Owens, Mr. Bentz, Mr. Amodei, Mr. Rosendale, and Mr. Zinke introduced H.R. 3397 requiring the Director of the Bureau of Land Management to withdraw the rule; and

**WHEREAS**, Congressman Curtis, on June 15, 2023, testified during the House Committee on Natural Resources as to how damaging this rule would be to his district which includes San Juan County. Congressman Curtis states "for decades and decades and decades, the good people of Utah have managed these lands in a responsible way, far better, Mr. Ranking Member, and since the Bears Ears Monument designation nothing good has come out of that designation for the land in Utah for the local Tribes and for the people who participate in this land, and now we have Bureaucrats from the East Coast who have never been to my district who have hardly been to the west other than to fly over it on their way to California tell us that they know better than we do how to manage these lands...I would like to go on the record with saying that in the West, we know far better how to manage these lands and have done better for decades and decades better

than any bureaucrat from the East Coast could ever imagine or ever dream of managing these lands"; and

**WHEREAS**, we concur with our Congressman in acknowledging that it has been our local farmers, ranchers and citizens who have managed these lands mitigating fire disasters, sustaining a living, and providing food for our citizens here in San Juan County through proper management of these lands; and

**WHEREAS**, under the Proposed Rule, the BLM will be able to grant a "conservation lease" to individuals, environmental advocacy groups, businesses, non-governmental organizations, or Tribal governments contrary to the principles of multiple-use and sustained yield; and

**WHEREAS**, under the Proposed Rule, when a "conservation lease" is granted, the BLM "shall not authorize any other uses of the leased lands that are inconsistent with the authorized conservation use"; and

**WHEREAS**, public lands should be just that, open to the public, not available for environmental organizations to rent for their own purposes (88 Fed. Reg. 19600); and

**WHEREAS**, the Proposed Rule, if adopted, could fundamentally alter the future management of BLM lands in San Juan County to the detriment of recreation, livestock grazing, mineral extraction, renewable energy production, and other common uses on BLM lands; and

**WHEREAS**, San Juan County has experienced what it is like being under the oppressive guidance of non-governmental organizations who do not have the best interests of our Citizens here in San Juan County, organizations who have worked only in their best interests and not those interests of the Common Good, and we know how detrimental it would be.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the Board of San Juan County Commissioners as follows:

1. We support our Congressman Curtis's efforts with H.R.3397 asking for a withdraw of a rule of the Bureau of Land Management relating to Conservation and Landscape Health that would be harmful to the Citizens of San Juan County.
2. We commit to stand and defend our rights and liberties as guaranteed by the U.S. and Utah Constitutions.
3. San Juan County fundamentally apposes the BLM's Conservation and Landscape Health Rule.
4. San Juan County demands that the BLM work closely with San Juan County as a Coordinating Agency in planning and rulemaking efforts for our local lands.
5. San Juan County demands that the BLM eliminate the Proposed Rule which is in violation of FLPMA, and the United States Constitution and the sovereignty of the State of Utah.

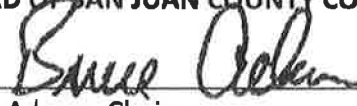
**PASSED, ADOPTED, AND APPROVED** this Resolution on this 20<sup>th</sup> day of June 2023, by the following vote:

Those voting aye: *Silvia Stubbs, Jamie Harvey, Bruce Adams*

Those voting nay:

Those absent or abstaining:

BOARD OF SAN JUAN COUNTY COMMISSIONERS



Bruce Adams, Chair

ATTEST:



Lyman Duncan, Clerk/Auditor

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