

San Juan Alliance
PO Box 13
Blanding, Ut 84511



November 12, 2013

Congressman Bishop
Attn: Fred Ferguson, Wayne Bradshaw
123 Cannon Building
Washington, DC 20515

Dear Congressman Bishop and other interested persons,

As concerned citizens, in San Juan County and elsewhere, we would like to present you with our thoughts and input on your proposed lands bill.

As far as we are concerned, and until it is officially repealed, we believe that the Constitution is the supreme law of the land. Federal trusts regarding public lands are a written part of our Constitution; which were developed prior to the Constitution and were included in at least five of its clauses. Based on the Constitution, the Western States were entitled to the same benefits as the original states, upon receiving statehood. These benefits, in regards to public lands, state that the jurisdiction that belonged to the Federal Government, while the area was a Territory, would transfer to State jurisdiction, thus giving these new states "equal footing." (United States v. Texas, 339 U.S. 707, 1950.) On January 4, 1896, Utah was granted Statehood, but was not given its Constitutional rights in regards to public lands.

In 1962, a study was done to classify Federal authority over an area. This study is commonly known as the Eisenhower Report (*INVENTORY REPORT ON JURISDCITIONAL STATUS OF FEDERAL AREAS WITHIN THE STATES, As of June 30, 1962*). Federal authority was classified into five categories. The majority of the land that was studied fell into category 4. Category 4 says, by definition, "the Federal Government has acquired some right to an area in a State, but has not obtained any measure of the State's authority over the area." The point being made, that extremely limited jurisdiction is given to the federal government in these areas. The majority of the jurisdiction goes to the State, which in turn, is transferred mainly to each respective county. San Juan County, Utah is mainly classified as a category 4.

Section 17-27a-401 of the Utah Code states that "each county shall prepare and adopt a comprehensive, long-range general plan," which addresses, among other things, the:

- (a) Present and future needs of the county; and
- (b) Growth and development of all or any part of the land within the unincorporated portions of the county.

The plan may also provide for:

- (a) Health, general welfare, safety, transportation, prosperity, civic activities, aesthetics, and recreational, education and cultural opportunities;...

According to the Federal Lands Policy and Management Act of 1976 (FLPMA), the plans of the BLM, Forest Service, and other Federal agencies must be “consistent with State and local plans,” (43 U.S.C. S1712 (b) (9)).

San Juan County, Utah developed its first Master Plan in 1967. This plan has been updated a few times, most recently in 2008, but remains fundamentally the same. In the current Master Plan it states, “Within any planning and implementation process of land management agencies, it is San Juan County’s desire that the impact of the agencies decisions on the social and economic well-being of local residents be made a top priority.” The economy of San Juan County relies as equally upon extraction of materials and resources from the land as it does from tourism. Extraction of materials and resources requires that land be used for multiple reasons. San Juan County’s policy on multiple use is, “The management of public lands so that multiple resources such as grazing, mining, recreation, timber, oil and gas, wildlife, water use and development, and scenic and cultural values are utilized in conjunction and within close proximity to each other, as much as possible, in such a way that allows for the exploration and/or development of all of these resources. Multiple use is not every use on every acre, but as many uses that are compatible with each other on as many acres as possible.” Limiting an area to just a “single use”, is against the county’s “multiple use” policy.

Based on the previously stated information, here is what we conclude:

- (a) From the conception of Utah as a State, we have been denied our Constitutional right for jurisdiction over our public lands, free from any Federal control.
- (b) According the Eisenhower Report, although the lands are labeled as “Federal,” the State has the ultimate jurisdictional power in an area classified as Category 4. Although San Juan County is mainly classified as Category 4, we have been continuously denied our jurisdictional rights.
- (c) According to FLPMA, Federal Agencies must adhere to the plan written by the local government, which would be San Juan County. Since the development of the first Master Plan, in 1967, Federal agencies have not been adhering to the aforementioned document, in violation of their own code, and in some cases obstructing San Juan County’s Master Plan.
- (d) The elected officials and leaders of San Juan County have to provide for the health, safety and welfare of their constituents, hence the approved Master Plan, which specifically states the need for “multiple use” of the land.

From these conclusions we propose San Juan County’s Lands, should be restored to their 1967 state, as identified by the map and Master Plan written in 1967. Federal agencies should begin to abide by the Federal Lands Policy and Management Act of 1976, and acknowledge our rightful jurisdictional control over the majority of the land in San Juan County. All areas designated as “Wilderness Study Areas”, should be returned to open, multi-use land. No more land should be designated as such, or deemed “wilderness”, “national Conservation Area”, “national monument”, “national park”, or any other designation which would limit the public access to the land. We know that the financial detriment to the citizens of the county, caused by any more land restrictions, could never be outweighed by any possible benefits from an increase in tourism.

We propose that any State or Federal agency, organization, special interest group, or business that has an interest in land within our County, pursue the proper channels to fulfill their purposes. Those proper channels being; local city and county governments, with the approval of the people whom it will affect, without interference, or threat thereof, from Federal agencies or government.

We propose that the county decline participation in your proposed lands bill, unless the bill seeks to acknowledge our jurisdictional power and control that rightfully belongs to the county, and its residents, as outlined in the Constitution and related documents.

As a group we understand the need to protect our county. To protect its people, their health, safety and welfare, as well as to protect the land in which we live. We love the people in this county and the land that surrounds us. Not only for its life sustaining ability, but also for its beauty. We seek not only to continue extracting materials and resources, as needed to provide for our means, but also to conserve the natural beauty of the land. We expect others to respect our land, our rights and resources. We in turn, will respect their same rights.

Thank you for your time and for representing the wants and needs of your constituents in our state and specifically in San Juan County.

Sincerely,

San Juan Alliance and supporting citizens