

**WOMEN'S STATE LEGISLATIVE COUNCIL
RESOLUTION SUPPORTING
THE TRANSFER OF PUBLIC LANDS TO THE STATE OF UTAH**

WHEREAS, Federal public land management has “become mired in inefficiency, paralysis, and a predisposition to limited-use management;”¹

WHEREAS, “This immobilization has an effect upon State and local economies, private enterprise, recreational access, rural culture, and the health and sustenance of the very lands entrusted to federal stewardship;”²

WHEREAS, In 2013, Utah H.B. 142 “charged the Utah Public Lands Policy Coordinating Office (PLPCO) with the responsibility of overseeing the preparation of a study and analysis of the budget and revenue figures, and of the economic impacts and ramifications of a transfer of the public lands into the ownership of and management by the State;”³

WHEREAS, “PLPCO assembled a team of economists from the University of Utah, Utah State University, and Weber State University to perform the study and economic analysis” and “the primary directive by PLPCO to the research team was that the report be objective and beyond reproach;”⁴

WHEREAS, This team of economists produced its final product entitled *An Analysis of a Transfer of Federal Lands to the State of Utah*, November 2014 (Study);⁵

WHEREAS, the Study “demonstrates that a transfer of the public lands can be an economically sound pathway to a more balanced public lands policy” and “that this can be accomplished without sacrificing the beauty of our State, the quality of our life, or the attraction of Utah to tourists and recreationists from around the country and the world;”⁶

WHEREAS, The statehood enabling act terms between the federal government and all newly created states for the transfer of the public lands within their borders are the same for all states east and west of Colorado;⁷

WHEREAS, The federal government honored the terms for the transfer of public lands with Hawaii and all states east of Colorado and today controls on average less than 5% of the lands in those states;

WHEREAS, The federal government has failed to honor the same statehood terms for the transfer of the public lands with MT, WY, CO, NM, AZ, UT, ID, NV, WA, OR, CA and AK and today still controls more than 50% of all lands in these states (more than 65% of the state of Utah);

WHEREAS, The Supreme Court of the United States declared these enabling act contracts to be “solemn compacts” with enforceable rights and obligations on both sides;

WHEREAS, In 2013, the U.S. Supreme Court reiterated “our Nation ‘was and is a union of States, equal in power, dignity and authority’” and that “‘the constitutional equality of the States is essential to the harmonious operation of the scheme upon which the Republic was organized;”⁸

¹ Pathway, page 3.

² Pathway, page 3.

³ Pathway, page 4.

⁴ Pathway, page 4.

⁵ Pathway, page 4.

⁶ Pathway, page 4.

⁷ <http://www.americanlandscouncil.org/utah>

⁸ *Shelby County v. Holder*, 570 U.S. ____ (2013)

WHEREAS, legal analyses by the Sutherland Institute⁹ and the BYU Law Review both conclude that the intent of the parties, the text, and the context of the statehood enabling acts, obligate the federal government to dispose of public lands;¹⁰

WHEREAS, In 1915, the Utah Legislature “viewed with alarm and apprehension the national tendency toward the curtailment of the former liberal policies in handling the public domain and disposing of the natural resources” and demanded that the president and Congress transfer title to Utah’s public lands “in conformity with the terms of our Enabling Act” in order to “afford [Utah] an opportunity to settle our lands and make use of our resources on terms of equality with the older states, to the benefit and upbuilding of the State and to the strength of the nation;” ¹¹

WHEREAS, Utah already manages nearly 3.5 million of acres of school trust lands generating more revenue with less expense and less environmental damage in general than federally managed public lands;

WHEREAS, In 2012 the United States Government Accountability Office testified to Congress that there is more recoverable oil in UT, CO, and WY than the rest of the world combined locked up in federally controlled lands;¹² and

WHEREAS, Utah remains more than \$2.5 billion below average in per-pupil spending for education;¹³ now, therefore, be it

RESOLVED, That the Women’s State Legislative Council calls upon the federal government to honor to Utah, and all willing western states, the same statehood terms for the transfer of title to the public lands that it honored with all states east of Colorado; and

RESOLVED, That Women’s State Legislative Council calls upon Utah’s local, state and national leaders and representatives to exert their utmost power and influence to secure the imminent transfer of public lands to Utah for the benefit of our State and for the nation as a whole.

Kari Malkovich, President
Women’s State Legislative Council of Utah

Amelia Powers, Co-Chair
Energy/Natural Resources/Agriculture &
Environment Legislative Study Committee

⁹ <http://sutherlandinstitute.org/blog/utahs-transfer-of-public-lands-act-a-legal-case-for-localizing-land-ownership/>

¹⁰ Public Lands and the Federal Government's Compact-Based 'Duty to Dispose': A Case Study of Utah's H.B. 148 — The Transfer of Public Lands Act, Prof. [Donald J. Kochan](#)
Chapman University, The Dale E. Fowler School of Law, [Brigham Young University Law Review](#), Vol. 2013, No. 5, 2013

¹¹ Senate Joint Memorial Number Four, Laws of Utah, 1915.
http://www.americanlandscouncil.org/1915_ut_senate_land_resolution

¹² <http://cnsnews.com/news/article/gao-recoverable-oil-colorado-utah-wyoming-about-equal-entire-world-s-proven-oil>

¹³ <http://www.deseretnews.com/article/865580495/26B-needed-for-Utah-to-reach-per-pupil-national-education-spending-average.html?pg=all>