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DELWIN P. WENGERT, MANAGER-CLERK  
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RESOLUTION 2013- 10

**SUPPORTING THE FULL AND PRESENT IMPLEMENTATION  
OF THE TRANSFER OF PUBLIC LANDS ACT or,  
SUPPORTING THE TIMELY TRANSFER OF PUBLIC LANDS TO STATE.**

**WHEREAS**, at statehood, the federal government promised all states that it would transfer title to the public lands within the newly created states; and

**WHEREAS**, the U.S. Supreme Court has called these promises "solemn compacts," "bilateral agreements," and "trusts" that must be performed "in a timely fashion"; and

**WHEREAS**, Arizona and the other western states are still waiting for the federal government to honor to them the same promise it made and kept with all states east of Colorado; and

**WHEREAS**, states like Illinois, Missouri, Indiana, Florida, Louisiana, Arkansas, Alabama, Mississippi were once as much as 90% federally controlled for decades; and

**WHEREAS**, these "western states" (as they called themselves at the time) succeeded in compelling the federal government to transfer their public lands because they understood the historical duty of the federal government to dispose of the same, and they banded together and refused to be silent or take "No" for an answer because federally controlled public lands prevented them from (i) generating tax revenues to educate their children, (ii) growing their economies, (iii) caring for their lands, and (iv) responsibly utilizing their abundant natural resources. (See, [www.AmericanLandsCouncil.org](http://www.AmericanLandsCouncil.org) for more information); and

**WHEREAS**, despite the fact that the promise is the same to dispose of the public lands upon being admitted as states, states east of Colorado have less than 5% federally controlled lands, while the Western States (excluding Hawaii) have more than 50% federally controlled lands; and

**WHEREAS**, in the current western states, excluding Hawaii, the federal government controls nearly 75% of our lands and 86% of Apache County; and

**WHEREAS**, in 1976, Congress changed its "policy" regarding our public lands (Federal Lands Policy Management Act, or FLPMA) to retain public lands in federal ownership – ignoring the 200-year-old obligation of Congress to transfer title to our public lands;<sup>1</sup> and

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<sup>1</sup> See, *A Legal Overview of Utah's H.B. 148 – Transfer of Public Lands Act* by Professor Donald Kochan,

**WHEREAS**, this “policy” change by Congress has failed western communities and schools, forest health, wildlife preservation, watershed management, and jobs and the economy, both locally and nationally; and

**WHEREAS**, withdrawals of public lands from use and economic activity, through such federal action as monuments and wilderness designations, constricts the value of School Trust Lands and reduces the funds available for educating our children; and

**WHEREAS**, state and local government officials have a crucial responsibility derived from the 10<sup>th</sup> Amendment to the U.S. Constitution, to manage our abundant lands and resources strategically and prudently for the health, safety and welfare of our citizens; and

**WHEREAS**, in the 2012 session, the Utah House and Senate passed by supermajorities the Transfer of Public Lands Act and Joint Resolution on Federal Transfer of Public to establish the framework and a deadline for the orderly transfer of federal public lands to the State of Utah; and

**WHEREAS**, under the Transfer of Public Lands, federal public lands will become state public lands to be managed through local planning for the multiple-use (including traditional uses like hunting, fishing, recreation, grazing, open space, economic activity, etc.) and the sustained yield of our abundant natural resources on state public lands; and

**WHEREAS**, the Transfer of Public Lands would not be used in any way that would change or effect preexisting water rights, grazing allotments, National Parks, Tribal Lands, Tribal Reserved Lands, and adjudicated water rights.

**WHEREAS**, the Transfer of Public Lands Act has received broad support from the governors, state attorneys general, state legislators, members of many Western congressional delegations, multiple counties, and other public officials, and private individuals and organizations throughout the western states and beyond (even the South Carolina House of Representatives passed a resolution in support of the transfer of public lands to willing western states); and

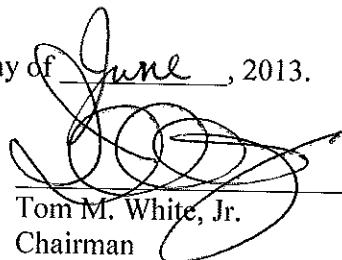
**WHEREAS**, the implementation of the Transfer of Public Lands Act will require the persistent and relentless efforts of counties and their citizens, giving guidance, encouragement and support to governor, attorneys general, legislatures along with the unwavering support of local governments and public and private individuals and organizations.

**NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF APACHE COUNTY** wholeheartedly supports the passage of the Transfer of Public Lands Act in all states of the union, in order to hold the federal government to its long-overdue promise to transfer title to public lands to the State, to protect the State's public education system and economic vitality, and to preserve the important historical and cultural contribution that our public lands provide to the State and the nation.

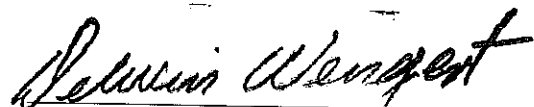
**BE IT FURTHER RESOLVED THAT** the Board of Supervisors of Apache County calls upon its fellow towns, cities, and counties to do all in their power and influence to support western states elected officials, including particularly the governor, attorney general, legislature, congressional

delegation and county commissioners to exert their utmost abilities, influence and authority to fully implement the Transfer of Public Lands Act and secure the transfer of our public lands to the State, with time being of the essence.

PASSED, APPROVED AND ADOPTED this 18 day of June, 2013.

  
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Tom M. White, Jr.  
Chairman

ATTEST:

  
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Delwin Wengert  
Clerk of the Board