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RESOLUTION # 21-02

**A RESOLUTION OPPOSING AND CONDEMNING
THE BIDEN ADMINISTRATION'S NATION-WIDE BAN ON
NEW OIL AND GAS LEASES ON PUBLIC LANDS**

WHEREAS, the title of Section 208 of the Biden Administration's January 27, 2021, Executive Order, E.O. 14008, is *Oil and Natural Gas Development on Public Lands and in Offshore Waters* ("Section 208" or "E.O. at Section 208");

WHEREAS, on the seventh day of the new administration and with no warning to the State of Utah, its counties, nor the Utah oil and gas industry, the E.O. at Section 208 ordered the U.S. Secretary of the Interior ("Secretary") to immediately and indefinitely "pause" oil and natural gas leases on public lands or in offshore waters, in order to review and reconsider those leasing and permitting "practices" in light of so-called "climate and other impacts" that are supposedly "associated" with public lands and offshore oil and gas activities;

WHEREAS, the word "pause" in Section 208 is misleading because it masks the real nature of the action taken, namely to shut down, ban, bar, forbid and stop public lands oil and gas leasing *immediately, comprehensively, and indefinitely*, all on the unfounded notion that unspecified "climate impacts" are somehow "associated" with the nation's public lands oil and gas activities;

WHEREAS, Section 208 further ordered the Secretary to "consider" whether to "adjust royalties" on oil, gas, and coal extracted from public lands, without regard for the havoc this "adjustment" would wreak on state and local tax bases and on Duchesne County citizens' ability to afford electrical power, as well as severely impacting Special Service District funding which is Mineral Lease Royalty dependent;

WHEREAS, this royalty adjustment shall be considered, Section 208 declares, in order to "account for corresponding climate costs;" yet the E.O. fails to establish any climate costs, much less those that somehow "correspond" to national public lands oil and natural gas leasing activities;

WHEREAS, the Western Energy Alliance, a Denver, Colorado-based organization of independent mountain states oil and natural gas operators, immediately filed a lawsuit in Federal District Court in Wyoming to challenge this Section 208 ban, on the grounds, among others, that the ban violates the "multiple-use and sustained yield" management mandate established by Congress on public lands, enacted in 1976 organic legislation for the U.S. Department of Interior and Bureau of Land Management (BLM) and known as the Federal Lands Policy and Management Act (FLPMA);

WHEREAS, the Wyoming lawsuit accurately alleges grave harm to the western states public lands energy industry if the Biden Administration's Section 208 ban is not reversed and set aside;

WHEREAS, oil and gas provide a substantial share of the revenue for the budgets of Utah's state and local governments; therefore, Utah's economy and tax base are and will be significantly and negatively impacted if the Biden Administration's Section 208 ban on oil and gas leasing is not reversed;

WHEREAS, Duchesne County and other rural Utah Counties depend heavily on Federal mineral lease revenues such as Utah Department of Transportation revenue sharing, direct statutory distribution of mineral lease funds, Community Impact Board project funds, and other revenue sharing programs, all derived from Federal mineral leasing activities; and the Biden Administration's Section 208 ban on oil and gas leasing undercuts those revenues to Duchesne County's economic harm;

WHEREAS, if the Biden Administration's Section 208 ban is not reversed, the question will become how will Utah and its local governments pay for its schools and roads, among other vital services;

61 **WHEREAS**, farming, livestock grazing, and forestry form the backbone of Duchesne County's
62 economy, culture, and way of life, and they are all heavily dependent on energy from fossil fuels
63 for the operation of machinery, transporting of goods to market, and the like;

64
65 **WHEREAS**, executive actions like the Section 208 ban on public lands oil and gas leasing
66 threaten to destabilize the fuel, electricity, transportation and heating costs of Duchesne County
67 citizens and businesses, causing a grievous financial impact on Duchesne County's economy and
68 the well-being of its citizens and families;

69
70 **WHEREAS**, there are existing fossil fuel energy developments and potential for exploration and
71 additional leasing on public lands in Duchesne County;

72
73 **WHEREAS**, thousands of existing wells provide valuable energy resources to the residents of
74 our State, with Duchesne County being the #1 crude oil-producing County and #3 natural gas
75 producing County in the State of Utah;

76
77 **WHEREAS**, in 2019, the United States became energy independent for the first time in over
78 five decades and the oil and natural gas resources on public lands in Utah and across the nation
79 played a significant role in helping America to become energy self-sufficient;

80
81 **WHEREAS**, the Biden Administration's Section 208 ban on public lands and offshore oil and
82 gas activities will force America to buy fossil fuels from foreign nations, which puts our nation
83 at risk; especially during times of war and shifts the economic benefits of a robust oil and gas
84 industry abroad;

85
86 **WHEREAS**, most of Utah's oil and natural gas exploration and extraction industry is tied to
87 public lands; hence many thousands and even tens of thousands of good-paying jobs in Utah are
88 threatened by this Section 208 ban, and many workers could be forced to relocate to other states
89 or other nations to find work in the oil and gas industry;

90
91 **WHEREAS**, the language in Section 208 itself contradicts any notion that the Section 208 ban is
92 only temporary because it makes no express provision for the ban to be "temporary;"

93
94 **WHEREAS**, even though Section 208 on its face bans only *leasing activity*, the unpleasant
95 secret is it threatens *permitting activity* on already existing leases as well. This is so because the
96 review ordered by Section 208 is to bear down on the alleged association between imagined
97 climate impacts and national oil and gas leasing *and permitting activities*;

98
99 **WHEREAS**, the Section 208 ban does not apply to tribal lands as energy development on tribal
100 lands apparently does not contribute to so-called "climate change" while leasing on public lands
101 does and

102
103 **WHEREAS**, the current winter weather conditions nationwide are a reminder that a flexible
104 suite of energy options; including fossil fuels, are needed to supply the energy that Americans
105 need to heat their homes and businesses, travel and live their daily lives.

106
107 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

- 108
- 109 1. Duchesne County goes on record opposing the ban on public lands oil and natural gas
110 leasing as provided in Section 208 of the Biden Administration's January 27, 2021,
111 Executive Order 14008;
 - 112
 - 113 2. Duchesne County urges the Biden Administration to immediately reverse and terminate
114 this ban;
 - 115
 - 116 3. Duchesne County decries and condemns the lawlessness of this Presidential mandate,
117 done in violation of the Federal Land Policy Management Act, the Mineral Leasing Act,
118 the National Environmental Policy Act, and Article I Section 8 of the U.S. Constitution,

- 119 which prohibits the Federal Government from exercising any power other than those
120 specifically enumerated in the Constitution;
- 121
- 122 4. Duchesne County decries and condemns the Biden Administration's wholesale disregard
123 manifested in the E.O. at Section 208 for Utah's State Resource Management Plan and
124 Duchesne County's Resource Management Plan and policies, which call for robust and
125 environmentally responsible oil and natural gas, permitting, extraction and distribution;
126
- 127 5. Duchesne County calls upon and urges the Utah Legislature and other Utah counties to
128 pass resolutions similar to this one and oppose and condemn the Biden Administration's
129 January 27 Section 208 ban on public lands oil and natural gas leasing in Utah and across
130 the nation;
- 131
- 132 6. Duchesne County implores the Governor of the State of Utah, it's Natural Resource
133 Division, and the Public Lands Policy Coordinating Office to aggressively use every
134 legal option at their disposal to fight this section 208 ban on public lands oil and gas
135 leasing.
- 136
- 137 7. Because the Wyoming Federal lawsuit is well-founded, Duchesne County calls upon and
138 urges the State of Utah, its counties and association of counties, and other western states
139 and counties to strongly consider supporting that litigation and similar lawsuits that may
140 arise challenging this Section 208 ban on public lands oil and gas leasing;

141

142 **DATED** this 22nd day of February, 2021.

143

144

145 ATTEST:

DUCHESNE COUNTY
BOARD OF COMMISSIONERS

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149 
150 JoAnn Evans
151 County Clerk/Auditor

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154 
155 Greg Todd, Chairman

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157 Greg Miles, Commissioner

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159 Irene Hansen, Commissioner
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