

UTAH GOVERNMENT RECORDS REQUEST FORM

TO: SAN JUAN COUNTY CLERK

Address of government office: 117 SOUTH MAIN P.O. Box 338  
MONTICELLO UTAH 84535

Description of records sought (records must be described with reasonable specificity):

As a public meeting, I would like a copy of the resolutions the San Juan County passed during its April 16, 2019 meeting. two resolutions are the commission's 2-1 vote on opposing the Roadless Rule exemption and removing the commission as intervener in the Bears Ears lawsuit

- I would like to inspect (view) the records.
- I would like to receive a copy of the records. I understand that I may be responsible for fees associated with copying charges or research charges as permitted by UCA 63-2-203. I authorize costs of up to \$
- UCA 63-2-203 (4) encourages agencies to fulfill a records request without charge. Based on UCA 63-2-203 (4), I am requesting a waiver of copy costs because:
  - releasing the record primarily benefits the public rather than a person. Please explain:
- I am the subject of the record.
- I am the authorized representative of the subject of the record.
- My legal rights are directly affected by the record and I am impoverished. (Please attach information supporting your request for a waiver of the fees.)

If the requested records are not public, please explain why you believe you are entitled to access.

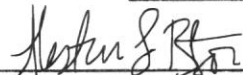
- I am the subject of the record.
- I am the person who provided the information.
- I am authorized to have access by the subject of the record or by the person who submitted the information. Documentation required by UCA 63-2-202, is attached.
- Other. Please explain:

I am requesting expedited response as permitted by UCA 63-2-204 (3)(b). (Please attach information that shows your status as a member of the media and a statement that the records are required for a story for broadcast or publication; or other information that demonstrates that you are entitled to expedited response.)

Requester's Name: Alastair Lee Bitsóí

Mailing Address: 40 South 900 East Apt. 14-G, Salt Lake City, Utah 84102

Daytime telephone number: 917-202-8308 Date: \_\_\_\_\_

Signature: 

RESOLUTION NO. 2019 - 16

**RESOLUTION TERMINATING THE REPRESENTATION OF SAN JUAN COUNTY BY THE MOUNTAIN STATES LEGAL FOUNDATION AND WILLIAM PERRY PENDLEY IN *HOPI TRIBE, et al. v. DONALD TRUMP, et al.*, CASE NO. 1-17-CV-2590; *UTAH DINÉ BIKÉYAH, et al. v. DONALD TRUMP, et al.*, CASE NO. 1:17-CV-2605 (TSC); and *NATURAL RESOURCES DEFENSE COUNCIL, INC., et al., v. DONALD TRUMP, et al.*, CASE NO. 17-CV-2606 (TSC) AND DIRECTING THAT NO FURTHER PAYMENT SHALL BE MADE FOR SERVICES RENDERED BY MOUNTAIN STATES LEGAL FOUNDATION AND WILLIAM PERRY PENDLEY AFTER THE DATE OF THIS RESOLUTION.**

**WHEREAS**, San Juan County has filed various pleadings in three cases filed in the United States District Court for the District of Columbia. These cases are as follows: *HOPI TRIBE, et al. v. DONALD TRUMP, et al.*, CASE NO. 1-17-CV-2590; *UTAH DINÉ BIKÉYAH, et al. v. DONALD TRUMP, et al.*, CASE NO. 1:17-CV-2605 (TSC); and *NATURAL RESOURCES DEFENSE COUNCIL, INC., et al., v. DONALD TRUMP, et al.*, CASE NO. 17-CV-2606 (TSC) (referred to below as “the Cases”).

**WHEREAS**, the County is represented in these cases by the Mountain States Legal Foundation and William Perry Pendley.

**WHEREAS**, the San Juan County Commission has reconsidered its position regarding the Bears Ears National Monument and no longer supports the unlawful reduction of the Monument by President Donald Trump.

**WHEREAS**, in San Juan County Commission Resolution No. 2019-06, the Commission directed the County Attorney to file a motion to withdraw San Juan County from the Cases and to terminate the representation agreement between the County and Mountain States Legal Foundation and William Perry Pendley.

**WHEREAS**, on March 15, 2019, attorneys for Mountain States Legal Foundation, Zhonette Brown and David C. McDonald, acting in disregard of Resolution No. 2019-06, filed a *CONSOLIDATED REPLY BRIEF OF INTERVENORS STATE OF UTAH, SAN JUAN COUNTY, AMERICAN FARM BUREAU FEDERATION, AND UTAH FARM BUREAU FEDERATION SUPPORTING FEDERAL DEFENDANTS’ MOTION TO DISMISS* stating that they are directed by an unidentified “County official” and that they need not withdraw the County from the Cases.

**WHEREAS**, it is apparent that the County Attorney and Mountain States Legal Foundation have not complied with the directives contained in Resolution No. 2019-06.

**WHEREAS**, a client has an absolute right to discharge a lawyer at any time, with or without cause, as stated in Rule 1.16, Comment 4, Utah Rules of Professional Conduct.

**WHEREAS**, Mountain States Legal Foundation represents San Juan County in the Cases, the County is the client in the Cases and it is the Commission, through official actions taken by resolution, that speaks for the client, not an unidentified “County official.” *See, Salt Lake County*

**PASSED, ADOPTED AND APPROVED** by the Board of San Juan County Commissioners this  
16 day of April 2019.

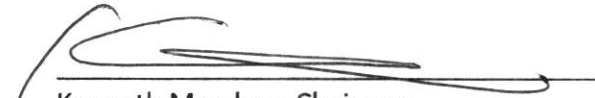
Those voting aye: Commissioner Maryboy, Commissioner Grayeyes

Those voting nay: Commissioner Adams

Those abstaining: N/A

Absent:  $\phi$

**Board of San Juan County Commissioners**



Kenneth Maryboy, Chairman

**ATTEST:**

John David Nielson  
John David Nielson, County Clerk/Auditor

RESOLUTION NO. 2019 - 17

**RESOLUTION IN OPPOSITION TO THE STATE OF UTAH'S PETITION TO THE U.S. SECRETARY OF AGRICULTURE AND THE U.S. FOREST SERVICE FOR A STATE-SPECIFIC RULE GOVERNING MANAGEMENT OF FOUR MILLION ACRES OF INVENTORIED ROADLESS AREAS IN UTAH'S NATIONAL FORESTS**

**WHEREAS**, for generations native peoples have lived in the canyons, mountains and mesas of the Abajo Mountains and LaSal Mountains, lands that are now managed by the U.S. Forest Service.

**WHEREAS**, records of generations of native habitation that tell the story of the subsistence of daily life, traditions, and ceremonies are contained in the rock art, cliff dwellings and other structures, and ceremonial sites within these areas.

**WHEREAS**, historic remnants of Navajo hogans, pottery, sweat lodges, sheep-herding camps and farming are found throughout these areas.

**WHEREAS**, the cultural importance of the lands and resources in these areas are sacred to many native peoples, including Navajo, Ute, Hopi and Zuni tribes.

**WHEREAS**, protecting the lands and resources in these areas will help protect and preserve the cultural, prehistoric, historic records and legacy of native peoples, and the cultural traditions and practices that continue through today.

**WHEREAS**, The Roadless Area Conservation Rule (Roadless Rule), adopted in 2001 after an extensive public involvement process, generally prohibits road construction and logging in the 58.5 million acres of inventoried roadless areas (IRAs) in the national forests, including 4 million acres of forest lands in Utah, and including approximately 129,800 acres of inventoried roadless areas in San Juan County.

**WHEREAS**, the Roadless Rule helps protect and preserve the cultural, prehistoric and historic records and legacy of native peoples on San Juan County, and the cultural traditions and practices that continue today.

**WHEREAS**, in August 2018, Governor Gary Herbert announced that the State of Utah intended to petition the U.S. Forest Service for a state-specific roadless rule, blaming the Roadless Rule and other federal regulations for creating overly dense and unhealthy forests that have caused large wildfires.

**WHEREAS**, under the State of Utah's proposal, the "Utah Roadless Areas" would become open to road construction and logging through new or expanded exceptions for:

- **Wildlife habitat modification for any species, beyond the 2001 Roadless Rule allowance for tree cutting to improve habitat for species that are at risk of extinction.**


Those voting aye: Commissioner Maryboy, Commissioner Grayeyes

Those voting nay: Commissioner Adams


Those abstaining: N/A

Absent:

**Board of San Juan County Commissioners**

  
Kenneth Maryboy, Chairman

**ATTEST:**

  
\_\_\_\_\_  
John David Nielson, County Clerk/Auditor