Conversation Contents

Memo: Problematic SITLA trades proposed in PLI

Attachments:

/117. Memo: Problematic SITLA trades proposed in PLI/1.1 Introduced PLI-SITLA trade problems V4-lowrez.pdf
/117. Memo: Problematic SITLA trades proposed in PLI/1.2 land trades memo vF.pdf
/117. Memo: Problematic SITLA trades proposed in PLI/3.1 Introduced PLI-SITLA trade problems V4-lowrez.pdf
/117. Memo: Problematic SITLA trades proposed in PLI/3.2 land trades memo vF.pdf

Josh Ewing <josh@cedarmesafriends.org>

From:	Josh Ewing <josh@cedarmesafriends.org>
Sent:	Fri Sep 09 2016 12:34:25 GMT-0600 (MDT)
To:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject:	Memo: Problematic SITLA trades proposed in PLI
Attachments:	Introduced PLI-SITLA trade problems V4-lowrez.pdf land trades memo vF.pdf

Dear Ms. Buffa: I have attached a memo for consideration by the Secretary regarding a significant issue raised by the Public Lands Initiative legislation (although not limited to the PLI) regarding proposed SITLA trades that would likely accompany any conservation designation in southeastern Utah.

Please let me know if you have any questions or need any further information on this important issue.

Sincerely,

Josh Ewing
***Executive Director,* Friends of Cedar Mesa**
(o) 435.414.0343 (m) 801.410.0773
300 E. Main Street, PO Box 338 | Bluff, UT 84512
web:CedarMesaFriends.org twitter: @joshewing facebook: @cedarmesafriends

"Buffa, Nicole" <nicole_buffa@ios.doi.gov>

FOR COMMITTEE USE ONLY

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Fri Sep 09 2016 12:41:18 GMT-0600 (MDT)
To:	Josh Ewing <josh@cedarmesafriends.org>
CC:	David Ure <dure@utah.gov>, Kim Christy <kimchristy@utah.gov>, Neil Kornze <nkornze@blm.gov>, WhitlockJenna <jwhitloc@blm.gov>, Ferguson Fred <Fred.Ferguson@mail.house.gov>, "Snider, Casey" <Casey.Snider@mail.house.gov>, ryan_wilcox@lee.senate.gov
Subject:	Re: Memo: Problematic SITLA trades proposed in PLI

Thanks for sending, Josh. We'll take a look.

On Fri, Sep 9, 2016 at 2:34 PM, Josh Ewing <josh@cedarmesafriends.org> wrote:

> Dear Ms. Buffa: I have attached a memo for consideration by the Secretary regarding a significant issue raised by the Public Lands Initiative legislation (although not limited to the PLI) regarding proposed SITLA trades that would likely accompany any conservation designation in southeastern Utah.
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> 300 E. Main Street, PO Box 338 | Bluff, UT 84512
> web:CedarMesaFriends.org twitter: @joshewing facebook: @cedarmesafriends

--
Nikki Buffa
Deputy Chief of Staff
US Department of the Interior
202-219-3861
nicole_buffa@ios.doi.gov

"Kornze, Neil" <nkornze@blm.gov>

From:	"Kornze, Neil" <nkornze@blm.gov>
Sent:	Mon Sep 12 2016 10:14:57 GMT-0600 (MDT)
To:	Linda Thurn <lthurn@blm.gov>

FOR COMMITTEE USE ONLY

CC:	"Laura (Liz) Pardue" <lpardue@blm.gov>
Subject:	Fwd: Memo: Problematic SITLA trades proposed in PLI
Attachments:	Introduced PLI-SITLA trade problems V4-lowrez.pdf land trades memo vF.pdf

please print

---------- Forwarded message ----------
From: **Josh Ewing** <josh@cedarmesafriends.org>
Date: Fri, Sep 9, 2016 at 2:34 PM
Subject: Memo: Problematic SITLA trades proposed in PLI
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Cc: David Ure <dure@utah.gov>, Kim Christy <kimchristy@utah.gov>, nkornze@blm.gov, WhitlockJenna <jwhitloc@blm.gov>, Ferguson Fred <Fred.Ferguson@mail.house.gov>, "Snider, Casey" <Casey.Snider@mail.house.gov>, ryan_wilcox@lee.senate.gov

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web:CedarMesaFriends.org twitter: @joshewing facebook: @cedarmesafriends

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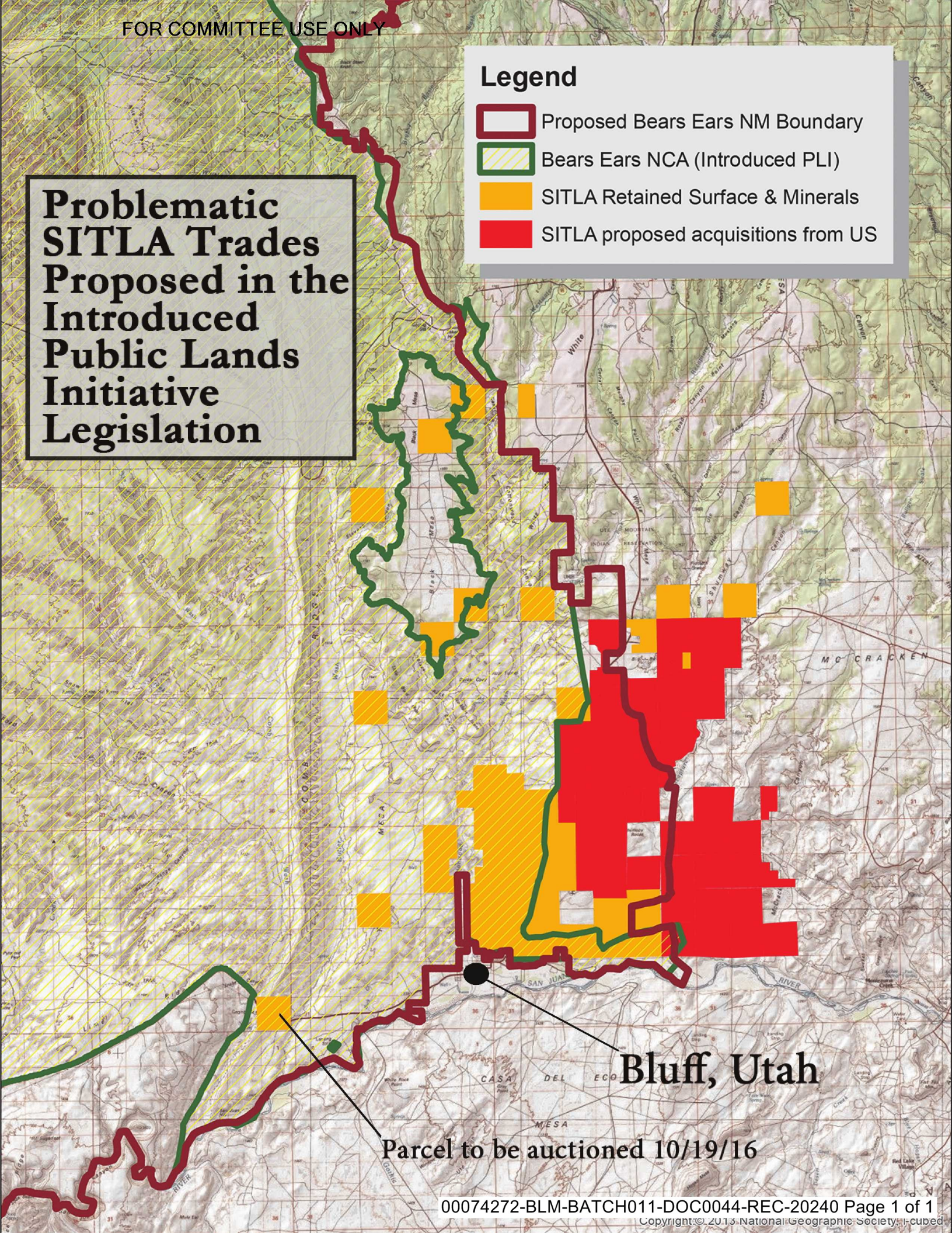
Problematic SITLA Trades Proposed in the Introduced Public Lands Initiative Legislation



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Friends of Cedar Mesa

PO Box 338, Bluff, UT 84512

MEMORANDUM

To: *Secretary Sally Jewell, US Department of the Interior*

From: *Josh Ewing, Executive Director*

Subject: *Problematic land trades near Bluff, Utah proposed by SITLA in connection with conservation proposals in southeastern Utah*

Date: *September 9, 2016*

Background

Friends of Cedar Mesa has previously shared with your office our concerns about the proposed Public Lands Initiative (PLI) Legislation, which would impact DOI administered lands in San Juan County, Utah. This memo focuses on an important but little publicized portion of that legislation with new information.

The PLI proposes a very large land trade between the State of Utah and the United States government, exchanging SITLA lands for DOI lands. A similar land trade would likely be triggered by any use of the Antiquities Act to designate a National Monument in the Bears Ears region.

This memo highlights a specific geography of problematic trades proposed by SITLA, overlapping both the Bears Ears National Conservation Area that would be created by the passage of the PLI and the footprint of the National Monument proposed by the Bears Ears Inter-Tribal Coalition. The trades discussed are visualized on the attached map.

In general, the principle of consolidating land ownership is an excellent idea. Conservation areas are best managed when small dispersed Trust Land holdings are removed, providing continuity of management. Likewise, the Utah State Institutional Trust Lands Administration (SITLA) can accomplish its mission of maximizing returns for beneficiaries far more efficiently when lands under the Trust's management are consolidated away from sensitive cultural and natural resources.

Unfortunately, trades proposed in the Bluff area are highly problematic for the reasons outlined below. We have shared these concerns directly, in person, with SITLA leadership.

Conservation and scenic values of the area

Many of the lands proposed to be retained or acquired by SITLA in the Bluff area are highly scenic and contain important cultural resources. The Bluff Bench is a viewshed prized by the people of Bluff and the surrounding lands provide the gateway for tourists from around the world who come to Bluff to visit nearby Monument Valley, Valley of the Gods, Comb Ridge, and Hovenweep National Monument.

Although little of the area has been documented by rigorous professional surveys, local archaeologists have identified many unique archaeological sites, including ancient Ancestral Pueblo roads, shrines and pueblos. Importantly, this area contains what may be Utah's highest concentration of Navajo and Ute archaeology, including rare petroglyph panels.

This area has been involved in significant controversy over possible oil and gas leases, which were protested by the Hopi Tribe in the early 2000s and most recently by the National Trust for Historic Preservation and Friends of Cedar Mesa in 2014. The Bureau of Land Management deferred leasing in this area in 2015 after this most recent protest. Significantly, this area is covered in the upcoming San Juan Master Leasing Plan boundaries, which will seek to balance cultural resource protection and oil and gas development.

Potential for development, privatization and extraction within proposed conservation areas

As one can see from inspecting the attached map, SITLA is proposing to retain ownership of surface and mineral rights on significant lands within the Bears Ears National Conservation Area. This creates the very real scenario of oil drilling, residential/commercial development, or privatization of lands that are specifically proposed for conservation in the PLI. Even more lands are proposed to be acquired by SITLA within the boundaries of a National Monument proposed by the Bears Ears Inter-Tribal Coalition.

Combined, the retention by SITLA of lands within the two proposed conservation areas and their proposed acquisition in the area creates the scenario of a major block of SITLA land in Bluff's backyard. The residents of Bluff are very concerned with the possibility of mass industrialization or even large-scale tourism development in this region. While perhaps not imminent due to current market conditions, future industrialization could dramatically impact Bluff's tourism-based economy and devastate the way of life enjoyed by residents. Such industrialization could also have significant impacts on cultural resources in the area. Despite best efforts, subtle archaeology, such as many of the Ute sites in the area, are easily missed and damaged by work crews. And the "setting" of these sites, which is protected by the National Historic Preservation Act, would change forever.

Recommendations and conclusion

If a conservation designation is created in the area, be it NCA or Monument, Friends of Cedar Mesa recommends that federal land managers and SITLA work with local residents and conservation experts to identify lands more suitable for SITLA ownership outside of any designated areas. Proper thought should be given to not creating the scenario for development just outside of a designated area, which would certainly engender significant future controversy.

CC:

Dave Ure, Director, Utah State Institutional Trust Lands Administration
Kim Christy, Deputy Director, Utah State Institutional Trust Lands Administration
Neil Kornze, Director, Bureau of Land Management
Jenna Whitlock, UT Acting State Director, Bureau of Land Management
Rep. Jason Chaffetz
Rep. Rob Bishop
Senator Mike Lee

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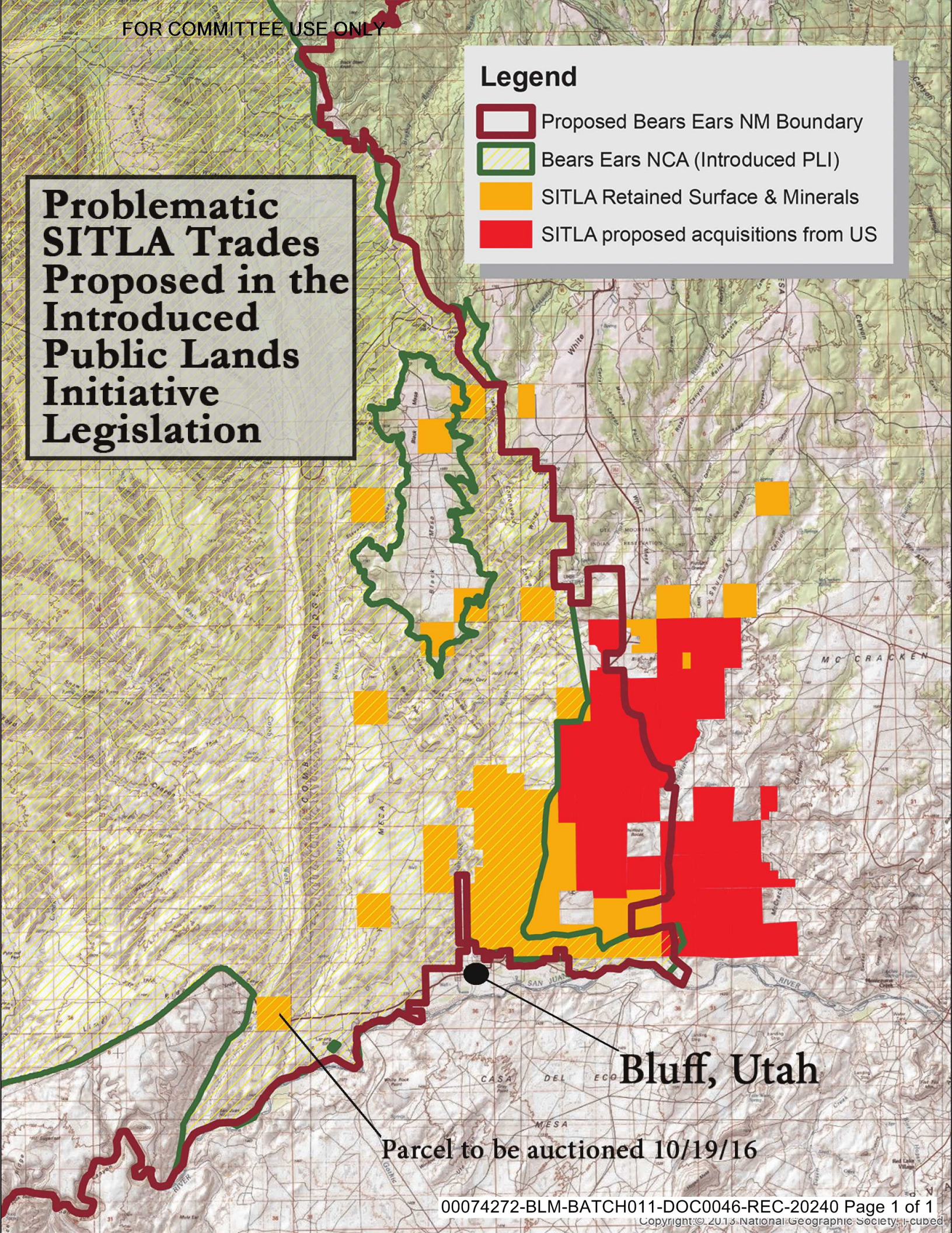
Problematic SITLA Trades Proposed in the Introduced Public Lands Initiative Legislation



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Friends of Cedar Mesa

PO Box 338, Bluff, UT 84512

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Rep. Jason Chaffetz
Rep. Rob Bishop
Senator Mike Lee

Conversation Contents

Utah Gov. Herbert hints he could pitch plan to protect Bears Ears | The Salt Lake Tribune

Neil Kornze <nkornze@blm.gov>

From:	Neil Kornze <nkornze@blm.gov>
Sent:	Wed Sep 07 2016 17:41:10 GMT-0600 (MDT)
To:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Nikki Buffa <nicole_buffa@ios.doi.gov>
Subject:	Utah Gov. Herbert hints he could pitch plan to protect Bears Ears | The Salt Lake Tribune

http://www.sltrib.com/news/4326093-155/utah-gov-herbert-hints-he-could

Conversation Contents

RESPONSE to Gov. Gary Herbert's new secret plan to protect Bears Ears

Center for Western Priorities <info@westernpriorities.org>

From:	Center for Western Priorities <info@westernpriorities.org>
Sent:	Wed Sep 07 2016 17:04:19 GMT-0600 (MDT)
To:	<nkornze@blm.gov>
Subject:	RESPONSE to Gov. Gary Herbert's new secret plan to protect Bears Ears

Center for Western Priorities

CONTACT
Aaron Weiss, Media Director
Center for Western Priorities
aaron@westernpriorities.org
720-279-0019

FOR IMMEDIATE RELEASE
SEPTEMBER 7, 2016

RESPONSE to Gov. Gary Herbert's new secret plan to protect Bears Ears

DENVER—In response to news that Utah Governor Gary Herbert is preparing his own plan to protect the Bears Ears region, the Center for Western Priorities released the following statement.

Jennifer Rokala, Executive Director:

> "We're happy to see Governor Herbert acknowledge that Congressman Rob Bishop's Public Lands Initiative is effectively dead. Like so many involved, the governor agrees that Bears Ears is in urgent need of protection. When Interior Secretary Jewell sits down with the governor in the coming weeks, we're confident she will take his input seriously alongside that of tribal governments and other stakeholders."

READ MORE

- Four truths and a lie: Utah public lands edition
- Take Rep. Rob Bishop's Inkblot Test
- In new national monuments, President Obama continues to allow native uses, elevate

tribal voices

- In President Obama's final months, four monumental opportunities

###

The Center for Western Priorities is a conservation policy and advocacy organization focused on land and energy issues across the American West.

Center for Western Priorities | 820 16th Street Ste 450, Denver, CO 80202 | 303.974.7761

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Conversation Contents

Fwd: Looking for Opportunities for Dialogue

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Sep 07 2016 12:35:34 GMT-0600 (MDT)
To:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, Larry Roberts <lawrence_roberts@ios.doi.gov>
Subject:	Fwd: Looking for Opportunities for Dialogue

FYI. Please see below.

Begin forwarded message:

From: "Snider, Casey" <Casey.Snider@mail.house.gov>
Date: September 7, 2016 at 12:50:32 PM EDT
To: Nikki Buffa <nicole_buffa@ios.doi.gov>
Cc: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject: FW: Looking for Opportunities for Dialogue

Nikki

Please see the attached email I just sent to Regina. I also spoke with Gavin this AM. To his credit he is trying, but simply put the tribes will not speak to our offices. Im not sure what to do at this point, but I am happy to keep trying. I will also send along any response I get on my end.

Hope all is well

Casey

From: <Snider>, Casey Snider <casey.snider@mail.house.gov>
Date: Wednesday, September 7, 2016 at 12:48 PM
To: "rwhiteskunk@utemountain.org" <rwhiteskunk@utemountain.org>
Cc: "alomahquahu@hopi.nsn.us" <alomahquahu@hopi.nsn.us>, Gavin Noyes <gavin@xmission.com>, "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>, Cody Stewart <codystewart@utah.gov>
Subject: Looking for Opportunities for Dialogue

Regina

Sorry to bother you as I recognize you are extremely busy, but I wanted to follow up with you. Over the last few weeks Ive tried to catch you via text and phone. Unfortunately we have been unable to connect at this point.

I understand that members of your board spoke last night here in Utah regarding the Bears Ears proposal to the Rotary club. We are happy to create an atmosphere for a similar conversation on our end, not necessarily in a public forum with point and counter point, but in some sort of designated official meeting which would seek to see if a legislative solution exists to address some of the outstanding needs of the tribes.

I have spoken with members of your staff as well as with the Governors office here in Utah. If some sort of opportunity does exist for some form of communication we would love to help facilitate it.

Happy to chat at any time.

Thanks again

Casey

Conversation Contents

Poll Confirms Majority of Utah Voters Want to Protect Bears Ears

Center for Western Priorities <info@westernpriorities.org>

From:	Center for Western Priorities <info@westernpriorities.org>
Sent:	Mon Aug 29 2016 13:58:40 GMT-0600 (MDT)
To:	<nkornze@blm.gov>
Subject:	Poll Confirms Majority of Utah Voters Want to Protect Bears Ears

Center for Western Priorities

CONTACT
Aaron Weiss, Media Director
Center for Western Priorities
aaron@westernpriorities.org
720-279-0019

FOR IMMEDIATE RELEASE
AUGUST 29, 2016

Poll Confirms Majority of Utah Voters Want to Protect Bears Ears

The only debate is over how, not if, the region needs protection

A poll released Friday by the conservative UtahPolicy.com blog confirms a majority of likely Utah voters support protecting the Bears Ears region, either through legislative or executive action.

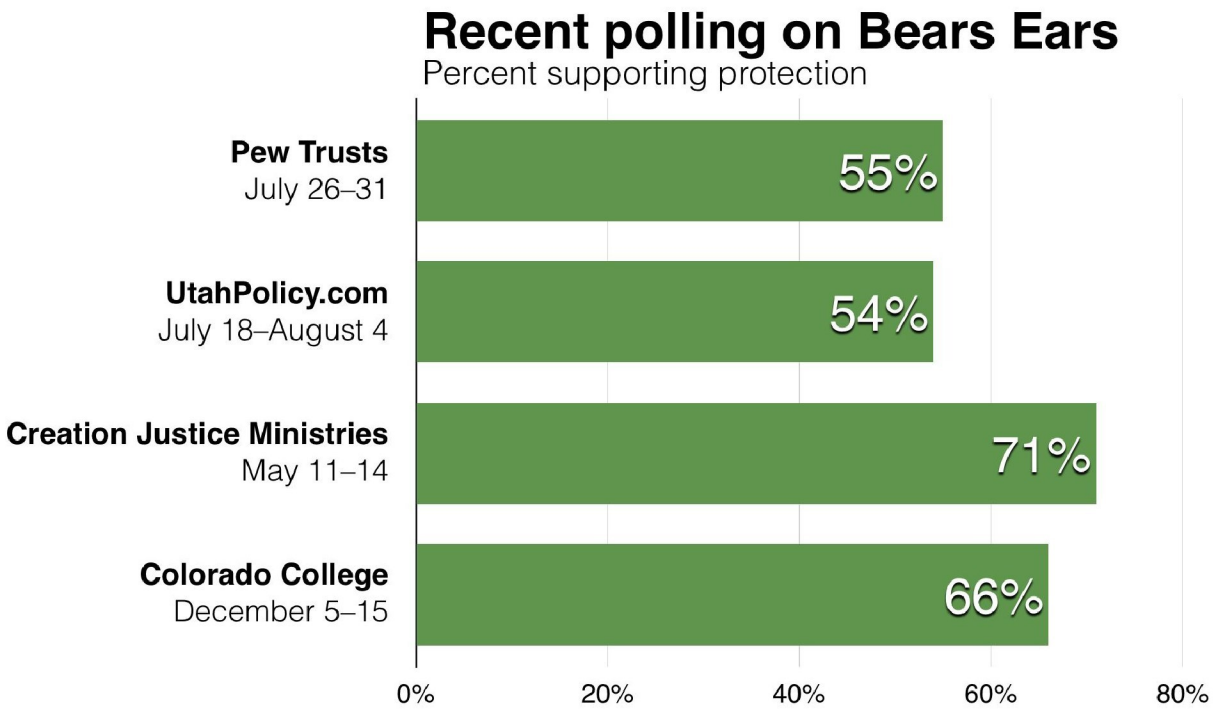
The poll, which was conducted in late July and early August, found 35 percent of Utahns support Rep. Rob Bishop's proposed Public Lands Initiative, while an additional 19 percent support a presidential monument designation using the Antiquities Act. The combined percentage of those in support of protecting Bears Ears, 54 percent, outnumber those who do not support protection by a nearly two-to-one margin. It's an increase of six points over the previous UtahPolicy.com poll, which asked a slightly different question in May.

"Although some tried to frame this poll as anti-Bears Ears, a look at the actual results shows it's completely consistent with other polls which confirm a clear majority of Utah voters want to protect the Bears Ears landscape," said **Jennifer Rokala, executive director at the Center for Western Priorities**. "While a legislative solution should be a viable option, it's unfortunate that

Congressman Bishop chose to run out the clock on the PLI, rather than crafting the grand bargain he'd promised for three years."

With 33 working days left on the congressional calendar, Rep. Bishop has yet to schedule a hearing or markup on the PLI; this despite controlling the calendar of the House Natural Resources Committee, which he chairs. Bishop has also not announced any Democratic support for his bill, which would require a 60 vote supermajority to clear the Senate before the end of the legislative session.

"The reality is that Congressman Bishop could and should have introduced a viable bill nine months ago. Instead, he wasted precious time on an ideologically-driven discussion draft he knew had no chance of passing," Rokala said. "The congressman finally introduced a bill this summer, albeit one with a multitude of problems, but he's left himself with an impossibly steep legislative hill to climb, considering the calendar. President Obama should listen to the voters of Utah—if a dysfunctional Congress can't do its job, he needs to step up and protect Bears Ears."



Learn more

- Bears Ears Opponents Distorting Truth About Tribal Access to National Monuments
- For 80 years, politicians have been all talk but no action when it comes to Bears Ears
- In President Obama's final months, four monumental opportunities
- Opponents of Bears Ears monument blame badgers for looting and grave robbing

For more information, visit westernpriorities.org. To speak with an expert on public lands, contact Aaron Weiss at 720-279-0019 or aaron@westernpriorities.org.

###

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The Center for Western Priorities is a conservation policy and advocacy organization focused on land and energy issues across the American West.

Center for Western Priorities | 820 16th Street Ste 450, Denver, CO 80202 | 303.974.7761

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Conversation Contents

Thank you

"Crandall, Megan" <mcrandal@blm.gov>

From:	"Crandall, Megan" <mcrandal@blm.gov>
Sent:	Tue Aug 16 2016 13:54:29 GMT-0600 (MDT)
To:	Neil Kornze <nkornze@blm.gov>
Subject:	Thank you

Neil,

I just received your nice thank you letter regarding the Bears Ears meeting in Bluff. Thank you so much for taking the extra time to pen a quick personal note on it -- I know you have a million and ten things going on and I really appreciate it.

Megan

--

Directions to UVU Parking Garage:
• From University Parkway, turn north to enter campus
• Turn right and continue on College Drive for approximately 1 mile
• The parking garage will be on the left, west of the LDS Institute
• The SL building entrance is located on the second floor of the garage
Parking is FREE for conference attendees
*Please do not pay for parking or validate at the parking machines
Mountainside Lakeside
Playing Fields
College Dr
W 800 South St
Testing Services
LDS Institute
University Police
Softball Field
Brent Brown Ballpark
W 960 South St
Wolverine Way
Wee Care Center
W 1200 South St
West University Pkwy
W 1250 South St
UTAH VALLEY UVU UNIVERSITY
Parking Services

Next 100 Coalition's Four-Month Plan for Fostering an Inclusive Approach to America's National Public Lands

Immediate steps that President Obama can take to cement his legacy and ensure his successors pioneer an inclusive approach to the conservation of our shared natural and cultural heritage.

Introduction

In 2016, we celebrate the Centennial of the National Park Service. This is an opportunity to reflect on our nation's conservation legacy, especially the strides taken by President Obama to protect more public lands and waters than any other president, and coalesce around a new vision for the next century.

To achieve this new vision for conservation, and spark the necessary cultural and operating changes within the agencies responsible for protecting our public lands and waters, the Next 100 Coalition asks President Obama to demonstrate his leadership and continued commitment to fostering an inclusive approach for our system of public lands by issuing a Presidential Memorandum on the Centennial of the National Park Service, August 25, 2016.

The Presidential Memorandum should direct the Park Service, Forest Service and other federal land management agencies to be more inclusive **in the sites protected, stories told, communities engaged, and people hired as stewards of our incredible system of national parks, forests and other national public lands – and install a system for public accountability on said matters.** In particular, the Presidential Memorandum should:

- Appoint an Action Committee/Ombudsperson at the White House Council on Environmental Quality (CEQ), which would oversee incorporation of the following principles laid out in the Presidential Memorandum and be accountable to the public in the management of America's system of public lands and waters.
- Direct the White House Office of Personnel Management (OPM) to review federal land management agency ongoing efforts to recruit and hire staff with more diverse backgrounds. The OPM should engage in strategy meetings between OPM Chief Human Capitol Officers (CHCOs) and Human Resources staff for land agencies and collaborate with agencies to develop an action plan to identify and create opportunities for a new generation of leaders that are inclusive and targeted at recruiting from non-traditional communities and establish a supportive environment and career pathways for those employees, and create internal incentives for building a more diverse workforce and multicultural workplace. We would request that a formal, annual report on progress be generated for public accountability.
- Announce a formal review of federal programs across agencies that are designed to reach culturally-diverse communities to identify ways to increase participation from

those communities and to improve access to public lands and waters for those constituencies.

- Launch a Master Interpretive Plans pilot project, working with public and private partners to demonstrate how outreach and educational messaging around a single theme can be coordinated across different agencies, sites and public lands.
- Direct the Secretary of the Interior to review the agency strategy on landscape-scale conservation, in consultation with tribes, to more fully encompass cultural landscapes and to acknowledge the need to design conservation and climate change mitigation programs that protect habitats, ecosystems and natural processes and also recognize peoples' histories, livelihoods and beliefs.
- Announce the expansion of youth internship programs in federal land management agencies and ensure agencies work with community-based organizations and diverse partners with ties to communities of color to identify, recruit and retain youth employees.
- Announce enhanced coordination across agencies and investment in federal partnerships with historically black colleges and universities, tribal colleges and universities, and other formal educational programs for underserved communities to connect youth with paid internships, mentors, and ultimately full-time careers in federal land management agencies.
- Launch a Step Up Program to get high school students nationwide engaged with federal land management agencies and empower leaders from communities of color already serving in federal land management agencies to provide leadership and guidance in engaging culturally diverse communities.
- Hold a Partnership Summit to identify and celebrate accomplishments and outline action to meet remaining challenges in workforce diversity, community partnerships and engagement, expanded cultural relevance and inclusivity. Engage federal land agency leaders and career employees and employee associations, Next 100 Coalition and other similar partners in a dialogue on what models are working and best practices, and set actionable next steps that partners can take forward into a next administration. .

In addition to the Presidential Memorandum, we believe there are additional steps the White House, CEQ and federal land management agencies can take in the next four months to enhance the diversity and inclusivity of our system of national public lands:

Access to Public Lands

- Leverage the National Park Foundation, National Forest Foundation, U.S. Travel and other private partners to announce with the U.S. Department of Commerce and federal land management agencies a coordinated effort to advertise the range of experiences already available to visitors to America's national parks and other public lands — everything from rugged backcountry activities to vacations with concierge services. Agencies need innovative new ideas to connect with visitors from culturally-diverse communities and demonstrate how our national public lands relate to their personal experiences and varied travel interests.
- Recognize tribal and other diverse farming and ranching communities who live near public lands as essential partners in protecting and caring for our federal lands. In

particular, federal agencies should work with communities to address and mitigate conditions that contribute to forest fires and other related disasters that impact the land, and assure fair access to the lands to which they are historically connected.

- Direct the agencies to coordinate and identify ways to leverage programs across agencies to proactively reach out to diverse communities near our public lands – especially national parks – to foster awareness in these communities of our public lands, and invite access. Work with partners in these communities to develop outreach plans to educate about opportunities to better facilitate access, and ensure that diverse communities feel welcome to visit – and see the benefits of – our public lands.

Historical, Cultural, Sacred and Spiritual Heritage

- Direct the National Park Service to complete the update of National Register Bulletin 38, "Guidelines for Evaluating and Documenting Traditional Cultural Properties," a guidance document that incorporates the cultural values of Indian tribes and other traditional communities into the federal National Historic Preservation program.
- Announce agency support for permanent and full federal funding for the Historic Preservation Fund to enable federal land management agencies to work with partners, local communities and tribal governments to assess our existing system of national parks and other public lands and waters for missing or incomplete storytelling. These efforts should focus on identifying aspects of the American story that are absent or are inadequately or inaccurately addressed so that the system reflects the broader, more complex stories of our collective heritage as a nation of many cultures and experiences.
    - Direct the agencies to publically educate about the importance of programs like the Historic Preservation Fund (which is the only source of funding for many Tribal Historic Preservation Offices) and the Land and Water Conservation Fund (LWCF) in Congress, leveraging the Centennial.
- Since 1964, the stateside grants of the LWCF have been a source of funding to states and local governments for acquisition and development of outdoor recreation areas and facilities. The federal side of the LWCF is largely used for acquisition of lands and waters by land management agencies for conservation and recreational purposes. Neither the state nor the federal side expressly authorizes funding for projects sponsored by tribal governments. To begin to address this omission, direct the Department of the Interior to report on (1) whether any LWCF grants have ever been made to tribal governments and (2) if the answer is yes, how many grants have been made to tribes and for how much.

Landscape-Scale Conservation

- Build on President Obama's legacy of protecting critical natural and cultural landscapes by using the Antiquities Act to protect vulnerable landscapes that are important to all Americans by January 2017, including Bears Ears, Gold Butte, Castner Range, and the Greater Grand Canyon Heritage area.
    - Several bills are pending in Congress to protect sites that could instead be designated under the Antiquities Act by President Obama, should public support be adequate: Birmingham Civil Rights National Historical Park, Freedom Riders Historical Park, Cesar Chavez National Historical Park and Penn School –

Reconstruction Era National Monument.
    - Engage the U.S. Department of Agriculture (USDA) and diverse community-based groups in a process to identify ways to better access and expand the farmland protection program, the regional conservation program and programs of other federal agencies to identify and protect historic, culturally diverse farms, ranchers and rural sites.
- Finalize the Moab Master Leasing Plan (MLPs) and use that opportunity to set the stage for additional planning efforts to address oil and gas conflicts around national parks, protect critical landscapes and allow local communities to be an active part of the process. Announce a commitment to launching MLPs for the important cultural landscapes surrounding Mesa Verde National Park in Colorado and Chaco Cultural National Historical Park in New Mexico.
- Announce a new partnership with tribal colleges to launch a multi-year study of culturally-significant resources on national public lands.
- Announce new USDA and Department of the Interior (DOI) memorandums of understanding with the Environmental Protection Agency regarding brownfield restorations. This is critical to protecting open space near urban and rural populations. After restoration, areas could be managed by a state, local or tribal government agency, or by private partners, to benefit local communities.

Stakeholder Engagement

- Launch a new initiative with a partner independent of the federal government (such as with a university) to identify and recommend strategies and programs that engage the needs of an increasingly diverse American population. It is important for our federal land management agencies to have reliable data about how culturally diverse communities now use and relate to national parks and other public lands in order to inform land management plans.
- Develop a strategy at CEQ to identify and share best practices among agencies for identifying and engaging new partners in diverse communities. Aim to replicate public-private partnership programs such as My Brother's Keeper in federal land management agencies.
- USDA and the Natural Resources Conservation Service (NRCS), which have robust partnerships and programs with tribal communities, and community-based organizations representing Latino, Native American, African-American, Asian-Pacific Islander, veteran and women farmers, could begin to share their partnership strategies and facilitate introductions to other agencies to ensure these small farmers can share their land and water stewardship knowledge and provide input on federal land management planning processes.
- Review authority for each agency to engage in cooperative agreements with community based organizations and recommend any changes needed.

Workforce Diversity

- The Park Service expects that 25% of its workforce will retire in the next year; other agencies face a similar situation. Use this fact in public communications to underscore the urgency and commitment to hiring a new generation of land stewards who reflect the diversity of America.
- Identify best practices across federal land management agencies in diverse hiring and retention. NRCS, for example, has people of color in more than half of its state leader positions. Those best practices should be shared among agencies to inform management strategies on building a more inclusive workforce.
- Ensure agencies engage national and local partners such as the National Association for the Advancement of Colored People, National Council of La Raza, Japanese American Citizens League, National Congress of American Indians, National Council of Asian Pacific Americans, League of United Latin American Citizens and others to enhance internal and external diversity outreach and hiring initiatives. Convene and attend stakeholder meetings and conferences, as appropriate for recruitment purposes.
- Host a meeting of thought leaders and key public and private partners along the lines of what the Administration has done to spur veteran hiring in the private sector to identify and launch effective new multicultural hiring initiatives within land management agencies.
- Empower leaders from communities of color already serving in federal land management agencies through employee organizations such as the National Organization of Professional Black NRCS Employees and the National Organization of Professional Hispanic NRCS Employees, formal mentorships, recruitment and retention initiatives to provide leadership and guidance in engaging culturally diverse communities.

Youth Workforce Initiatives

- Build upon, and expand to include other communities of color, successful programs like the Latino Heritage Internship Program (created through partnership with Hispanic Access Foundation and the Park Service).
- Direct the agencies to report back on partnerships with historically black colleges and universities and tribal colleges and universities. Identify the work being done already and identify ways to connect youth with paid internships, mentors and ultimately full-time careers. Expand into other land agencies at DOI and USDA, and include a Direct Hire Mandate.
- Work with community-based organizations to recruit youth and entry-level staff candidates, especially from the local communities (both rural and urban) around parks and federal lands. Look to successful programs, such as the Forest Service's partnership with tribes that has resulted in job opportunities for Native American youth.
- Announce new mentorship programs with partner community-based organizations, looking to NRCS as an example.

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Our Public Lands:
An Inclusive Vision for the Next 100 Years

Throughout history, our public lands - including national parks, forests, monuments and other areas - have played an important role as part of America's identity. Unfortunately, these lands have not always been reflective of our country's demographic and ethnic diversity. This disconnect is becoming more apparent as the face of our country continues to change at a rapid pace and more urgent because the future of our public lands will depend upon public support from *all* people.

Our public lands are facing pressure in Washington, D.C., where some members of Congress would like to sell them off -- and strip the President of his authority to protect our existing national parks and monuments or to create new ones. These attacks are happening alongside increasing commercial and energy development which is putting pressure on our public lands and threatening valuable historical and cultural treasures. Across the country, many of our communities have too little open space; and climate change, air and water pollution are risking our families' health and our future.

Without a broad base of support, we are at risk of losing the historic, cultural, natural, spiritual, economic and recreational resources that our public lands currently provide and of missing opportunities to identify and conserve other valuable resources for future generations.

As America's National Park Service celebrates its centennial this summer, we have a responsibility to create a vision for the next century that focuses on the importance of public lands for all. We must find ways to engage all segments of our population so that they become active users, owners and supporters of public lands.

A more inclusive approach to our country's public lands over the next 100 years must be driven by three guiding principles:

- **REFLECT THE FACES OF OUR COUNTRY:** Our public lands must reflect the demographic and ethnic diversity of our nation's people among visitors, the agencies' workforce and in the designation of new units. This will require a cultural shift within the agencies responsible for managing and overseeing these spaces and a commitment from people outside the agencies to join together to support this approach.

- **RESPECT FOR ALL CULTURES:** Our public lands play a unique role in capturing the many different historical, cultural and spiritual stories that have shaped this country; celebrating acts of bravery and sacrifice, recognizing the unique contributions of all people, and providing opportunities for atonement and healing. We need to make sure that the full range of these stories are being told at existing and new park sites and public lands. Protecting cultural and natural landscapes that tell America's complex history will help us learn from our past, honor our ancestors and educate future generations.

- **RESPONSIBILITY TO ACTIVELY ENGAGE ALL PEOPLE:** The future of our public lands depends upon public support from all people. Moving forward, we must actively and authentically engage a diverse range of communities in new and meaningful ways to build support for our public lands and shape the direction of our future public lands and natural resources policies.

We must use this opportunity to challenge America in its second century of conservation to create a system of public lands that engage, reflect and honor our nation's entire people. By doing so, the 21st century will be about protecting our current public lands and designating new landscapes that more broadly reflect America's rich and varied culture.

Maite Arce
President/CEO
Hispanic Access Foundation

Frank & Audrey Peterman
Founders
Diverse Environmental Leaders Speakers Bureau

José G. González
Founder
Latino Outdoors

Vanessa Braided Hair
Co-Founder
ecoCheyenne

Peter Conroy
Co-Chair
Freedom Riders Park
Charles Person
Original Freedom Rider

Dr. Carolyn Finney
Author
Black Faces White Spaces

Jose Davila
Vice President for Policy & Government Relations
Hispanic Federation

Shantha Ready Alonso
Executive Director
Creation Justice Ministries

Jocelyn Torres
Nevada Program Director
Conservation Lands Foundation

Japanese American Citizens League

Sarah Milligan-Toffler
Executive Director
Children & Nature Network

Mark Masaoka
Policy Director
Asian Pacific Policy & Planning Council

Rue Mapp
Founder and CEO
Outdoor Afro

Camilla Simon
Director
HECHO

Mark Magaña
President
GreenLatinos

League of United Latin American Citizens

Teresa Ana Martinez
Executive Director
Continental Divide Trail Coalition

Loretta E. Pineda
Executive Director
Environmental Learning for Kids

Rebecca DeLaRosa, MPA
Interim Executive Director
Latino Coalition for a Healthy California

Chad Brown M.Sc.
Founder & Executive Director
Soul River Inc. - Runs Wild

Pastor Frank Ruiz
Co-Founder
Por La Creación
Faith Based Alliance

Jessica Reeves
Chief Operating Officer
VotoLatino

Steve Dunwoody
California Director
Vet Voice Foundation

Christine Alonzo
Executive Director
The Colorado Latino Leadership, Advocacy and Research Organization

Lorette Picciano
Executive Director
Rural Coalition

Glenn Nelson
Founder
The Trail Posse

Angela Florez
Director of Leadership Programs
Valle del Sol

Angelou C. Ezeilo
Founder & CEO
Greening Youth Foundation

Donald Cravins, Jr.
Senior Vice President for Policy
National Urban League

Pamela Rivera
Partnership & Constituency Advocate
VOCES

Jes Ward
Executive Director
cityWILD

Hillerie C. Patton
President
The Dignitas Agency

Luke Miguel Argleben
Student Advocate

Xavier Morales
Executive Director
The Praxis Project

Mauricia M.M. Baca
Executive Director
Outside Las Vegas Foundation

Teresa Baker
Founder
African American Nature & Parks Experiences

Hilary O. Shelton
Director
NAACP Washington Bureau

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Natural Resources Defense Council ▪ The Wilderness Society ▪ Sierra Club ▪ National Wildlife Federation ▪ American Rivers ▪ The Trust for Public Land ▪ Alaska Wilderness League ▪ Conservation Lands Foundation ▪ Clean Water Action ▪ League of Conservation Voters

June 9, 2016

Honorable Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington DC 20500

Re: "Parks for All: A Vision for the Second Century of Conservation"

Dear Mr. President:

Thank you for your work to protect an invaluable and unique American asset – our national public lands. As we celebrate the centennial of the National Park System this year, you have a unique opportunity to set the course for the second century of conservation. Our public lands are a place which should reflect and include all the country's faces, respect all cultures and engage all voices.

Representing 28 percent of the U.S. land mass, the 640 million acres of national public lands provide countless benefits, yet, they are threatened more than ever. Some state and federal legislators and special interests seek to seize them for private profit. Mining and drilling scar their plains and forests. Roads fragment their habitat. Sadly, a football field of natural area in the West disappears every two and a half minutes. Public lands provide a refuge -- even they are being chipped away by commercial development.

Our public lands are our common ground. They are a place for us to unite and connect. In them, we can reflect and honor the diverse heritage and cultures that make this nation great. Last month, a diverse coalition of over 30 civil rights, environmental justice, conservation and community organizations announced a set of policy recommendations including for a Presidential Memorandum that would move us toward an inclusive system of national parks and other public lands. As organizations committed to making ourselves more inclusive and diverse, we applaud this coalition's efforts and urge you to embrace the recommendations outlined in the report and act in the near term on the recommendation for a Presidential Memorandum.

We thank you for your leadership in protecting many new parks and monuments that reflect, honor and engage all Americans. Without your continued leadership and action now, we risk losing the historic, cultural, natural, spiritual, economic and recreational resources that our public lands can provide to all our nation's communities and families.

Sincerely,

Michael Brune
Executive Director
Sierra Club

Gene Karpinski
President
League of Conservation Voters

Jamie Williams
President
The Wilderness Society

Brian O'Donnell
Executive Director
Conservation Lands Foundation

Collin O'Mara
President & CEO
National Wildlife Federation

Cindy Shogan
Executive Director
Alaska Wilderness League

Will Rogers
President and CEO
The Trust for Public Land

Robert Wendelgass
President
Clean Water Action

Wm. Robert Irvin
President and CEO
American Rivers

Sharon Buccino
Director, Land & Wildlife
Natural Resources Defense Council

Cc: Christy Goldfuss, Manager, White House Council on Environmental Quality
Cecelia Muñoz, Director, White House Domestic Policy Council
Honorable Sally Jewell, Secretary, Department of the Interior
Honorable Tom Vilsack, Secretary, Department of Agriculture

Conversation Contents

Ute Ltr and Opinion on Uncompahgre Restoration Issues

Attachments:

/138. Ute Ltr and Opinion on Uncompahgre Restoration Issues/1.1 Ute Ltr Connor re Uncompahgre Opinion 6 21 16.pdf
/138. Ute Ltr and Opinion on Uncompahgre Restoration Issues/2.1 Ute Ltr Lee Bishop Chaffetz re HR 5780 (8 2 16).pdf
/138. Ute Ltr and Opinion on Uncompahgre Restoration Issues/4.1 Ute Ltr Lee Bishop Chaffetz re HR 5780 (8 2 16).pdf
/138. Ute Ltr and Opinion on Uncompahgre Restoration Issues/5.1 Ute Ltr Lee Bishop Chaffetz re HR 5780 (8 2 16).pdf

Rollie Wilson <RWilson@ndnlaw.com>

From:	Rollie Wilson <RWilson@ndnlaw.com>
Sent:	Thu Jun 23 2016 08:15:57 GMT-0600 (MDT)
To:	"michael_connor@ios.doi.gov" <michael_connor@ios.doi.gov>
Subject:	Ute Ltr and Opinion on Uncompahgre Restoration Issues
Attachments:	Ute Ltr Connor re Uncompahgre Opinion 6 21 16.pdf

Hi Michael,

During the Ute Indian Tribe's meeting with you on May 12th you raised a handful of questions related to moving forward with the Tribe's request for restoration of lands within its Uncompahgre Reservation under the IRA. Please find attached a letter and legal opinion responding to those questions. The Tribe looks forward to hearing your views on this and any other issues you think we may need to address.

Please let me know if you have any questions. Thanks for your consideration.

Rollie Wilson
Fredericks Peebles & Morgan LLP
401 9th Street NW, Suite 700
Washington, DC 20004
Telephone: (202) 450-4887
Cell: (202) 340-8232
Fax: (202) 450-5106
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Rollie Wilson <RWilson@ndnlaw.com>

From:	Rollie Wilson <RWilson@ndnlaw.com>
Sent:	Tue Aug 02 2016 09:33:52 GMT-0600 (MDT)
To:	"michael_connor@ios.doi.gov" <michael_connor@ios.doi.gov>
Subject:	Re: Ute Ltr and Opinion on Uncompahgre Restoration Issues
Attachments:	Ute Ltr Lee Bishop Chaffetz re HR 5780 (8 2 16).pdf

Hi Michael,

The Ute Indian Tribe was pleased to meet with the Secretary a couple of weeks ago as a part of her meetings on the Utah Public Lands Initiative and the Bears Ears Monument issues. As a part of his comments, Ute Chairman Shawn Chapoose asked the Secretary to understand the broader impacts of the PLI, beyond Bears Ears, and the attempted taking of the Ute Indian Tribe's lands—the same lands that the Tribe seeks to have restored to trust status under the Indian Reorganization Act.

Now the legislation has been introduced for the PLI, H.R. 5780, the Tribe requests the assistance of DOI in opposing this legislation and its impacts on the Reservation. The Tribe also asks that DOI move forward with steps to restore the Tribe's lands under the IRA to finally put an end to decades of conflict with Utah over the status of the Tribe's lands.

Please find attached a recent letter the Tribe sent to members of the Utah Delegation regarding H.R. 5780. Thank you for your attention to this matter.

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From: Rollie Wilson <rwilson@ndnlaw.com>
Date: Thursday, June 23, 2016 at 10:20 AM
To: "michael_connor@ios.doi.gov" <michael_connor@ios.doi.gov>
Cc: "elizabeth_klein@ios.doi.gov" <elizabeth_klein@ios.doi.gov>, Tana Fitzpatrick <tana.fitzpatrick@bia.gov>, Lawrence Roberts <Lawrence_Roberts@ios.doi.gov>, "jody.cummings@sol.doi.gov" <jody.cummings@sol.doi.gov>, "bret.birdsong@sol.doi.gov" <bret.birdsong@sol.doi.gov>, Janice Schneider <janice_schneider@ios.doi.gov>,

"nkornze@blm.gov" <nkornze@blm.gov>
Subject: Ute Ltr and Opinion on Uncompahgre Restoration Issues

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"Kornze, Neil" <nkornze@blm.gov>

From:	"Kornze, Neil" <nkornze@blm.gov>
Sent:	Tue Aug 02 2016 09:35:40 GMT-0600 (MDT)
To:	rwilson@ndnlaw.com
Subject:	Re: Ute Ltr and Opinion on Uncompahgre Restoration Issues

Thank you for your note. I am out of the office and will only have occasional access to email. If your matter is time sensitive, please feel free to contact Kelly Orr, Acting Chief of Staff, at 202-208-3801.

Neil

Neil Kornze <nkornze@blm.gov>

From:	Neil Kornze <nkornze@blm.gov>
Sent:	Tue Aug 02 2016 10:14:04 GMT-0600 (MDT)
To:	Jenna Whitlock <jwhitloc@blm.gov>, Jack Haugrud <Jack.Haugrud@sol.doi.gov>, justin.pidot@sol.doi.gov,

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	joshua.hanson@sol.doi.gov, Liz Pardue <lpardue@blm.gov>
Subject:	Fwd: Ute Ltr and Opinion on Uncompahgre Restoration Issues
Attachments:	Ute Ltr Lee Bishop Chaffetz re HR 5780 (8 2 16).pdf

Begin forwarded message:

From: Rollie Wilson <RWilson@ndnlaw.com>
Date: August 2, 2016 at 10:33:52 AM CDT
To: "michael_connor@ios.doi.gov" <michael_connor@ios.doi.gov>
Cc: "elizabeth_klein@ios.doi.gov" <elizabeth_klein@ios.doi.gov>, "tana.fitzpatrick@bia.gov" <tana.fitzpatrick@bia.gov>, "Lawrence_Roberts@ios.doi.gov" <Lawrence_Roberts@ios.doi.gov>, "jody.cummings@sol.doi.gov" <jody.cummings@sol.doi.gov>, "bret.birdsong@sol.doi.gov" <bret.birdsong@sol.doi.gov>, Janice Schneider <janice_schneider@ios.doi.gov>, "nkornze@blm.gov" <nkornze@blm.gov>
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From: Rollie Wilson <rwilson@ndnlaw.com>
Date: Thursday, June 23, 2016 at 10:20 AM
To: "michael_connor@ios.doi.gov" <michael_connor@ios.doi.gov>
Cc: "elizabeth_klein@ios.doi.gov" <elizabeth_klein@ios.doi.gov>, Tana Fitzpatrick <tana.fitzpatrick@bia.gov>, Lawrence Roberts <Lawrence_Roberts@ios.doi.gov>, "jody.cummings@sol.doi.gov" <jody.cummings@sol.doi.gov>, "bret.birdsong@sol.doi.gov" <bret.birdsong@sol.doi.gov>, Janice Schneider <janice_schneider@ios.doi.gov>, "nkornze@blm.gov" <nkornze@blm.gov>
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Neil Kornze <nkornze@blm.gov>

From:	Neil Kornze <nkornze@blm.gov>
Sent:	Tue Aug 02 2016 10:14:17 GMT-0600 (MDT)
To:	Dawn Pagenkopf <dmpagenk@blm.gov>
Subject:	Fwd: Ute Ltr and Opinion on Uncompahgre Restoration Issues
Attachments:	Ute Ltr Lee Bishop Chaffetz re HR 5780 (8 2 16).pdf

Dbb please

Begin forwarded message:

From: Rollie Wilson <RWilson@ndnlaw.com>
Date: August 2, 2016 at 10:33:52 AM CDT

To: "michael_connor@ios.doi.gov" <michael_connor@ios.doi.gov>
Cc: "elizabeth_klein@ios.doi.gov" <elizabeth_klein@ios.doi.gov>, "tana.fitzpatrick@bia.gov" <tana.fitzpatrick@bia.gov>, "Lawrence_Roberts@ios.doi.gov" <Lawrence_Roberts@ios.doi.gov>, "jody.cummings@sol.doi.gov" <jody.cummings@sol.doi.gov>, "bret.birdsong@sol.doi.gov" <bret.birdsong@sol.doi.gov>, Janice Schneider <janice_schneider@ios.doi.gov>, "nkornze@blm.gov" <nkornze@blm.gov>
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Cc: "elizabeth_klein@ios.doi.gov" <elizabeth_klein@ios.doi.gov>, Tana Fitzpatrick <tana.fitzpatrick@bia.gov>, Lawrence Roberts <Lawrence_Roberts@ios.doi.gov>, "jody.cummings@sol.doi.gov" <jody.cummings@sol.doi.gov>, "bret.birdsong@sol.doi.gov" <bret.birdsong@sol.doi.gov>, Janice Schneider <janice_schneider@ios.doi.gov>, "nkornze@blm.gov" <nkornze@blm.gov>
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"Pagenkopf, Dawn" <dmpagenk@blm.gov>

From:	"Pagenkopf, Dawn" <dmpagenk@blm.gov>
Sent:	Tue Aug 02 2016 10:16:07 GMT-0600 (MDT)
To:	Neil Kornze <nkornze@blm.gov>
Subject:	Re: Ute Ltr and Opinion on Uncompahgre Restoration Issues

Printed and added!

On Tue, Aug 2, 2016 at 12:14 PM, Neil Kornze <nkornze@blm.gov> wrote:

> Dbb please
>
> Begin forwarded message:
>
> **From:** Rollie Wilson <RWilson@ndnlaw.com>
> **Date:** August 2, 2016 at 10:33:52 AM CDT
> **To:** "michael_connor@ios.doi.gov" <michael_connor@ios.doi.gov>
> **Cc:** "elizabeth_klein@ios.doi.gov" <elizabeth_klein@ios.doi.gov>,

"tana.fitzpatrick@bia.gov" <tana.fitzpatrick@bia.gov>, "Lawrence_Roberts@ios.doi.gov" <Lawrence_Roberts@ios.doi.gov>, "jody.cummings@sol.doi.gov" <jody.cummings@sol.doi.gov>, "bret.birdsong@sol.doi.gov" <bret.birdsong@sol.doi.gov>, Janice Schneider <janice_schneider@ios.doi.gov>, "nkornze@blm.gov" <nkornze@blm.gov>
Subject: Re: Ute Ltr and Opinion on Uncompahgre Restoration Issues

Hi Michael,

The Ute Indian Tribe was pleased to meet with the Secretary a couple of weeks ago as a part of her meetings on the Utah Public Lands Initiative and the Bears Ears Monument issues. As a part of his comments, Ute Chairman Shawn Chapoose asked the Secretary to understand the broader impacts of the PLI, beyond Bears Ears, and the attempted taking of the Ute Indian Tribe's lands—the same lands that the Tribe seeks to have restored to trust status under the Indian Reorganization Act.

Now the legislation has been introduced for the PLI, H.R. 5780, the Tribe requests the assistance of DOI in opposing this legislation and its impacts on the Reservation. The Tribe also asks that DOI move forward with steps to restore the Tribe's lands under the IRA to finally put an end to decades of conflict with Utah over the status of the Tribe's lands.

Please find attached a recent letter the Tribe sent to members of the Utah Delegation regarding H.R. 5780. Thank you for your attention to this matter.

Rollie Wilson
Fredericks Peebles & Morgan LLP
401 9th Street NW, Suite 700
Washington, DC 20004
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From: Rollie Wilson <rwilson@ndnlaw.com>
Date: Thursday, June 23, 2016 at 10:20 AM
To: "michael_connor@ios.doi.gov" <michael_connor@ios.doi.gov>
Cc: "elizabeth_klein@ios.doi.gov" <elizabeth_klein@ios.doi.gov>, Tana Fitzpatrick <tana.fitzpatrick@bia.gov>, Lawrence Roberts <Lawrence_Roberts@ios.doi.gov>, "jody.cummings@sol.doi.gov" <jody.cummings@sol.doi.gov>, "bret.birdsong@sol.doi.gov" <bret.birdsong@sol.doi.gov>, Janice Schneider <janice_schneider@ios.doi.gov>, "nkornze@blm.gov" <nkornze@blm.gov>
Subject: Ute Ltr and Opinion on Uncompahgre Restoration Issues

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legal opinion responding to those questions. The Tribe looks forward to hearing your views on this and any other issues you think we may need to address.

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"Hanson, Joshua" <joshua.hanson@sol.doi.gov>

From:	"Hanson, Joshua" <joshua.hanson@sol.doi.gov>
Sent:	Wed Aug 03 2016 08:31:02 GMT-0600 (MDT)
To:	Neil Kornze <nkornze@blm.gov>
Subject:	Re: Ute Ltr and Opinion on Uncompahgre Restoration Issues

Thanks.

On Tue, Aug 2, 2016 at 12:14 PM, Neil Kornze <nkornze@blm.gov> wrote:

Begin forwarded message:

From: Rollie Wilson <RWilson@ndnlaw.com>
Date: August 2, 2016 at 10:33:52 AM CDT
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Joshua F. Hanson
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"Kornze, Neil" <nkornze@blm.gov>

From:	"Kornze, Neil" <nkornze@blm.gov>
Sent:	Wed Aug 03 2016 08:31:08 GMT-0600 (MDT)
To:	joshua.hanson@sol.doi.gov
Subject:	Re: Ute Ltr and Opinion on Uncompahgre Restoration Issues

Thank you for your note. I am out of the office and will only have occasional access to email. If your matter is time sensitive, please feel free to contact Kelly Orr, Acting Chief of Staff, at 202-208-3801.

Neil

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UTE INDIAN TRIBE
P. O. Box 190
Fort Duchesne, Utah 84026
Phone (435) 722-5141 • Fax (435) 722-5072

June 21, 2016

VIA CERTIFIED MAIL AND EMAIL
The Honorable Michael Connor
Deputy Secretary of the Interior
Department of the Interior
1849 C Street – MS 7328
Washington, D.C. 20240

RE: Legal Opinion on Restoration of the Uncompahgre Reservation

Dear Deputy Secretary Connor:

Please find attached a legal opinion that was requested at our meeting on May 12, 2016 in relation to the Ute Indian Tribe's request for restoration of lands to trust status within the Uncompahgre Reservation. The legal opinion addresses several questions raised by the Solicitor's office at that meeting, in particular, whether the Tribe is required to have an "economic interest" in the lands as discussed in the case of *Bowman v. Udall* and whether NEPA would be triggered by any restoration action taken by the Secretary.

As you will see, the legislative and factual histories surrounding the Uncompahgre Reservation make an even stronger case for restoration than the restoration that was addressed in the *Bowman* case. It is therefore our position that restoration of these lands is both appropriate and lawful. Restoration of our land base will go a long way to correct the longstanding dispossession of the Tribe's lawful interests in these lands.

As more fully discussed in the legal opinion, for decades the Federal Government incorrectly presumed the Uncompahgre Reservation to be disestablished. However, consistent with the Tribe's longstanding views, the Tenth Circuit Court of Appeals has now ruled that the Uncompahgre Reservation was neither diminished nor disestablished. The Supreme Court's denial of certiorari in Uintah and Duchesne County's challenge to that ruling conclusively affirms the Tenth Circuit's determination on the status of the Reservation and confirms the Reservation remains fully intact.

Because the Uncompahgre Reservation was never disestablished nor diminished, the lands within the Reservation were never restored to the public domain and the Ute Indian Tribe's title to lands within the Uncompahgre Reservation was never extinguished, the lands are eligible for restoration pursuant to Indian Reorganization Act of 1934 and the existing 1945 Secretarial Order of Restoration that restored to the Tribe "all lands which are now [in 1945] or may hereafter be classified as undisposed-of opened lands of the Uintah and Ouray Reservation. Restoring the lands pursuant to this 1945 Order would not require new Secretarial action be taken to effect the restoration. We therefore request that the Department review this process further to determine if restoration of the Uncompahgre Reservation pursuant to the authority set forth in the Secretary's Order of 1945 will serve as a more effective means to restore these lands to Tribal ownership.

Whether under the 1945 Order or a new order, to facilitate the Ute Indian Tribe's request for restoration of lands within the Uncompahgre Reservation, we are open to discussing a waiver and release of claims for past damages associated with the United States' holding and administration of these lands and would be amenable to establishing a transition period during which valid existing rights and revenue allocation agreements would be recognized and maintained with respect to the lands that would be restored.

If you have any questions regarding this letter or the attached opinion, please let us know. Thank you for your time and attention to this matter.

Sincerely,

Shaun Chapoose
Chairman, Ute Tribal Business Committee

CC: Acting Assistant Secretary for Indian Affairs Larry Roberts
Solicitor Jodi Cummings

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CONFIDENTIAL AND
ATTORNEY-CLIENT PRIVILEGED OPINION

TO: Ute Indian Tribal Business Committee

FROM: Fredericks Peebles & Morgan LLP

RE: **Restoration of the Uncompahgre Reservation under *Bowman v. Udall***

DATE: June 21, 2016

This legal opinion addresses the legal authority by which the Secretary of the Interior can restore lands within the Uncompahgre Reservation to tribal ownership. This opinion addresses the "requirements" found in the dicta of *Bowman v. Udall* as they may relate to any restoration of lands within the Uncompahgre Reservation.

I. *Bowman* Factors

Lands within the Uncompahgre Reservation are eligible for restoration under Section 3 of the Indian Reorganization Act of 1934 ("IRA"), which provides the Secretary the authority to restore "remaining surplus lands of any Indian reservation" to tribal ownership if he finds it to be in the public interest.[1] In *Bowman v. Udall*, 243 F. Supp. 672 (D.D.C. 1965), the district court discusses, in dicta, the various factors it considers necessary to find lands eligible for restoration to tribal ownership under the IRA.[2] According to the analysis in the *Bowman* opinion, land is eligible for restoration to tribal ownership if (i) the land constitutes "surplus lands of any Indian reservation" within the meaning and purpose of the IRA, (ii) the land was held by the United States for the benefit of the tribe such that the tribe maintained an economic interest, and (iii) the restoration to tribal ownership is in the public interest, which includes not disturbing other validly

[1] 25 U.S.C. § 463(a).

[2] The factors discussed in *Bowman* are purely dicta and were not in any way related to the holding of the case. The holding in *Bowman* resolved only whether the State of Arizona and other non-Indian plaintiffs had standing to enjoin the Secretary from restoring the subsurface minerals located within the San Carlos Apache "Mineral Strip" to tribal ownership.

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held rights to the lands.[3] The most significant factor the *Bowman* case emphasizes is the existence of an economic interest on the part of the tribe.

In some ways, the situation of the Uncompahgre Reservation is similar to that of the San Carlos Apache "Mineral Strip" in *Bowman* in satisfying the court's criteria. In both instances, the reservations were established by Executive Order, then the surplus tribal lands were opened to allotment by congressional action, and meanwhile the tribes preserved their respective interests. However, one notable difference between these cases is the level of economic interest retained by each tribe.

While the San Carlos Apache Tribe's lands were ceded to the federal government in exchange for the proceeds from sales to non-Indians, the Tribe was never legally dispossessed of its lands. Even though the United States took actions in an attempt to dispose of the Uncompahgre Reservation as if the lands were ceded, such actions were not carried out. As the Supreme Court and Tenth Circuit have made clear, the Uncompahgre Reservation was neither disestablished nor diminished. Further, no record of Congressional approval of the Department's actions exists and without such Congressional action, the Tribe's legal interest in its Reservation has never been extinguished. Given these factors there is a much stronger basis for the restoration of the lands within the Uncompahgre Reservation than there was in *Bowman*.

II. History of the Uncompahgre Reservation

The 1.9 million acre Uncompahgre Reservation was set aside by President Arthur on January 5, 1882.[4] In 1894, the U.S. approved the first of two allotment acts seeking to allot the Uncompahgre Reservation and open the Reservation to non-Indian settlement.[5] The 1894 Act failed, however, as it resulted in no allotments and no restoration of lands to the public domain.[6] Upon the failure of the 1894 Act, Congress passed a similar Act in 1897 but this time included a deadline for allotment. The pertinent language of the 1897 Act states as follows:

> The Secretary of the Interior is hereby directed to allot agricultural lands in severalty to the Uncompahgre Ute Indians now located upon or belonging to the Uncompahgre Indian Reservation in the State of Utah, said allotments to be upon the Uncompahgre and Uintah reservations or elsewhere in said State. And all the lands of said Uncompahgre Reservation not theretofore allotted in severalty to said Uncompahgre Utes shall, on and after the first day of April, eighteen hundred and ninety-eight, be open for location and entry under all the land laws of the United States; excepting, however, therefrom all lands containing gilsonite, asphalt,

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[3] *Bowman*, 243 F. Supp. at 678, 680.
[4] Exec. Order of Jan. 5, 1882, I. Kapp. 901 (2d ed. 1904), LD 12.
[5] Act of Aug. 15, 1894, ch. 290, 28 Stat. 286, 337-338 (the "1894 Act").
[6] The 1894 Act required the Secretary to identify the portions of the Reservation unsuited/unrequired for allotments and thereafter, said identified lands would be, *by proclamation* be restored to the public domain and made subject to entry. *See* 28. Stat. 286, 337-339 (1894) (emphasis added). No proclamation was ever made and, therefore, no lands were restored to the public domain under the 1894 Act.

elaterite, or other like substances.[7]

Significantly, the language of the 1897 Act does not contain unequivocal terms sufficient enough to infer dispossession of the Uncompahgre lands. In *Mattz v. Arnett*, the Supreme Court found no diminishment or disestablishment where Congress merely opened the reservation "to settlement, entry, and purchase under the land laws of the United States . . . .[8] This position was further clarified in *Solem v. Bartlett*.[9] In *Solem*, the Court looked to the operative language of the allotment act, stating that "rather than reciting an . . . agreement to 'cede, sell, relinquish and convey' the opened lands, the . . . [Allotment] Act simply authorizes the Secretary to 'sell and dispose' of certain lands."[10] In both *Mattz* and *Solem*, the Court found the "reference to the sale of Indian lands . . . suggests that the Secretary of the Interior was simply being authorized to act as the Tribe's sales agent" and did not take ownership of the land from the Tribe.[11]

As with the allotment actions in *Mattz* and *Solem*, 1897 Act contains no statement discontinuing or vacating the reservation, abolishing the boundaries, or returning it to the public domain; the Uncompahgre was being sold directly from the still-existing Uncompahgre Reservation. The 1897 Act did not diminish nor did it disestablish any portion of the Uncompahgre, it merely opened the lands for allotment and later disposition to non-Indians "under all the land laws of the United States."[12] As in *Mattz* and *Solem*, Congress could have terminated the reservation status, but it chose not to. By opening the land to non-Indian settlement without first terminating the reservation, the U.S. became the Tribe's agent, charged only with selling the Tribe's land, not removing the land from tribal ownership and terminating its beneficial interest.[13]

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[7] Act of June 7, 1897, ch. 3, 30 Stat. 62, 87 (the "1897 Act").

[8] *Mattz v. Arnett*, 412 U.S. 481, 504 (1973) (the *Mattz* Court stated that in the late 1800s, "Congress was fully aware of the means by which termination could be effected" and was accustomed to using unequivocal terms to achieve such a purpose" and that Congress often used language such as "reservation is hereby discontinued," "a portion of the . . . Indian Reservation . . . be, and is hereby, vacated and restored to the public domain," and "the reservation lines of the . . . Indian reservations be, and the same are hereby, abolished.").

[9] *Solem v. Bartlett*, 465 U.S. 463 (1984).

[10] *Id.*

[11] *See South Dakota v. Yankton Sioux Tribe*, 522 U.S. 329 (1998) (finding diminishment when act provided that Tribe would "cede, sell, relinquish, and convent to the U.S. all their claim, right, title, and interest in and to all the unallotted lads within the limits of the reservation" and the "U.S. pledged a fixed payment of $600,000 in return; *Solem*,465 U.S. 472-475 (finding that act "opened but did not diminish" reservation and that Secretary of the Interior was "simply being authorized to act as the Tribe's sales agent" when act authorized Secretary to "sell and dispose" of portions of reservation land); *Rosebud Sioux Tribe v.* Kneip, 430 U.S. 584, 597 (1977) (finding diminishment when act was ratification of negotiated agreement with tribe that opened lands to settlement and appropriated and vested in the tribe $2.50 per acre in payment for the express cession and relinquishment of "all" of the tribe's "claim, right, title and interest" in the unallotted lands); *DeCoteau v. District County Court,* 420 U.S. 425, 436 (1975) (finding diminishment when tribe agreed to "cede, sell, relinquish, and convey to the U.S. all their claim, right, title, and interest" in reservation for payment of sum certain; *Seymour v. Superintendent of Washington State Penitentiary*, 368 U.S. 351 (1962) (finding no diminishment when act did not provide that reservation land was "vacated and restored to the public domain"); *Duncan Energy v. Three Affiliated Tribes of the Fort Berthold Reservation*, 27 F.3d 1294, 1297 (8th Cir. 1994) (finding no diminishment when act "merely authorized the Secretary of the Interior to 'surve[y] and to sell and dispose of . . . all the surplus unallotted and unreserved lands with [a] portion of said reservation.'").

[12] *Supra* Note 7.

[13] *See U.S. v. Jackson*, 697 F.3d 670, 672 (8th Cir. 2012) ("If a surplus land Act simply offered non-Indians the opportunity to purchase land within established reservation boundaries, then the entire opened area remained Indian country.").

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Ultimately, only 83 allotments were ever approved within the Uncompahgre Reservation.[14] Absent a more unequivocal Congressional statement restoring the unallotted land to the public domain, or a subsequent act of Congress, the land not sold pursuant to the "land laws of the United States" is still legally Tribal land. Therefore, the Tribe retains to this day, a continuing economic interest in all lands not allotted. However, the U.S. did not recognize the Tribe's beneficial ownership in its lands following allotment, absent compensation. Therefore, these lands could be categorized as surplus lands within the meaning of the IRA as determined in *Bowman*.

III. Surplus Lands

The unallotted lands of the Uncompahgre Reservation are technically the lands that remained undisposed of and in tribal ownership after the allotment process was carried out. They are technically "surplus lands" within the meaning of the IRA, but the Tribe was never legally dispossessed of them by either allotment act. The consistent position of the Interior Department since the enactment of the IRA has been that "surplus lands" are those lands "held in some manner for the benefit of the Indian tribes"; the "plain meaning is [that surplus lands are] the undisposed portion of land which was opened to disposal before 1934 because it was surplus to the needs of the Indians at that time."[15]

In *Bowman*, the term "surplus lands" was not intended to include "all remaining undisposed-of ceded lands."[16] Rather, "surplus lands" were meant to include only those ceded lands which the United States disposed of for the benefit of the Indians, thereby securing the Indians' economic interest in the lands.[17] The Solicitor's Office in 1962 stated that "it is most logical to empower the Secretary to return to the tribe any land which the Government holds for their benefit."[18] The *Bowman* court opined that the Secretary could only restore to tribal ownership those lands in which the Indians retained, following disposition, some level of economic interest.[19]

IV. Economic Interest

As stated above, the Tribe retains an economic interest in its Reservation by virtue of never being legally dispossessed of its beneficial ownership. Beneficial ownership of land is the highest form of economic interest one can have in real property. Considering the level of economic development that has occurred within the exterior boundaries of the Uncompahgre Reservation since the 1897 Act and the fact that no compensation was ever paid to the Tribe, the Tribe has continuing claims for rents, royalties, etc., for the unauthorized use of its land and resources.

Despite its other actions, even the federal government endeavored to protect the Uncompahgre Reservation lands for the benefit of the Tribe, further acknowledging the Tribe's

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[14] *See* Act of Mar. 1, 1899, ch. 324, 30 Stat. 924, 940-41.
[15] Solicitor's Opinion, 69 I.D. 195, M-36599 (Nov. 28, 1962).
[16] *Bowman*, 243 F. Supp at 682, quoting Assistant Secretary Oscar Chapman in his June 15, 1938 Opinion.
[17] *Id.*
[18] *Supra* Note 15.
[19] *Bowman*, 243 F. Supp at 682, quoting Solicitor's Opinion of January 17, 1960.

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continuing economic interest. On September 26, 1933, the Secretary by Order temporarily (and wrongly) withdrew the Uncompahgre Reservation lands from the perceived "public domain," pending legislation to establish a permanent grazing reserve to be maintained for the benefit of all landowners in the area, including the Tribe.[20] Significantly, the Secretary's 1933 withdraw order was specifically based on authority that was only applicable to existing Executive Order Indian Reservations. The Secretary cited to Section 4 of the Act of March 3, 1927 (44 Stat. 1347) providing that, "changes in the boundaries of reservations created by Executive order … for the use and occupation of Indians shall not be made except by Act of Congress: *Provided*, That this shall not apply to temporary withdrawals by the Secretary of the Interior." Thus, in 1933, despite claims to the contrary, even the Secretary recognized the ongoing existence of the Uncompahgre Reservation.

In another example of the federal government's recognition of the Tribe's ongoing interests in their Reservation, a July 20, 1935 agreement that placed the grazing reserve under the administration of the Tailor Grazing Act, took the unusual step of requiring that the Commissioner of Indian Affairs "concur in all matters . . . relative to the administration under the Taylor Grazing [Act]…."[21] The Commissioner of Indian Affairs concurrence was required to protect the ongoing interests of the Tribe. In addition, under this agreement merely leases – not vested property rights – to the lands were distributed to non-Indian stockmen.[22] And, finally, throughout this time grazing fees for the Indians were waived.[23]

V. The Uncompahgre Reservation was Part of the Uintah and Ouray Reservation at the Time of the 1945 Secretarial Restoration Order

Alternatively, there is a strong case which can be made that the Uncompahgre Reservation was already restored to the Tribe in 1945. In that year the Secretary issued an Order of Restoration ("Order") restoring all unpatented lands to the Uintah and Ouray Reservation pursuant to Sections 3 and 7 of the IRA. The order provided in pertinent part:

> . . . there are now remaining undisposed of within said area *approximately 217,000 acres of unallotted lands*, which need closer administrative control in the interest of better conservation practice, . . . , Whereas, the Tribal Council, the Superintendent of the Uintah and Ouray Agency, and the Commissioner of Indian Affairs have recommended restoration of tribal ownership of such *undisposed-of surplus unallotted lands in the said reservation*, . . . I hereby find that restoration to tribal ownership of *all lands which are now or may hereafter be classified as undisposed-of opened lands of the Uintah and Ouray Reservation* will be in the public interest, and the said lands are hereby restored to tribal ownership for the use and benefit of the Ute Indian Tribe of the Uintah and Ouray Reservation in Utah, and are added to and made a part of the existing reservation, subject to any valid existing

[20] Compare to *Bowman*, 243 F.Supp at 674. There the Secretary withdrew the lands pending enactment of legislation to preserve the Tribe's interests in the lands.
[21] *Id.*
[22] Solicitor's Opinion (Dec. 10, 1946).

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rights.

Order of Restoration, 10 Fed. Reg. 12409 (emphasis added).

While in one section the language of the Order refers to the "approximately 217,000 acres of unallotted lands," an argument can be made that United States has interpreted the Order as having restored *all* unpatented lands to the Reservation. *See e.g.*, 59 I.D. 393, 396 (1947), II Opinions of the Solicitor of the Department of Interior Relating to Indian Affairs, 1917-1974, at 1434, 1435-1436 (1979) ("The order restores 'all lands which are now or may hereafter be classified as undisposed-of opened lands' of the reservation"), *quoted in Ute Indian Tribe v. Utah*, 521 F. Supp. 1072, 1144; Solicitor Memo (July 7, 1994)("the 1945 Order of Restoration by the Secretary of the Interior restored to the Tribe 'both the ownership of and the jurisdiction over all open undisposed of lands[.]'").

Despite the issuance of the 1945 Order, the Uncompahgre Reservation lands were not restored due to the Federal Government's position that the Uncompahgre Reservation had been disestablished. This position has been directly repudiated by the Tenth Circuit Court of Appeals in *Ute Indian Tribe v. State of Utah* ("*Ute III*"), which found the Reservation had been neither diminish nor disestablish following allotment. *Ute III*, 773 F.2d 1087 (10th Cir. 1985). In *Ute Indian Tribe of the Uintah & Ouray Reservation v. State of Utah* ("*Ute V*"), the Tenth Circuit reaffirmed its holding that neither the 1894 nor the 1897 Allotment Acts diminished or disestablished the Reservation. *Ute V*, 114 F.3d 1513 (10th Cir. 1997).

The Supreme Court has denied certiorari in the *Ute* line of cases and there exists no other appellate court in the Nation with subject matter jurisdiction related to the diminishment or disestablishment of the Uncompahgre Reservation. It is therefore settled that at the time of the 1945 Order, the "undisposed-of opened lands of the reservation" included all lands which were then or thereafter classified as such. The Tribe maintains that the Uncompahgre Reservation should have been so classified and given the language of the Order and the holdings in *Ute III* and *Ute V* they are the rightful property of the Tribe.

VI. Analysis: NEPA and the Acquisition of Land into Trust within Exterior Borders of a Reservation

The National Environmental Policy Act (NEPA) is a prospective law, originally enacted in 1970 to promote the enhancement of the environment and is applicable to most federal agency actions in Indian country. In general, NEPA applies to "Major Federal Actions" that are subject to Federal control and responsibility. As discussed above, the lands within the Uncompahgre Reservation were transferred from the Tribe absent legal authority. These lands should have been restored to the Tribe under the IRA and pursuant to the 1945 Order; that they were not restored does not change the fact that they were opened and undisposed-of lands. The 1945 Order restored *all* opened and undisposed-of lands to the Tribe. The recognition of this fact necessitates the mandatory restoration of the Uncompahgre lands to the Tribe. Such a mandatory action is not

subject to the requirements of NEPA.[24] Further, the IRA and the 1945 Order predate NEPA by at least twenty-five years and any action taken pursuant to both the IRA and the Order would not be subject to NEPA, a prospective law.

The restoration of the Uncompahgre lands is further mandated because the lands qualify as excess real property within the boundaries of an Indian Reservation pursuant to 40 U.S.C. § 523. Where real property is determined to be "excess", the Secretary of Interior is charged with taking receipt of the real property, in trust for the benefit and use of the group, band, or tribe of Indians, within whose reservation the excess real property is located.[25] Excess property is defined as "property under the control of a federal agency that the head of the agency determines is not required to meet the agency's needs or responsibilities."[26]

Under 40 U.S.C. § 523, the Secretary's act of taking of the land in trust for a tribe is mandatory where such lands are determined excess and are located within the exterior boundaries of a reservation. It is clear from the holdings in *Ute III* and *Ute V* that the Uncompahgre lands are within reservation boundaries. It is also clear the Uncompahgre lands qualify as "excess real property" because the Bureau of Land Management (BLM) never obtained legal rights to the Uncompahgre lands. Absent legal authority to possess the lands, the BLM cannot assert a legitimate claim that it needs or is ultimately responsible for the Uncompahgre lands. Therefore, the Secretary or the Director of the BLM has the responsibility to determine the Uncompahgre lands are excess to the BLM's needs and responsibilities and can thereafter transfer the lands from the BLM to the BIA to hold in trust for the benefit of the Tribe. Finally, where land is transferred pursuant to 40 U.S.C. § 523, NEPA does not apply because the action is mandated by statute.[27]

The process outlined in 40 U.S.C. § 523 has been used previously on the Reservation, first in relation to the transfer of the Duchesne Governmental Community to the BIA from Forestry (2000), and more recently in relation to the transfer of the Midview Dam and Reservoir from the Bureau of Reclamation (BOR) to the BIA (2013). It is clear from historical communications between the BOR and the Solicitor's Office in Salt Lake City that transfers pursuant to 40 U.S.C. § 523 are considered mandatory.[28] Because they are mandatory, the NEPA analysis is simply not required.

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[24] The IRA does not contain mandatory language that would remove the Secretary's discretion nor is there a separate statute present that removes discretion. For example, in *Nev v. United States*, the District Court for the District of Nevada found that 25 C.F.R. §§ 151.10 applied only to instances where the Secretary had discretion to take land into trust for a tribe but that, combined with a statute that contained mandatory language, the Secretary no longer had discretion. *See Nev. v. United States*, 221 F. Supp. 2d 1241, 1246-1247, 2002 U.S. Dist. LEXIS 17282, *12 (D. Nev. 2002) ("The regulations in 25 C.F.R. § 151.10 apply only to those instances where taking the land into trust for a tribe is a discretionary function of the Secretary. The statute at issue in this case provides that the land '… shall be held in trust by the United States for the tribes ….'). Shall is a mandatory term, indicating the lack of discretion on the part of the Secretary.")

[25] *See* 40 U.S.C. § 523(a)-(b).

[26] 40 U.S.C. § 102(3).

[27] *See* 59 IAM 3-H, Indian Affairs National Environmental Policy Act (NEPA) Guidebook, § 3.3.3 (Aug. 2012).

[28] Memo from SLC Field Office Field Solicitor to BOR Provo Area Manager, *Legal Opinion Regarding Disposal of Excess Real Property in Duchesne, Utah* (March 18, 1997) ("[Reclamation] has little discretion but to transfer these [excess] lands to the United States in trust for the Ute Indian Tribe.").

Assuming *arguendo* the transfer does not fall under the 1945 Order or 40 U.S.C. § 523, the restoration is still exempt from NEPA because land conveyances are categorically excluded from NEPA where no change in land use is planned.[29] Exceptions to the categorical exclusions listed in 516 DM 10 are identified in 516 DM 2, Appendix 2, but none of the listed exceptions apply to this transaction. The only anticipated change involved in this transaction is the transfer of title to the land. There are no anticipated changes in land use and the current land uses for which NEPA would be triggered were already subjected to NEPA analyses. Additionally, any future development within the Uncompahgre would still be subject to NEPA on a project-by-project basis.

VII. Conclusion

Unlike the San Carlos Apache Tribe in *Bowman*, the 1894 and 1897 Acts opening the Uncompahgre Reservation never deprived the Tribe of their possessory rights to the lands, subject to the Tribe's restoration request. The *Bowman* court couches the continuing tribal right to land in terms of an economic interest and neither the 1894 nor the 1897 Act restored the lands of the Reservation to the public domain, which would have been the necessary action that would have needed to be taken to deprive the Tribe of that interest. This legal ownership constitutes the Tribe's unbroken and continuing economic interest. These facts, plus the Tenth Circuit Court of Appeals'[30] continuing recognition of the Uncompahgre Reservation as neither diminished nor disestablished, establish decisively that the lands subject to the Tribe's restoration request within the Uncompahgre Reservation are clearly eligible for immediate restoration to the Tribe under the factors found in the dicta in the *Bowman* opinion.[31]

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[29] 516 DM 10.5(I)

[30] The Tenth Circuit in *Ute Indian Tribe v. State of Utah* ("*Ute III*") found that the 1894 and 1897 Acts did not diminish or disestablish the Uncompahgre Reservation. *Ute III*, 773 F.2d 1087 (10th Cir. 1985). The court relied on a recent Supreme Court holding that clear congressional intent to diminish a reservation is required before diminishment will be found. *Solem*, 465 U.S. 463 (1984). The court also determined the phrase "restore to the public domain" does not equal a congressional state of mind to disestablish. *Id.* at 1092. Because the phrase could have equally plausible differing meanings, it does not reliably establish the "clear and unequivocal evidence of Congress' intent to change boundaries" as required by *Solem*. The court found that "there was never an understanding on the part of the Tribe that they would lose their reservation as a result of the 1897 Act." *Id.*

In light of a partially conflicting Supreme Court decision in *Hagen v. Utah*, the Tenth Circuit revisited *Ute III* and in *Ute Indian Tribe of the Uintah & Ouray Reservation v. State of Utah* ("*Ute V*"), the court reaffirmed its holding that the Uncompahgre Reservation's boundaries were not erased by the 1894 and 1897 Acts. *Ute V*, 114 F.3d 1513 (10th Cir. 1997). The Supreme Court in *Hagen* did not address the status of the Uncompahgre Reservation, so there was no need for the Tenth Circuit to depart from its earlier judgment regarding that part. The federal government is bound by the Tenth Circuit's decisions regarding the status of the Uncompahgre Reservation. "Upsetting a final decision by recalling and modifying a mandate is and ought to be a rare and disfavored thing in a legal system that values finality. *Ute Indian Tribe of the Uintah & Ouray Reservation v. Utah*, 790 F.3d 1000, 1004 (10th Cir. 2015) ("*Ute VI*"). *Ute III* settled the boundary issue, confirmed by *Ute V* after *Hagen*, and yet again in *Ute VI*, despite repeated attempts by the State to infringe upon the tribe's sovereignty. The Supreme Court denied certiorari for these cases and there exists no other appellate court in the Nation with subject matter jurisdiction related to the diminishment or disestablishment of the Uncompahgre Reservation.

[31] As in *Bowman*, the restoration could be tailored as necessary not to infringe upon others' vested property rights. Section 3 of the Taylor Grazing Act expressly declares that the creation of a grazing district, or the issuance of a permit pursuant to the provisions of the Act, "shall not create any right, title or estate in or to the lands." Taylor Grazing Act of 1934, Pub. L. 73-482, 59 Stat. 1269. Grazing permits issued pursuant to the Taylor Grazing Act do not vest property rights, but exist as "mere privileges to graze livestock – privileges which can be withdrawn… without payment or compensation." *Bowman*, 243 F. Supp. at 678.

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Re: Impacts of H.R. 5780 on the Ute Indian Tribe's Uintah and Ouray Reservation

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We are very disappointed that the bill introduced on July 14, 2016, H.R. 5780, includes few of these revisions. Even worse, the bill continues to propose taking more than 100,000 acres of our Uintah and Ouray Reservation lands for the benefit of others. Given the lack of revisions to the bill and impact on our Reservation, the Ute Indian Tribe has no choice but to oppose the bill and ask that the legislation be revised and a new bill be introduced prior to any hearings.

Even the Utah School and Institutional Trust Lands Administration (SITLA) expressed its lack of support for the bill as introduced. In recent meetings SITLA reported to us that it had withdrawn proposals included in draft legislation that would exchange SITLA lands for lands within our Reservation. In addition, following introduction of the bill, SITLA expressed surprise to us that these provisions were still in the bill. SITLA recommitted to work in concert with the Tribe rather than attempt to take our lands and resources. Revisions and introduction of a new bill are needed prior to any hearings to address SITLA's current position.

In addition, the bill continues to be based on incorrect interpretations of federal case law. In our revisions, we requested that the bill include a provision that would require the trust restoration of lands within our Reservation under the Indian Reorganization Act (IRA) the same as was done on many other reservations across the United States. In a July 13, 2016 letter, Senator Lee and Congressman Bishop rejected that request based primarily upon their statement that: "The controlling majority opinion in the 10th Circuit's *Ute III* decision specifically held that Congress' clear intent was that the Uncompahgre band not hold title to the land in question."

This is incorrect. The Tenth Circuit Court of Appeals in *Ute III, Ute Indian Tribe v. Utah*, 773 F.2d 1087 (10th Cir. 1985) (en banc), *cert. denied*, 479 U.S. 994 (1986), analyzed the history of the Uncompahgre Reservation and held "that the opening of the Uncompahgre Reservation was never formally or informally negotiated between the federal government and the Tribe of Indians [and that t]here was never an understanding on the part of the Tribe that they would lose their reservation as a result of the 1897 Act." The Court then expressly concluded: "Therefore, we hold that the Uncompahgre Reservation has not been disestablished or diminished." *Ute III* at 1093.

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We are also concerned that Tribal water development provisions we proposed for Title X of the bill were disregarded. As introduced, the bill proposes a water study for Uintah and Duchesne Counties, albeit to include an assessment for storage of the Ute Indian Tribe's water and the use of water rights currently held by the Tribe. *See* Title X, Section 1003. However, the Tribe has already studied its storage needs for lands under the Uintah Indian Irrigation Project (Project) using Tribal water rights and has developed a plan for Tribal storage of its water rights. The Tribe has been waiting since 1906, when Congress authorized the Project, for the Tribal storage required to make water delivery under the Project more predictable and successful. There is no longer any need to study the issue. The Project simply needs to be built to benefit the Tribal and local economy.

We ask that these issues be resolved before the end of August 2016 or the Tribe will be forced to defend its homelands and strongly oppose the bill. As we stated in our June 22, 2016, letter, the Ute Indian Tribe would like to make clear its position on the bill:

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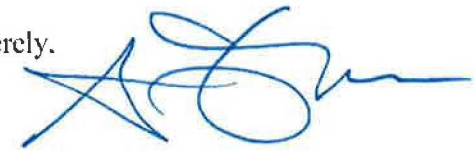

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Conversation Contents

SLT: Energy, outdoor industries divided over plan for energy development near Moab

"Kershaw, Jessica" <jessica_kershaw@ios.doi.gov>

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Sent:	Fri Jul 29 2016 16:24:24 GMT-0600 (MDT)
To:	"Duran, Leah" <leah_duran@ios.doi.gov>
CC:	Janice Schneider <janice_schneider@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, Kimberly Brubeck <kbrubeck@blm.gov>, Craig Leff <cleff@blm.gov>, Jeff Krauss <JKrauss@blm.gov>, Megan Crandall <mcrandal@blm.gov>, Elizabeth Klein <Elizabeth_Klein@ios.doi.gov>, Blake Androff <blake_androff@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Nikki Buffa <nicole_buffa@ios.doi.gov>, Felipe Mendoza <felipe_mendoza@ios.doi.gov>, Sarah Neimeyer <sarah_neimeyer@ios.doi.gov>, Maria Najera <maria_najera@ios.doi.gov>, John Blair <john_blair@ios.doi.gov>, Kevin Thompson <kevin_thompson@ios.doi.gov>, "interior_press@ios.doi.gov" <interior_press@ios.doi.gov>, Paul Ross <paul_ross@ios.doi.gov>, Frank Quimby <Frank_Quimby@ios.doi.gov>
Subject:	SLT: Energy, outdoor industries divided over plan for energy development near Moab

Comprehensive look at the Moab MLP in this week's Salt Lake Trib:

Energy, outdoor industries divided over plan for energy development near Moab

By BRIAN MAFFLY | The Salt Lake Tribune CONNECT

First Published Jul 28 2016 07:00AM • Last Updated Jul 28 2016 08:58 pm

(Jessica Miller | The Salt Lake Tribune) Corona Arch trail in Moab, Utah.

Public lands » BLM aims to "balance" drilling and recreation near parks.

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Utah's first master lease plan, which would govern energy development on 785,000 acres of public land around Moab, is nearing completion with the release of a final Environmental Impact Statement identifying a preferred vision for balancing mineral extraction and recreation near two of Utah's iconic parks.

By year's end, the Bureau of Land Management hopes to finalize its Moab plan, one of five master lease plans, or MLPs, it has proposed for scenic lands in Utah specifying where oil and gas and potash leases may be issued in the future. The proposed plan would bar leasing on 145,000 acres adjacent to Canyonlands and Arches national parks and prohibit surface occupancy on another 306,000 acres.

Much of these lands are open for development under the BLM's Moab and Monticello resource management plans, prompting state leaders to complain that the plan "negates" the hard work that went into revising these plans in 2008.

"The analysis and proposed decisions do nothing but pile restriction upon restriction within particular areas, assuming that the

restrictions will prevent harm to the recreational landscape, while simultaneously opining that a severely handicapped fluid mineral industry can still proceed in an economic fashion," wrote Kathleen Clarke, the governor's public lands policy director, in the state's official comments.

The Moab MLP drew kudos from environmental and recreation groups that heralded it as a template for responsible mineral management moving forward.

"They have responded to what diverse stakeholders have told them: that we need to balance all the economic values of public lands, and not favor some at the expense of others," said Chris Saeger of the Western Values Project. "If future presidential administrations want to avoid the conflicts that have come along with energy development on public lands, they would do well to continue the inclusiveness and collaboration that come with this new approach to managing public lands.

Others called it "a watershed moment for our national parks."

"The Moab master leasing plan recognizes that parks are part of larger landscapes that should be managed with care and cooperation with local communities and the National Park Service," said retired park superintendent Ellis Richard, founder of Park Rangers for Our Lands.

The plan would not extinguish existing leases covering 228,000 acres — about a third of the planning area. But these leases could be subject to new environmental safeguards, according to the BLM's acting Canyon Country district manager, Beth Ransel.

"It is putting a framework for responsible energy development, while still providing adequate protections for the outstanding recreation resources there," Ransel said. "Current leases would not be interfered with. ... One objective was to ensure more certainty for industry so when they would like to develop in this area, there would be more predictability."

The planning area includes the lands surrounding Arches and to the north and east of Canyonlands. Among the places that would earn additional protections are Fisher Towers, Porcupine Rim, Six-Shooter Peaks and Goldbar Canyon, all of which face pressure from energy development.

The Obama administration initiated master leasing following the intense controversies during the waning months of former President George W. Bush's tenure, when vast tracts of land near Utah parks went on the auction block. The idea was to perform careful analysis before leases are sold in areas with high recreational, scenic and natural value, rather than after, making the approval process for actual drilling smoother, proponents say.

"The proposed plan takes a landscape-level approach to balancing the protection of the iconic scenery in and around Moab and access to the rich energy resources found there," Interior Secretary Sally Jewell said in a news release. "As the first Master Leasing Plan in Utah, the collaborative process that led to the proposed plan should serve as a model for how communities can work together to balance development with the protection of world-class environmental, cultural and recreational resources."

The final EIS, which was posted on the Federal Register on Tuesday, opens a protest period through Aug. 22. A final decision is expected by the end of the year.

Industry and state officials, however, made clear they are not pleased with master leasing, denouncing it as a legally suspect process that adds unnecessary layers of review on leasing and development proposals.

"It needlessly locks away yet more lands without Congressional consent, closing 57 percent of the area to development while imposing redundant constraints on the remaining area that will make it extremely difficult to produce energy that all Americans own," said Kathleen Sgamma, vice president of government and public affairs at Western Energy Alliance. "It's simply about shutting down development."

Saeger rejected that characterization, noting the plan would close off 32 percent of the planning area to leasing. Much of the remaining acreage would be subject to protective measures that could complicate drilling.

"In the face of a historic compromise in Moab that included local officials, industry, recreational interests and millions of Americans, the only industry response is a misstatement of the facts that undermine the findings. Sgamma's comments are further proof that the oil and gas industry has no interest in compromise or engaging with western communities who are working day and night to support a diverse and vibrant economy in the West," he said.

The plan also identifies 58,300 acres for potash leasing where oil and gas leasing would not happen. State officials objected to this provision, arguing that it serves no purpose to segregate potash and energy leases.

"Leasing on the same tract can lead to a net reduction in infrastructure," Clarke's office wrote in the state comments. "Joint

exploration operations near Hatch Point show that petroleum and potash companies work together to share roads, drilling pads and drill holes to minimize surface disturbance."

The state is urging the BLM to suspend the master leasingprocess in favor of legislative solutions to Utah's land-use conflicts sponsored by Rep. Jason Chaffetz and Rob Bishop.

Meanwhile, the BLM is preparing environmental reviews for MLPs covering the San Rafael Desert and for lands outside Cisco along the eastern Book Cliffs. Further down the pipeline are MLPs for lands outside Dinosaur National Monument and along the White River in the eastern reaches of the Uinta Basin and for San Juan County, including areas within the proposed Bears Ears National Monument.

Brian Maffly covers public lands for The Salt Lake Tribune.Maffly can be reached at bmaffly@sltrib.com or 801-257-8713. Twitter: @brianmaffly

On Thu, Jul 21, 2016 at 3:37 PM, Duran, Leah <leah_duran@ios.doi.gov> wrote:

Feds release plan for oil, gas, potash leasing in Moab
The Eagle // AP // July 21, 2016
SALT LAKE CITY (AP) — The Bureau of Land Management has released its master plan for the development of oil and gas and potash deposits in the Moab region. The Deseret News reports that the BLM on Wednesday released the management plan, which covers nearly 1250 square miles south of I-70 in San Juan and Grand counties. The plan, which is the first ever stand-alone federal land management plan, has been praised by environmental groups for its balanced approach to recreation, conservation and energy development, but Gov. Gary Herbert's office has said it is too restrictive for business. The plan proposes to close 226 square miles to mineral leasing, enforce a "no surface occupancy" stipulation one energy development on more than 340 square miles and to reduce the density of well sites and space pads.

EPA prodding over climate change revealed in oil and gas plan
Washington Examiner // John Siciliano // July 21, 2016
The Environmental Protection Agency and the Interior Department sparred over climate change before finalizing a major new plan Wednesday that will set the tone for mineral and energy development in the West. The "Master Leasing Plan" for the Moab region took years to pull together, reflecting a "culmination of a significant effort" by Interior's Bureau of Land Management, local, state and federal partners "to provide for responsible development and conservation" over nearly 785,000 acres of federal lands, the Interior Department said. The master plan is part of a "sweeping" new push started six years ago by the Obama administration to reform oil and gas development in the Moab to ensure the environment was being adequately protected.

Sportsmen Say Moab MLP Is Key Step in Leasing Reforms
Ammoland // Justin Stakes // July 21, 2016
Denver, CO -(AmmoLand.com)- The proposed first-of-its-kind management plan for public lands in the Moab, Utah, area marks a major milestone in efforts to look before leasing lands that are important to fish, wildlife, hunters and other outdoor enthusiasts. The Sportsmen for Responsible Energy Development coalition said the proposed Moab Master Leasing Plan released Wednesday by the Bureau of Land Management is a significant, on-the-ground culmination of oil and gas leasing reforms prompted in large part by attempts to open public lands near Arches National Park to drilling. The SFRED coalition supports using Master Leasing Plans, or MLPs, to identify vital fish and wildlife habitat and potential negative impacts on habitat, waterways, hunting and angling before leases are issued.

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On Mon, Jul 18, 2016 at 5:43 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

Below and attached please find the latest draft of the Moab MLP/RMP/FEIS release that Interior will issue on Wednesday around 11am EDT.

Please let us know if you have edits to this release prior to 2pm EDT tomorrow (Tuesday).

Thank you,
Jessica

Interior Releases Updated Blueprint for Responsible Development in Moab

Proposed Plan, Final Environmental Impact Statement & Proposed Resource Management Plan Underscore Landscape-level Approach to Minimize Conflicts, Facilitate Responsible Development

MOAB, Utah— The Bureau of Land Management (BLM) Canyon Country District today released an updated blueprint to accompany a proposed plan designed to guide mineral development in and around Moab, Utah while protecting important cultural and recreational sites. The Moab Master Leasing Plan and Proposed Resource Management Plan Amendments/ Final Environmental Impact Statement (MLP/FEIS) are the culmination of a significant effort by the BLM and interested members of the public, community stakeholders, and other local, state, and federal partners to provide for responsible development and conservation in the area.

"The proposed plan takes a landscape-level approach to balancing the protection of the iconic scenery in and around Moab and access to the rich energy resources found there," said Secretary Jewell. "As the first Master Leasing Plan in Utah, the collaborative process that led to the proposed plan should serve as a model for how communities can work together to balance development with the protection of world-class environmental, cultural and recreational resources."

The planning area for the Moab Master Leasing Plan (MLP) covers approximately 785,000 acres of public lands in Grand and San Juan counties surrounding Arches and Canyonlands National parks. Major land uses in the area include a wide array of private and commercial recreation activities, oil and gas production, mining and livestock grazing. Recreational use of these lands, which contain a vast array of arches, natural bridges, mesas, and spires, draws 2 million visitors a year and supports hundreds of local jobs and the bulk of the local business community. Some of the area also holds significance for Native American tribes. The Proposed Plan was developed after careful consideration of the more than 28,000 public comments received.

"The BLM is proud of the work we do to protect special places and facilitate robust and responsible energy development on public lands," said BLM Director Neil Kornze. "The work that went into the Moab MLP demonstrates that commitment by resolving natural and cultural resource conflicts up front."

The Moab MLP is an example of the success of the oil and gas leasing reform initiative launched by the BLM in 2010 which called for the development of MLPs to provide a framework for determining which areas are appropriate for oil and gas leasing and development. The Moab MLP reflects the balance and benefit of both recreation and the mineral and commodity extraction industry. Diverse recreational activities on BLM-managed lands in Utah provided $460 million in local and national economic benefits in 2014; oil, gas, and coal activities on BLM-managed lands in Utah provided $981 million in local and national economic benefits during the same time period.

MLPs were launched by the Bureau of Land Management (BLM) in May 2010 as part of a sweeping oil and gas leasing reform initiative to address a leasing system that was close to the breaking point with nearly half of all proposed parcels receiving community protests and a substantial proportion resulting in litigation. The plans establish a framework for determining which areas are appropriate for responsible exploration and development of oil and gas resources while protecting the area's conservation resources. The reforms were designed to encourage stakeholder input early in the planning process, which reduces protests and litigation and provides developers with greater certainty. MLPs also provide direction for resolving resources conflicts, protecting important conservation resources, supporting outdoor recreation, and other activities that benefit local communities and public land visitors.

The proposed Moab MLP and associated final environmental impact statement exemplifies the thoughtful planning and intensive analysis that can be achieved through a robust and collaborative process. In crafting the Moab MLP, the BLM brought together a diverse set of stakeholders, including local community members, industry representatives, recreation enthusiasts, tribes, and other interested parties from across the country; and worked closely with the National Park Service, Environmental Protection Agency, and other state and local agencies in the planning process. The BLM also solicited public feedback on preliminary alternatives and held public meetings.

Copies of the Final EIS are available online (http://go.usa.gov/xcbEh) and will ultimately be available at the BLM Utah

State Office in Salt Lake City, the Canyon Country District Office in Moab, and the Monticello Field Office in Monticello. The Notice of Availability will publish in the Federal Register on July 22, 2016, and will start a 30-day public protest period and 60-day Governor's consistency review. Additional information and review instructions are in the Dear Reader letter on the website. Further information is available from MLP Project Manager Brent Northrup, at the BLM Canyon Country District Office, by calling (435) 259-2100.

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Jessica Kershaw
Senior Adviser & Press Secretary
U.S. Dept of the Interior
@DOIPressSec
202-208-6416

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Leah Duran
Public Affairs Specialist
U.S. Department of the Interior
Office: (202) 208-3311
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Jessica Kershaw
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202-208-6416

Conversation Contents

Christian Bears Ears Op Ed in Indian Country Today

Shantha Ready Alonso <shantha@creationjustice.org>

From:	Shantha Ready Alonso <shantha@creationjustice.org>
Sent:	Fri Jul 29 2016 12:35:32 GMT-0600 (MDT)
To:	<nkornze@blm.gov>
Subject:	Christian Bears Ears Op Ed in Indian Country Today

Dear Neil:
As you know, Creation Justice Ministries has been very active in supporting the Bears Ears Inter-Tribal Coalition's call for a Bears Ears National Monument. (See our page of polling and support statements at www.creationjustice.org/bears-ears). Today, I was published alongside Navajo United Methodist pastor Rev. Tweedy Sombrero Navarrete in Indian Country Today on this topic. Thought I'd pass it along. We're sharing it through denominational networks and social media.
Grace and Peace,
Shantha
--
Shantha Ready Alonso
Executive Director, Creation Justice Ministries
110 Maryland Ave. NE #203, Washington, DC 20002
202.827.3975 (office) 760.408.0688 (mobile) shantha@creationjustice.org
www.creationjustice.org * facebook.com/CreationJustice * @CreationJustice

Check out our 2016 Christian education resource, Care for God's Creatures: www.creationjustice.org/creatures

http://indiancountrytodaymedianetwork.com/2016/07/29/christian-call-stewardship-bears-ears

A Christian Call to Stewardship of Bears Ears
By: Rev. Tweedy Sombrero Navarrete and Shantha Ready Alonso
July 29, 2016
Published in Indian Country Today Opinion Section

The cultural, spiritual, historical, and ecological riches of God's creation are abundant in the area known as Bears Ears in southeast Utah. With the White Mesa Ute Reservation to the East, the Colorado River to the west, and the San Juan River and Navajo Nation to the South, Bears Ears is comprised of 1.9 million acres of national public lands. The land contains an estimated 100,000 cultural sites, including petroglyphs, ancient cliff dwellings, graves, Mormon pioneer sites such as Hole-in-the-Rock trek, and other areas of significance.

Currently, these lands are tended by the Bureau of Land Management, U.S. Forest Service, and National Park Service. Today, Native American tribes are seeking active engagement in future management of the area.

In July of 2015, leaders from five Tribes founded the Bears Ears Inter-Tribal Coalition. A historic consortium of sovereign tribal nations united in the effort to conserve the Bears Ears cultural landscape, members of the Bears Ears Inter-Tribal Coalition include the Hopi Tribe, Navajo Nation, Ute Mountain Ute Tribe, Pueblo of Zuni, and Ute Indian Tribe. A total of 26 Tribes have expressed support for protecting the Bear Ears region for future generations of Americans.

The Bears Ears Inter-Tribal Coalition proposes President Obama use the Antiquities Act of 1906 to designate the Bears Ears region as a national monument and protect its historical and scientific objects. They propose a collaborative management strategy by the Tribes and Federal agencies. This is the first proposal of its kind.

In May 2016, Creation Justice Ministries commissioned a poll to gauge public support for protecting Bears Ears. The poll, conducted by Public Opinion Strategies, found that 71 percent of Utah voters support the designation of a Bears Ears national monument, whereas 20 percent opposed it. Support for designating these public lands as a National Monument is broad-based across age, gender, religion, political party, and geographic regions of the state.**Voters see a wide-range of benefits to increasing protections for the public lands in the Bears Ears area**to safeguard unique historic artifacts and sites (83 percent), for children to get outside and explore nature (83 percent), and to conserve natural areas and wildlife habitat (78 percent). You can see the full results of the poll, as well as response to questions about the poll's methodology atwww.creationjustice.org/bears-ears

The poll results affirmed what Episcopalians from Navajoland and other faith communities in Creation Justice Ministries' network knew from experience: Utahns respect God's creation and have reverence for our neighbors' history, spirituality, and culture. The Episcopal Church, together with its ecumenical partner Creation Justice Ministries, supports the Bears Ears monument proposal for two main reasons: the health and integrity of God's creation, as well as racial reconciliation and justice. The two reasons for support go hand-in-hand.

Native American traditional wisdom about stewardship of God's creation is too often dismissed. This attitude has not only contributed to centuries of physical as well as cultural violence toward Native Americans; it has also been a detriment to everyone. We*all*depend on the integrity of God's creation. The tribes leading the Bears Ears national monument proposal have experience living sustainably on the land since time immemorial, and traditional knowledge related to Bears Ears is irreplaceable. Now, the Bears Ears Inter-Tribal Coalition is offering the United States a true gift: partnership in a national monument which will help our nation to learn from them.

Members of the Bears Ears Inter-Tribal Coalition hold the Bears Ears immediate landscape, as well as the lands fanning out from its twin plateaus, as traditional sacred lands. Native American relationship and visits to Bears Ears are essential for maintaining their culture and spirituality. The Bears Ears Inter-Tribal Coalition has explained to the public that that ruining the integrity of these lands compromises tribes' ability to heal. As Christians, our response is that we, too, need this special place for healing.

For far too long, stewardship of God's creation has not been a priority, and the Native American culture, history, wisdom to care for their ancestral lands has been dismissed. A Bears Ears National Monument would advance these causes, and it is time to get it done.

Rev. Tweedy Sombrero Navarrete (Dine') is thePastor of Trinity United Methodist Church in

Yuma, Arizona. Originally from Brigham City, Utah, she is full-blood Navajo. A graduate of Haskell Indian Jr. College, Ottawa University, and Iliff School of Theology, she was a social worker for her tribe before she became ordained.

Shantha Ready Alonso is the Executive Director of Creation Justice Ministries, a Christian organization that brings together 38 denominations, fellowships, and communions to protect, restore, and rightly share God's creation. In 2017, Creation Justice Ministries' focus topic will be environmental justice from Native perspectives.

Read more at http://indiancountrytodaymedianetwork.com/2016/07/29/christian-call-stewardship-bears-ears

"Kornze, Neil" <nkornze@blm.gov>

From:	"Kornze, Neil" <nkornze@blm.gov>
Sent:	Fri Jul 29 2016 12:36:50 GMT-0600 (MDT)
To:	shantha@creationjustice.org
Subject:	Re: Christian Bears Ears Op Ed in Indian Country Today

Thank you for your note. I am out of the office and will only have occasional access to email. If your matter is time sensitive, please feel free to contact Kelly Orr, Acting Chief of Staff, at 202-208-3801.

Neil

Conversation Contents

BlueGreen Alliance Announces Labor Support for Bears Ears National Monument

Attachments:

/142. BlueGreen Alliance Announces Labor Support for Bears Ears National Monument/1.1 image002.jpg
/142. BlueGreen Alliance Announces Labor Support for Bears Ears National Monument/4.1 image002.jpg

Lee Anderson <leea@bluegreenalliance.org>

From:	Lee Anderson <leea@bluegreenalliance.org>
Sent:	Thu Jul 28 2016 13:00:25 GMT-0600 (MDT)
To:	'"nkornze@blm.gov"' <nkornze@blm.gov>, '"Interior_Press@ios.doi.gov"' <Interior_Press@ios.doi.gov>, '"kate_kelly@ios.doi.gov"' <kate_kelly@ios.doi.gov>, '"nicole_buffa@ios.doi.gov"' <nicole_buffa@ios.doi.gov>, '"john_blair@ios.doi.gov"' <john_blair@ios.doi.gov>
Subject:	BlueGreen Alliance Announces Labor Support for Bears Ears National Monument
Attachments:	image002.jpg

Hello,

I'm reaching out to you today as, this afternoon, the BlueGreen Alliance sent out a press release applauding the United Association of Plumbers and Pipefitters (UA), along with UA Locals 140, 669, and 798 for their recent resolution endorsing the creation of the proposed Bears Ears National Monument in southeastern Utah. As a courtesy, I've included our press release below, which also includes a link to the UA's resolution on our website.

Should you have any questions regarding the UA's resolution or be interested in talking further about the proposed Monument, please do let me know.

Best regards,

Lee Anderson
Director of Legislation and Policy
BlueGreen Alliance

FOR COMMITTEE USE ONLY

1020 19th Street NW, Suite 600
Washington, D.C. 20036
o: 202-706-6913
m: 412-427-4941
www.bluegreenalliance.org

FOR IMMEDIATE RELEASE
CONTACT:
Eliza Levy, elizal@bluegreenalliance.org, 202-706-6920

United Association of Plumbers and Pipefitters Resolves to Support Designation of Bears Ears National Monument

WASHINGTON, D.C. (July 28, 2016) The BlueGreen Alliance today applauded the United Association of Plumbers and Pipefitters (UA) for its recent resolution to support designation of Bears Ears landscape in southeastern Utah as a national monument. In addition, three UA local unions—Local Unions 140, 669, and 798—signed onto the resolution. The Bears Ears region covers 1.9 million acres of national public lands. Twenty-six tribes are advocating for President Obama to designate these lands as a national monument because Bears Ears is important for the livelihoods and cultural practices of many of these tribes.

"Bears Ears and the surrounding 1.9 million acres of public land hold a rich history of the Native American tribes whose livelihoods, identities, and cultural practices are connected to these beautiful and currently unprotected lands. Our union has many Native American members who call this land their spiritual home," said William P. Hite, General President of the United Association. "We believe that these lands should receive permanent protection under the Antiquities Act of 1906, and are proud to support the Bears Ears Inter-Tribal Coalition in the preservation and protection of these ecologically and culturally significant lands."

Boasting 18 wilderness study and inventoried road less areas and over 100,000 archeological sites, the Bears Ears region is threatened by looting, vandalism, and damage from off-road vehicles, which is causing permanent damage to cliff dwellings, burial grounds, and wildlife habitats, as well as the scenic beauty of the land.

"It is important that this land is protected and remains intact so that we can enjoy its rich history and ecological resources for generations to come," said Kim Glas, Executive Director of the BlueGreen Alliance. "We strongly support ensuring the preservation and protection of Bears Ears, and urge the Obama administration to move quickly to protect these historically significant lands. We are incredibly proud of the UA for leading on this issue."

The United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry

of the United States, Canada (UA), affiliated with the national building trades, represents approximately 340,000 plumbers, pipefitters, sprinkler fitters, service technicians and welders in local unions across North America. The UA provides the premier training programs available in the industry today, including five-year apprenticeship programs, extensive journeyman training, a comprehensive, five-year instructor training program, and numerous certification programs.

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Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Fri Jul 29 2016 07:24:05 GMT-0600 (MDT)
To:	Lee Anderson <leea@bluegreenalliance.org>
CC:	"nkornze@blm.gov" <nkornze@blm.gov>, "Interior_Press@ios.doi.gov" <Interior_Press@ios.doi.gov>, "kate_kelly@ios.doi.gov" <kate_kelly@ios.doi.gov>, "john_blair@ios.doi.gov" <john_blair@ios.doi.gov>
Subject:	Re: BlueGreen Alliance Announces Labor Support for Bears Ears National Monument

Thank you, Lee!

On Jul 28, 2016, at 3:00 PM, Lee Anderson <leea@bluegreenalliance.org> wrote:

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>
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> Lee Anderson

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<image002.jpg>

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"Kornze, Neil" <nkornze@blm.gov>

From:	"Kornze, Neil" <nkornze@blm.gov>
Sent:	Fri Jul 29 2016 07:24:38 GMT-0600 (MDT)
To:	nicole_buffa@ios.doi.gov
Subject:	Re: BlueGreen Alliance Announces Labor Support for Bears Ears National Monument

Thank you for your note. I am out of the office and will only have occasional access to email. If your matter is time sensitive, please feel free to contact Kelly Orr, Acting Chief of Staff, at 202-208-3801.

Neil

Neil Kornze <nkornze@blm.gov>

From:	Neil Kornze <nkornze@blm.gov>
Sent:	Fri Jul 29 2016 08:34:49 GMT-0600 (MDT)
To:	Liz Pardue <lpardue@blm.gov>
Subject:	Fwd: BlueGreen Alliance Announces Labor Support for Bears Ears National Monument
Attachments:	image002.jpg

Begin forwarded message:

From: Lee Anderson <leea@bluegreenalliance.org>
Date: July 28, 2016 at 3:00:25 PM EDT
To: '"nkornze@blm.gov"' <nkornze@blm.gov>, '"Interior_Press@ios.doi.gov"' <Interior_Press@ios.doi.gov>, '"kate_kelly@ios.doi.gov"' <kate_kelly@ios.doi.gov>, '"nicole_buffa@ios.doi.gov"' <nicole_buffa@ios.doi.gov>, '"john_blair@ios.doi.gov"' <john_blair@ios.doi.gov>
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FOR IMMEDIATE RELEASE
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The United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States, Canada (UA), affiliated with the national building trades, represents approximately 340,000 plumbers, pipefitters, sprinkler fitters, service technicians and welders in local unions across North America. The UA provides the premier training programs available in the industry today, including five-year apprenticeship programs, extensive journeyman training, a comprehensive, five-year instructor training program, and numerous certification programs.

###

The BlueGreen Alliance is a national partnership of America's largest labor unions and environmental organizations. We work together to turn today's biggest environmental challenges into our biggest economic and job-creating opportunities. Together with 15 million members and supporters, we are a powerful, unified voice calling for good, family-sustaining jobs, a clean environment and a thriving and fair American economy. http://www.bluegreenalliance.org

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Conversation Contents

STATEMENT in response to one-sided Senate field hearing on Bears Ears monument proposal and the Public Lands Initiative

Center for Western Priorities <info@westernpriorities.org>

From:	Center for Western Priorities <info@westernpriorities.org>
Sent:	Wed Jul 27 2016 16:26:22 GMT-0600 (MDT)
To:	<nkornze@blm.gov>
Subject:	STATEMENT in response to one-sided Senate field hearing on Bears Ears monument proposal and the Public Lands Initiative

Center for Western Priorities

CONTACT
Aaron Weiss, Media Director
Center for Western Priorities
aaron@westernpriorities.org
720-279-0019

FOR IMMEDIATE RELEASE
JULY 27, 2016

STATEMENT in response to one-sided Senate field hearing on Bears Ears monument proposal and the Public Lands Initiative

DENVER—In response to Utah Senator Mike Lee's one-sided field hearing against the proposed Bears Ears National Monument, the Center for Western Priorities released the following statement.

Jennifer Rokala, Executive Director:

"After today's hearing, it's clear why the tribal backers of a monument designation say they've been disrespected throughout the process. When Governor Herbert refers to a thoughtful tribal proposal for a national monument as 'a political tomahawk,' he continues that sad tradition of dismissing Native voices.

"At today's hearing, Congressman Rob Bishop said his Public Lands Initiative was 'done,' and he's not open to making major changes to the bill. The PLI, as it stands today, is a non-starter, with no support from conservation groups. If Rep. Bishop is unwilling to craft an actual 'grand bargain,' as he has promised for three years, it's

incumbent on President Obama to protect Bears Ears using his authority under the Antiquities Act."

###

The Center for Western Priorities is a conservation policy and advocacy organization focused on land and energy issues across the American West.

Center for Western Priorities | 820 16th Street Ste 450, Denver, CO 80202 | 303.974.7761

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Conversation Contents

Fwd: National Trust Testimony for ENR Committee July 27 field hearing in Blanding Utah on Utah Public Lands Initiative

Attachments:

/147. Fwd: National Trust Testimony for ENR Committee July 27 field hearing in Blanding Utah on Utah Public Lands Initiative/1.1 Utah PLI Field Hearing 7-27-16 - National Trust Testimony FINAL.pdf

Neil Kornze <nkornze@blm.gov>

From:	Neil Kornze <nkornze@blm.gov>
Sent:	Tue Jul 26 2016 18:09:33 GMT-0600 (MDT)
To:	Liz Pardue <lpardue@blm.gov>
Subject:	Fwd: National Trust Testimony for ENR Committee July 27 field hearing in Blanding Utah on Utah Public Lands Initiative
Attachments:	Utah PLI Field Hearing 7-27-16 - National Trust Testimony FINAL.pdf

Begin forwarded message:

From: Tom Cassidy <TCassidy@savingplaces.org>
To: Nicole Buffa <Nicole_buffa@ios.doi.gov>, Neil Kornze <neil_kornze@blm.gov>
Subject: National Trust Testimony for ENR Committee July 27 field hearing in Blanding Utah on Utah Public Lands Initiative

Dear Nikki and Neil,

I have attached the National Trust's testimony for tomorrow's field hearing in Blanding, Utah on the recently introduced Utah Public Lands Initiative Act ("PLI") and the importance of protecting the Bears Ears cultural landscape. As you will see, we are now requesting the President use his Antiquities Act authorities to designate a Bears Ears National Monument before the end of the year.

Please do not hesitate to communicate with me if you have any questions concerning our testimony.

Best,

Tom

Thomas J. Cassidy, Jr. | Vice President for Government Relations and Policy
P 202.588.6078 F 202.588.6462

NATIONAL TRUST FOR HISTORIC PRESERVATION
The Watergate Office Building
2600 Virginia Avenue NW Suite 1000 Washington, DC 20037
SavingPlaces.org<http://savingplaces.org>

[http://www.preservationnation.org/assets/photos-images/nthp/LOGO_email.png]

[http://www.preservationnation.org/assets/photos-images/nthp/LOGO_email.png]

National Trust *for* Historic Preservation
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SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
FIELD HEARING: UTAH PUBLIC LANDS INITIATIVE
SAN JUAN COUNTY HIGH SCHOOL, BLANDING, UTAH
JULY 27, 2016
TESTIMONY OF STEPHANIE K. MEEKS
PRESIDENT AND CEO
NATIONAL TRUST FOR HISTORIC PRESERVATION

Senator Lee and members of the Committee, I appreciate the opportunity to present the perspectives on the recently introduced Utah Public Lands cultural landscape. My name is Stephanie K. Meeks, and I am the President and CEO of the National Trust.

The National Trust for Historic Preservation is a privately-funded charitable, educational

preservation laws. The intent of Congress was for the National Trus coordinate public interest, participation and resources in the preservation and

offices, 27 historic sites, more than 800,000 members and supporters and partner organizations in 50 states, territories, and the District of Columbia, the National Trust

fundamental value in programs and policies at all levels of government.

We appreciate the sustained efforts of House Natural Resources Committee Chairman Rob Bishop, Congressman Jason Chaffetz, and members of this Committee to develop a legislative solution to address the long-term conservation of nationally significant lands in Utah. This is a difficult and challenging problem of public policy ongoing for generations that deserves an expedient and successful resolution.

We recognize that the existing legislation includes certain improvements over the previous discussion draft, but we are disappointed that H.R. 5780, the PLI bill, as introduced on July 14, does not meet our hope for legislation that would generate the broad-based bipartisan support necessary to be signed into law by the President.

Accordingly, we join the broad-based request that the President utilize his authority under the Antiquities Act to protect the nationally significant cultural and archaeological resources of the Bears Ears area this year. In addition, the National Trust opposes H.R. 5781, the PLI Partner Act, national monuments in certain areas of Utah.

National Trust Participation

Bears Ears is one of the most significant cultural landscapes in the United States and a landscape that is home to more than 100,000 cultural and archaeological sites, many of which are sacred to tribal communities across the region. The 1.9 million acres of public lands south and east of Canyonlands National Park include Ice Age hunting camps, cliff dwellings, prehistoric villages, and petroglyph and pictograph panels that tell the diverse stories of 12,000 years of human habitation.

Since 2007, the National Trust has been working on legislative proposals with the Utah delegation and other stakeholders to protect this important place. We have also been actively engaged in cultural resource protection issues in Southeast Utah working to ensure compliance with federal laws designed to avoid impacts to historic and cultural properties and supporting thoughtful planning for and interpretation of cultural resources.

In 2013, we developed and presented maps and narratives descri
priorities for resource designations in Southeast Utah to local, state, and national partners, including the offices of Congressmen Bishop and Chaffetz. Since we named this area one of our National Treasures in 2013, we have committed our expertise and resources to seeking a preservation-friendly solution to land use conflicts in this area. Earlier this year, reflecting our long-standing commitment to the legislative process, we submitted

Like many Americans, I have had the pleasure of visiting and marveling at the extraordinary cultural resources of the Bears Ears region. This landscape and its resources certainly rival nearby nationally protected areas like Canyon of the Ancients National Monument (established by President Clinton in 2000), Mesa Verde National Park (established by Congress in 1906), Chimney Rock National Monument (established by President Obama in 2012) and Chaco Culture National Historical Park.

It is worth noting that the remarkable resources of Chaco Canyon were first protected by President Theodore Roosevelt as a national monument in 1907. Nearby Hovenweep National Monument was established by President Harding in 1923.

Viability of the Legislative Process

Due to our commitment to securing permanent protection for these nationally significant cultural resources, the National Trust has been hopeful that the long-awaited PLI legislation would be crafted in such a way as to gather the broad bipartisan support necessary to be adopted by Congress and signed into law by the President this year. Unfortunately, the legislation as introduced on July 14 is unlikely to generate such support and in fact has generated significant opposition by many of our conservation colleagues.

We appreciate the proposed establishment of a Bears Ears National Conservation Area, however we are concerned that neither the proposed size (857,000 acres) nor management provisions are sufficient to protect the nationally significant resources of

this area, including such archaeologically valuable lands within the White Canyon drainages and the Allen, Chippean, and Dry Wash Canyons.

We appreciate that there have been multiple improvements from the discussion draft, including, as in section 108, permitting the acquisition of lands within wilderness areas from willing sellers, the removal of language designating certain areas for recreational shooting and removing designation of specific areas for recreational shooting and certain changes restricting the ability of managers to determine grazing levels.

However, we are disappointed that many of the concerns outlined in our February 12 letter on the discussion draft were not addressed, including but not limited to the following:

- Expansion of energy planning areas. We are particularly concerned with section 1103, which would create a new program whereby the State of Utah would be granted energy permitting powers now exercised by the federal government. Our reading of this precedent setting proposal is that it would remove the federal protections currently afforded cultural resources, including the National Historic Preservation Act, Native American Graves Protection and Repatriation Act (NAGPRA) and other federal laws.
- We are also concerned that the existing and potential use of Master Leasing Plans, which have proven to be helpful collaborative tools to resolve long-standing conflicts over land use would be precluded by the legislation.
- We are concerned that the bill would permit grazing in certain areas where current restrictions protect archaeological and cultural resources and that other areas could be made available to grazing, including in Grand Gulch, Slickhorn, and other canyons on Cedar Mesa.

Additionally, the National Trust agrees with a number of our conservation colleagues who have expressed serious concerns with the sweeping and controversial changes to other long-standing federal laws protecting natural and cultural resources.

Given the numerous and significant changes necessary to redraft the bill and achieve a bi-partisan compromise, as well as the limited number of legislative days remaining prior to Congress adjourning this fall, we are skeptical that comprehensive legislation can be achieved this year.

Addressing the Urgent Need for Protection

Continued reports of looting, vandalism, and other damaging disturbances of archaeological sites lends particular urgency to the permanent protection of the Bears Ears landscape as soon as possible. In just one of over 50 recent incidents of looting, a 2009 Bureau of Land Management and FBI sting operation resulted in indictments of

over 24 people for multiple violations of trafficking an estimated 40,000 stolen artifacts, government property, and Native American cultural items from the Southeast Utah area.[1]

Given the time sensitive and significant threat to priceless cultural resources and the absence of a realistic opportunity to enact bipartisan legislation during this Congress, the National Trust supports the protection of the Bears Ears landscape by the President as a National Monument before the end of this year.

We appreciate the substantial time and resources dedicated to the pursuit of a legislative solution to this critical preservation issue by local and national stakeholders, including local governments, our partners in the conservation and preservation community and the staffs of the House and Senate committees and offices of Congressmen Bishop and Chaffetz. We look forward to continuing our collaborative work to advance preservation solutions with members of the Committee, Congressmen Bishop and Chaffetz, and other stakeholders.

[1] Center for American Progress; "Bears Ears Cultural Area: The Most Vulnerable U.S. Site for Looting, Vandalism, and Grave Robbing"; https://www.americanprogress.org/issues/green/news/2016/06/13/139344/bears-ears-cultural-area-the-most-vulnerable-u-s-site-for-looting-vandalism-and-grave-robbing/; June 13, 2016 (accessed July 20, 2016)

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Conversation Contents

National Trust Testimony for ENR Committee July 27 field hearing in Blanding Utah on Utah Public Lands Initiative

Attachments:

/148. National Trust Testimony for ENR Committee July 27 field hearing in Blanding Utah on Utah Public Lands Initiative/1.1 Utah PLI Field Hearing 7-27-16 - National Trust Testimony FINAL.pdf

Tom Cassidy <TCassidy@savingplaces.org>

From:	Tom Cassidy <TCassidy@savingplaces.org>
Sent:	Tue Jul 26 2016 13:52:30 GMT-0600 (MDT)
To:	Nicole Buffa <Nicole_buffa@ios.doi.gov>, Neil Kornze <neil_kornze@blm.gov>
Subject:	National Trust Testimony for ENR Committee July 27 field hearing in Blanding Utah on Utah Public Lands Initiative
Attachments:	Utah PLI Field Hearing 7-27-16 - National Trust Testimony FINAL.pdf

Dear Nikki and Neil,

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Please do not hesitate to communicate with me if you have any questions concerning our testimony.

Best,

Tom

Thomas J. Cassidy, Jr. | VICE PRESIDENT FOR GOVERNMENT RELATIONS AND POLICY
P 202.588.6078 F 202.588.6462

NATIONAL TRUST FOR HISTORIC PRESERVATION
The Watergate Office Building
2600 Virginia Avenue NW Suite 1000 Washington, DC 20037
SavingPlaces.org

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"Kornze, Neil" <nkornze@blm.gov>

From:	"Kornze, Neil" <nkornze@blm.gov>
Sent:	Tue Jul 26 2016 13:54:22 GMT-0600 (MDT)
To:	tcassidy@savingplaces.org
Subject:	Re: National Trust Testimony for ENR Committee July 27 field hearing in Blanding Utah on Utah Public Lands Initiative

Thank you for your note. I am on work travel with no email access. If you need assistance, please feel free to contact Kelly Orr, Acting Chief of Staff, at 202-208-3801.

Neil

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Tue Jul 26 2016 14:20:05 GMT-0600 (MDT)
To:	Tom Cassidy <TCassidy@savingplaces.org>
CC:	Neil Kornze <neil_kornze@blm.gov>
Subject:	Re: National Trust Testimony for ENR Committee July 27 field hearing in Blanding Utah on Utah Public Lands Initiative

Thanks, Tom!

On Jul 26, 2016, at 3:53 PM, Tom Cassidy <TCassidy@savingplaces.org> wrote:

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>
> I have attached the National Trust's testimony for tomorrow's field hearing in Blanding, Utah on the recently introduced Utah Public Lands Initiative Act ("PLI") and the importance of protecting the Bears Ears cultural landscape. As you will see, we are now requesting the President use his Antiquities Act authorities to designate a Bears Ears National Monument before the end of the year.
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SavingPlaces.org

<Utah PLI Field Hearing 7-27-16 - National Trust Testimony FINAL.pdf>

"Kornze, Neil" <nkornze@blm.gov>

From:	"Kornze, Neil" <nkornze@blm.gov>
Sent:	Tue Jul 26 2016 14:20:12 GMT-0600 (MDT)
To:	nicole_buffa@ios.doi.gov
Subject:	Re: National Trust Testimony for ENR Committee July 27 field hearing in Blanding Utah on Utah Public Lands Initiative

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FIELD HEARING: UTAH PUBLIC LANDS INITIATIVE
SAN JUAN COUNTY HIGH SCHOOL, BLANDING, UTAH
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The National Trust for Historic Preservation is a privately-funded charitable, educational and nonprofit organization chartered by Congress in 1949 in order to "facilitate public participation in historic preservation" and to further the purposes of federal historic preservation laws. The intent of Congress was for the National Trust "to mobilize and coordinate public interest, participation and resources in the preservation and interpretation of sites and buildings." With headquarters in Washington, D.C., nine field offices, 27 historic sites, more than 800,000 members and supporters and partner organizations in 50 states, territories, and the District of Columbia, the National Trust works to save America's historic places and advocates for historic preservation as a fundamental value in programs and policies at all levels of government.

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[1] Center for American Progress; "Bears Ears Cultural Area: The Most Vulnerable U.S. Site for Looting, Vandalism, and Grave Robbing"; https://www.americanprogress.org/issues/green/news/2016/06/13/139344/bears-ears-cultural-area-the-most-vulnerable-u-s-site-for-looting-vandalism-and-grave-robbing/; June 13, 2016 (accessed July 20, 2016)

Conversation Contents

Fact sheet: Four things reporters should know before this week's Senate field hearing in Utah

Center for Western Priorities <info@westernpriorities.org>

From:	Center for Western Priorities <info@westernpriorities.org>
Sent:	Tue Jul 26 2016 10:47:29 GMT-0600 (MDT)
To:	<nkornze@blm.gov>
Subject:	Fact sheet: Four things reporters should know before this week's Senate field hearing in Utah

Center for Western Priorities

CONTACT
Aaron Weiss, Media Director
Center for Western Priorities
aaron@westernpriorities.org
720-279-0019

FOR IMMEDIATE RELEASE
JULY 26, 2016

Fact sheet: Four things reporters should know before this week's Senate field hearing in Utah

Four things reporters should know before this week's Senate ENR field hearing

1. The field hearing is all politics, not policy

2. Utah politicians have a long history of disrespecting tribes

3. No conservation groups support the Public Lands Initiative

4. Rob Bishop has only 33 working days left

Utah Senator Mike Lee will lead a field hearing of the Senate Energy and Natural Resources Committee in Utah this Wednesday, ostensibly to discuss the proposed Bears Ears National Monument and Representative Rob Bishop's long-delayed Public Lands Initiative.

The Center for Western Priorities is pleased to provide this quick reference guide to reporters in attendance:

1) The field hearing is all politics, not policy

Sen. Lee's hearing comes less than two weeks after Interior Secretary Sally Jewell held a series of very well-attended public meetings and toured the Bears Ears region. Secretary Jewell took time to listen to supporters and opponents of a Bears Ears

monument. Utah's entire congressional delegation was invited to participate.

By contrast, this week's hearing is designed to be a dog-and-pony show with one-sided testimony from only those opposed to a monument designation.

2) Utah politicians have a long history of disrespecting tribes

May 2014: San Juan County Commissioner Phil Lyman leads a "protest" ATV ride through archaeological and cultural sites. Utah Gov. Gary Herbert donates $10,000 to Lyman's defense.

January 2016: Tribal leaders walk away from Public Lands Initiative because Rep Rob Bishop doesn't "respect the sovereignty of tribes."

June 2016: Utah State Rep. Mike Noel blames badgers for looting and grave robbing at Bears Ears.

3) No conservation groups support the Public Lands Initiative

Despite Rep. Bishop touting a few cautiously optimistic quotes when he unveiled the final PLI language, no conservation groups support the PLI as it stands today. One of the last conservation groups at the table, Friends of Cedar Mesa, blasted Bishop for making "egregious" last-minute changes to the bill that are "a huge step in reverse." Friends of Cedar Mesa highlights 14 specific provisions Bishop inserted into the PLI that the group opposes.

4) Rob Bishop has only 33 working days left

After starting on the Public Lands Initiative in April 2013, Rep. Bishop made excuses for years of delays in producing an actual bill. His first draft, released this past January, was so poorly received that Rep. Jason Chaffetz took over the revision process in an attempt to salvage the bill.

Now, with the prospect of a presidential monument designation looming, Rep. Bishop is pretending the PLI has a chance of passing despite a shortened congressional calendar in an election year. Bishop has just 33 working days left to shepherd his immense, complex bill through both houses of Congress, but he has yet to even take the first step by scheduling the PLI for markup.

Download the PDF

For more information, visit westernpriorities.org. To speak with an expert on public lands, contact Aaron Weiss at 720-279-0019 or aaron@westernpriorities.org.

###

The Center for Western Priorities is a conservation policy and advocacy organization focused on land and energy issues across the American West.

Center for Western Priorities | 820 16th Street Ste 450, Denver, CO 80202 | 303.974.7761

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Conversation Contents

Fwd: FCM's formal opposition to the introduced PLI

Attachments:

/157. Fwd: FCM's formal opposition to the introduced PLI/1.1 FCM-PLI Introduction Opposition Letter.pdf

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Tue Jul 19 2016 17:35:32 GMT-0600 (MDT)
To:	Liz Pardue <lpardue@blm.gov>, jpool@blm.gov, p2wilkin@blm.gov, Neil Kornze <nkornze@blm.gov>
Subject:	Fwd: FCM's formal opposition to the introduced PLI
Attachments:	FCM-PLI Introduction Opposition Letter.pdf

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Friends of Cedar Mesa

PO Box 338, Bluff, UT 84512

The Honorable Rob Bishop
123 Cannon House Office Building
United States House of Representatives
Washington, DC 20515

The Honorable Jason Chaffetz
2236 Rayburn House Office Building
United States House of Representatives
Washington, DC 20515

July 19, 2016

Subject: Opposition to Introduced PLI Legislation

Dear Congressmen Bishop and Chaffetz:

After receiving legislative language shared with Friends of Cedar Mesa on July 8th and maps shared on July 12th, we drafted a letter in response to the Public Lands Initiative legislative text. In that letter we expressed our appreciation for the hard work of your staff to engage in meaningful and constructive conversations with us on ways to improve January's Discussion Draft. We shared a draft of that letter with your staff and also provided a quote for the PLI rollout expressing gratitude for having been involved with the process and our hopes that our remaining concerns with the bill could be addressed in the legislative process.

After the official release of the PLI legislation, however, our hopes of the bill evolving to one we could support have been dashed. Very problematic provisions were added to the bill after it was shared with us, and we were never made aware of the "PLI Partner Act" before the public roll out. Combined, these last minute changes lead us to conclude that a reasonable, win-win compromise is not forthcoming.

As you know, Friends of Cedar Mesa has been engaged in the Public Lands Initiative process for more than 3 years. We attended every meeting in San Juan County and have made every effort to work with our friends, neighbors, and elected officials. Because we are the local, on-the-ground group, we feel Friends of Cedar Mesa may be the most invested in finding a legislative solution of all the conservation groups at the table.

While we continue to believe that a legislative solution to conservation needs in southeastern Utah would have been the preferable path, we now have no faith that our legislative delegation is seeking a true compromise, even by our terms (and we're the right flank of the conservation community).

Despite all our efforts to work constructively on this legislation, **we oppose the language in the bill as introduced.** We cannot abandon our mission to help protect the natural and cultural resources of public lands in San Juan County by supporting a bill with provisions likely to result in resource damage on the ground. Last minute land trades added to the bill would extend the footprint of cultural resource damage, decimate Bluff's economy and dramatically change our way of life.

Provisions we oppose in the introduced language of the Public Lands Initiative bill include:

1. **Proposes a massive block of SITLA land on top of Bluff to facilitate large-scale energy development that would devastate Bluff's tourism-based economy and our quality of life.** This is an egregious change to the PLI drafts we saw in January, June and just four days before the release of the PLI. It's a huge step in reverse. After all the efforts FCM took to help refine a bill that could be the resolution to local cultural resource and conservation needs, this last-second proposal is an insult to the idea of public process and constructive negotiations with the Utah Delegation. In the old version, we found it worrisome that SITLA wanted a few sections around Bluff. Now we see what SITLA really wants: a larger block of land in FCM's backyard than they are asking for in Lisbon Valley. If SITLA gets its way, the new welcome sign to those coming to Bluff would be a series of oil rigs and fracking operations.

2. **Retains ownership and mineral development rights by SITLA on lands inside the Bears Ears NCA north of Bluff (Tank Mesa & Cottonwood Wash),** therefore failing to protect internationally significant archaeology from energy development. This means drilling and privatization could occur within the NCA, completely opposed to the entire point of creating a Conservation Area.

3. **Does not trade out SITLA parcel on the southern end of the Comb Ridge that will be otherwise be sold to the highest bidder this October.** With this move, SITLA shows its intent to create the only privatized section of the Comb Ridge. This last second change comes despite FCM and the community of Bluff expressing strong opposition to the sale at a community meeting on June 7th at which Director Ure assured the community if the PLI passed the sale would be moot. This significant square mile of what should be public land contains important archaeological and recreational values and deserves the protection afforded to the rest of the Comb Ridge in an NCA or Monument.

4. **Leaves surface rights to three other key SITLA parcels on Cedar Mesa to SITLA,** creating the potential for serious land management conflicts or privatization of lands that should be traded out so they can be permanently made public land.

5. **Gives the State of Utah, which already lacks transparency and public process when handling drilling permits, undue authority in any type of energy development on all available public lands** in San Juan County. This delegation of authority would expedite energy development on lands that would be better served by a Master Leasing Plan process that requires thoughtful planning for cultural resources and other land uses. Title XI on energy development gives no mention of the significant cultural resources in Utah, opening up a pathway to conflict over streamlined energy development in archaeologically dense areas like Montezuma Canyon and Alkali Ridge.

6. **Fails to protect important archaeological and recreation areas in the White Canyon drainages and Southern Abajo areas** (Allen Canyon, Chippean Canyon and Dry Wash Canyon).

7. **Fails to protect two important sections of the internationally significant San Juan River corridor as a "Recreational River**," despite recommendation for such designation by the official BLM study.

8. **Opens up sensitive archaeological areas now closed to grazing (inside and outside of NCAs)** to damage from cattle in cultural sites. Likewise, internal conflicts in the bill potentially direct grazing in wilderness to be resumed in places where it has been eliminated to protect cultural and recreational resources. FCM cannot support any language with the potential to

open Grand Gulch, Slickhorn, and the other canyons on Cedar Mesa to cattle grazing.

9. **Fails to adequately involve local people in decision making for the Indian Creek National Conservation Area** by creating no local stakeholder advisory group and giving primary advisory status to a committee of county commissioners and state officials who do not know the area at all.

10. **Despite the positive step of naming the Hole-in-the-Rock Trail a National Historic Trail, creates conflict with existing land use plans by facilitating the overriding of group size limitations in the trail corridor.** In addition, the location of the HITR Trail on the map is likely incorrect and the language does not allow for the exact location of the trail to be confirmed after it is designated.

11. **Gives blanket approval to an ATV route in Recapture Canyon on the route that is already damaging archaeological sites.** The language is not definitive as to whether compliance with the NHPA and NAGPRA are automatically granted with the application or whether the Section 106 process must be followed. Because this route bisects sensitive archaeological sites, the bill must require compliance with these laws and rerouting if deemed necessary to protect the resource.

12. **Fails to resolve RS 2477 litigation in Wilderness and NCA areas**, meaning the actual protection for those areas may be far less than in other Wilderness and NCAs around the country.

13. **Cherry stems at least one road in wilderness on Cedar Mesa that is currently closed for cultural resource protection and wilderness characteristics.** The Hardscrabble road on Cedar Mesa was closed as part of an open public process that resulted in the 2008(A) RMP.

14. **Releases the Cross Canyon and Squaw Papoose WSAs from management that would protect wilderness values.** These are archaeological rich areas that will be very difficult to develop anyway, due to high archaeological densities. Releasing these is a symbolic move that, in our view, allows for easy attack of this bill as reducing current protection of important lands.

Leaving critical, sensitive archaeological areas out of the path to protection while streamlining activities likely to irreparably harm cultural resources across vast tracks of land makes the introduced bill something we strongly oppose. We have worked for years through a process we hoped would lead to a tenable bill we could improve on through the markup process. Failing a massive effort at a true compromise negotiation, it now appears the time to make the large corrections needed is too short. In light of the failure of the PLI process to achieve a legitimate compromise that has hopes of bi-partisan support, Friends of Cedar Mesa has no choice but to fully support President Obama protecting the Bears Ears region as a National Monument.

With Regret,

Josh Ewing
Executive Director

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Conversation Contents

Fwd: Thank you!

"Buffa, Nicole" <nicole_buffa@ios.doi.gov>

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Mon Jul 18 2016 13:02:37 GMT-0600 (MDT)
To:	Jonathan Jarvis <jon_jarvis@nps.gov>, Neil Kornze <nkornze@blm.gov>, Lawrence Roberts <lawrence_roberts@ios.doi.gov>
Subject:	Fwd: Thank you!

FYI

---------- Forwarded message ----------
From: **Cody Stewart** <codystewart@utah.gov>
Date: Mon, Jul 18, 2016 at 10:28 AM
Subject: Re: Thank you!
To: Nicole Buffa <nicole_buffa@ios.doi.gov>

Nicky,

I have to compliment you on a wonderful trip. As I recently relayed to the Governor's Chief of Staff, your team orchestrated a comprehensive, balanced, well-run, and effective trip of southeast Utah. I also have to compliment you on the listening session on Saturday. We were worried it might get out of hand but it went off brilliantly. Kudos to you and your team!

I genuinely believe there is a window of opportunity for us to reach a fair and reasonable resolution for the Bears Ears region. Let's keep the dialogue going the next few weeks and commit to finding a solution that works for everyone. Governor Herbert is more than willing to engage in that effort and see it through to a positive and collaborative outcome.

It was great spending time with you this last week and hopefully it marks just the beginning of more frequent interactions.

Best,

Cody

Cody Stewart
Policy Director
Governor Gary Herbert
801 538-1039

On Sun, Jul 17, 2016 at 12:50 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Hi Team - I wanted to send a brief thank you for all of your help with the trip and for your patience with us as we worked our way through the state.
>
> I'm looking forward to many more conversations about Utah with each of you, but in far less pretty places.
>
> Thanks again,
> Nikki

--
Nikki Buffa
Deputy Chief of Staff
US Department of the Interior
202-219-3861
nicole_buffa@ios.doi.gov

"Buffa, Nicole" <nicole_buffa@ios.doi.gov>

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Mon Jul 18 2016 13:40:57 GMT-0600 (MDT)
To:	Jessica Kershaw <jessica_kershaw@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, Lawrence Roberts <lawrence_roberts@ios.doi.gov>, Jonathan Jarvis <jon_jarvis@nps.gov>
Subject:	Fwd: Thank you!

FYI
---------- Forwarded message ----------
From: **Buffa, Nicole** <nicole_buffa@ios.doi.gov>

FOR COMMITTEE USE ONLY

Date: Mon, Jul 18, 2016 at 3:40 PM
Subject: Fwd: Thank you!
To: Sally Jewell <SRJ2@ios.doi.gov>

And more... Let me know if you would rather me not forward these all to you, I'm getting many nice notes from people.

---------- Forwarded message ----------
From: **Regina Lopez-Whiteskunk** <rwhiteskunk@utemountain.org>
Date: Sun, Jul 17, 2016 at 11:52 AM
Subject: Re: Thank you!
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Cc: "ALomahquahu@hopi.nsn.us" <ALomahquahu@hopi.nsn.us>, "Carleton.Bowekaty@ashiwi.org" <Carleton.Bowekaty@ashiwi.org>, Malcolm Lehi <mlehi@utemountain.org>, "davisfilfred@navajo-nsn.gov" <davisfilfred@navajo-nsn.gov>, "nakaidinee@yahoo.com" <nakaidinee@yahoo.com>

Nicole,
Thank you all for obliging the request and following through. I imagine it was hotter on the stage in the hot seat. It took some patience through the heat but what I reminded myself is, we have to practice self-discipline within our ceremonies. This was very reminiscent of that. Please extend our gratitude to Secretary Jewell, Undersecretary Bonnie and staff for their time and presence. It was a success, this is what we work hard for. This was one of our asks. The visit and listening venue for all to be heard. The gift we as tribal leaders lobbied for. As you stated, this a part of the necessary process. Please communicate our appreciation for the opportunity. We now look forward to our next steps in the process. Please stay in contact. I prayed for safe journeys home and that you all found things as you left them. It was our honor to host the group in our home. Blessings to each of you all and your families.

Regina Lopez-Whiteskunk
Ute Mtn. Ute Tribal Councilwoman
Bears Ears Intertribal Coalition Co-Chair

> On Jul 16, 2016, at 5:56 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> Dear courageous Tribal leaders - I just wanted to send a very quick
> thank you for the tremendous amount of effort and heart you guys put
> into this weekend and this day.
>
> I can't imagine how difficult it must have been to hear some of the
> things you heard today. But what happened in that meeting, was an
> important and necessary event. And so many important and good things
> were said too. So thank you!
>
> And thank you for being such generous and gracious hosts yesterday.
> The Secretary (and all of us) had a wonderful visit with you guys.

>
> I am looking forward to talking soon!
>
> All my best,
> Nikki

--
Nikki Buffa
Deputy Chief of Staff
US Department of the Interior
202-219-3861
nicole_buffa@ios.doi.gov

--
Nikki Buffa
Deputy Chief of Staff
US Department of the Interior
202-219-3861
nicole_buffa@ios.doi.gov

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Conversation Contents

SL Trib opinion

Jenna Whitlock <jwhitloc@blm.gov>

From:	Jenna Whitlock <jwhitloc@blm.gov>
Sent:	Sun Jul 17 2016 19:13:42 GMT-0600 (MDT)
To:	nkornze@blm.gov
Subject:	SL Trib opinion

Tribune Editorial: Public Lands Initiative is too little, too late

(Scott Sommerdorf | The Salt Lake Tribune) Dineh native 9-year old Donald West Jr. plays with a kite with one of the Bears Ears in the background as a meeting with native people and U.S. Interior Secretary Sally Jewell proceeds in a meadow atop the Bears Ears, Friday, July 15, 2016.

Published: July 16, 2016 03:03PM
Updated: July 16, 2016 09:01PM

Political gamesmanship over the Bears Ears reached its apex this week as Utah congressmen finally introduced their Public Lands Initiative bill while the manager of those lands, Interior Secretary Sally Jewell, trekked across the Utah red rock.

For Rep. Rob Bishop, the bill's introduction is culmination of an effort begun more than three years ago and represents thousands of hours of work from diverse interests. If passed, it would settle large and small disputes over public lands from Flaming Gorge to Lake Powell. It would add thousands of wilderness acres, expand one national monument (Dinosaur) and create another in Emery County.

But it wouldn't create a monument in San Juan County, and that is what's behind Jewell's high-profile journey through southeastern Utah. Indian tribes and environmentalists have coalesced around the idea of a national monument in the sacred lands surrounding the Bears Ears that would give Native Americans a unique management role to preserve both the heritage of their past and their traditions still practiced.

With Bishop and Rep. Jason Chaffetz unwilling to go there — in large part because their PLI process was driven by county commissioners in San Juan and elsewhere — the

Indians have turned to President Obama to declare the monument under the Antiquities Act.

For their part, Bishop and Chaffetz made concessions since their draft PLI bill came out earlier this year. They added a large chunk to a conservation area around the Bears Ears, but they left vague what would be allowed in the area, including energy development. It grants an Indian role in management of part of the area, but not enough to satisfy the tribes. The Indian groups had earlier said they were stonewalled by the PLI process and walked away.

A key difference this time is removing a requirement that no current or future president could declare a monument in eastern Utah. That provision was considered sacrosanct by the congressmen when their draft came out. That has helped keep the White House talking, but the other changes haven't been enough to bring the tribes back.

Jewell was standing at the Dead Horse Point overlook Thursday when she turned to Fred Ferguson, Chaffetz' chief of staff, to comment about tribal representatives walking away from PLI talks. "They were probably frustrated by their last experience, Fred, so there's definitely some bridge building you're going to have to do."

The reality is that the PLI has problems that go beyond the Bears Ears. In too many places it bent toward the energy industry, and it would allow the counties to claim roads where there aren't any and shouldn't be. The PLI's county-driven process never accepted that it was about America's land, and so it never gave adequate voice to the tribes or to national environmental groups. That cost the congressmen years that could have gone into real talks.

Instead, we get a mad scramble at the end, and the Utahns in Congress look like they have been outplayed. A negotiated settlement would have been better, but a Bears Ears monument declaration looks like the only viable solution at this point.

Sent from my iPad

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Conversation Contents

Fwd: PLI

Attachments:

/164. Fwd: PLI/1.1 UPLI Comment Letter 7 15 16 final.pdf
/164. Fwd: PLI/2.1 UPLI Comment Letter 7 15 16 final.pdf

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Sun Jul 17 2016 07:29:15 GMT-0600 (MDT)
To:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>
Subject:	Fwd: PLI
Attachments:	UPLI Comment Letter 7 15 16 final.pdf

More.

Begin forwarded message:

From: Tom Cors <tcors@TNC.ORG>
Date: July 15, 2016 at 6:08:24 PM MDT
To: Nikki Buffa <nicole_buffa@ios.doi.gov>, Chris Adamo
(b) (6) [redacted], "Harding, Stephenne S. EOP/CEQ"
(b) (6) [redacted]
Subject: PLI

See attached the letter TNC just sent on PLI.

Tom

Tom Cors
Director, Lands
US Government Relations
The Nature Conservancy
tcors@tnc.org
919-636-2297

Neil Kornze <nkornze@blm.gov>

From:	Neil Kornze <nkornze@blm.gov>
Sent:	Sun Jul 17 2016 07:34:52 GMT-0600 (MDT)
To:	Liz Pardue <lpardue@blm.gov>, jpool@blm.gov, Patrick Wilkinson <p2wilkin@blm.gov>
Subject:	Fwd: PLI
Attachments:	UPLI Comment Letter 7 15 16 final.pdf

Begin forwarded message:

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Date: July 17, 2016 at 9:29:15 AM EDT
To: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>
Subject: Fwd: PLI

More.

Begin forwarded message:

From: Tom Cors <tcors@TNC.ORG>
Date: July 15, 2016 at 6:08:24 PM MDT
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Director, Lands
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919-636-2297

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The Nature Conservancy
Protecting nature. Preserving life.™

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fax [801] 531-1003
nature.org/utah

July 15, 2016

Honorable Rob Bishop
123 Cannon House Office Building
Washington, DC 20515
Casey.Snider@mail.house.gov

Honorable Jason Chaffetz
2236 Rayburn House Office Building
Washington, DC 20515
Fred.Ferguson@mail.house.gov

RE: Comments on Utah Public Lands Initiative Act (Introduced 7/14/16)

Dear Congressman Bishop and Congressman Chaffetz:

We appreciate the effort you and members of your staffs have put into developing the Utah Public Lands Initiative Act (PLI Act) for southeastern Utah. In our view, the PLI Act introduced in Congress on 7/14/16 has been improved from the PLI "Discussion Draft" released on 1/20/16. There are changes which have strengthened the measure from a conservation standpoint, but the bill continues to have serious limitations.

Accordingly, The Nature Conservancy cannot support PLI in its current form. Also, we wish to be clear that The Nature Conservancy opposes the "PLI Partner Act" limiting presidential authority to designate national monuments in certain parts of Utah, which was also introduced in Congress on 7/14/16.

We do appreciate provisions which have improved the PLI Act. These include: Indian Creek NCA – The Indian Creek region has been added as an NCA which advances research programs of the Canyonlands Research Center and identifies research uses as beneficial. Wild and Scenic Rivers – The bill grants Wild and Scenic River Status to approximately 357 miles of the Green, Dolores, San Juan and Colorado Rivers in Uintah, Carbon, Emery Grand and San Juan Counties.

The above improvements do not, in our view, compensate for the following shortcomings:

- Energy Language – Title XI of the bill proposes to establish a state program with jurisdiction over federal lands energy leasing thereby bypassing not only federal control but also undermining successful collaborations such as the Moab Master Leasing Plan. This provision would not apply simply to selected and limited energy zones, but to all public land in seven counties. This is unprecedented and not a provision the Conservancy can support.

- NCA Language – The current NCA language in many instances does not track standard NCA language which has been adopted previously by Congress. This will make the measure more difficult to pass.

- NCA Management Plan Consultation – Requiring the "relevant Secretary" to submit a letter to Congress if he/she does not accept the recommendations of the Public Lands Initiative Planning and Implementation Advisory Committee is an unnecessary burden.

- Land Exchanges – Though NEPA will apply in a limited fashion to the proposed land exchange(s), there is no allowance for the continued protection of critical plant and

animal habitat or natural features when federal lands are transferred to the State. In addition, because standard federal appraisal requirements are waived, there is high potential for a valuation imbalance which will be unacceptable to many members of Congress.

- Composition of Public Lands Initiative Planning and Implementation Committee – Of 22 members, only one is required from the conservation community, and the overall weighting favors representatives likely opposed to many conservation measures.

- Long-Term Grazing Certainty – While certain grazing language has been improved, Title XIII, Sec. 1303 seems to contradict other grazing language and suggests that Congressional language, rather than sound range science, will set grazing levels. In addition, there is unacceptable language indicating that such grazing levels would be set for lands outside areas designated in the Title.

- Bourdette Draw Recreation Area – Setting aside Bourdette Draw to promote off-highway vehicle recreation may impact critical habitat for greater sage-grouse, undermining efforts to avoid a listing under the Endangered Species Act.

- Other – Grazing language in the section regarding the proposed Price Canyon State Forest exchange needs improvement, the conveyance of the Seep Ridge Utility Corridor should take into account key natural features, proceeds from land disposals should be re-invested in Utah conservation projects, similar to the Federal Land Transaction Facilitation Act, and NCA boundaries need refining.

The above list reflects our initial reaction to the PLI Act as introduced; we may have additional comments in the coming days.

In sum, while the version of PLI which has now been introduced in Congress has been strengthened in certain respects, more work is needed. The Conservancy's overall goal is to achieve the best conservation outcomes possible for the seven county region. Ideally, these outcomes can be realized through the PLI Act and the legislative process. However, if this is not possible, we acknowledge the declaration of a National Monument at Bears Ears would offer significant protection for key lands in San Juan County which is vitally needed at this time.

This letter reflects the views of our Utah Chapter at the staff level and, at this point in time, does not necessarily reflect the views of our Utah Board or The Nature Conservancy as a whole.

Thank you again for the work which has gone into the PLI process. Don't hesitate to contact me or Sue Bellagamba if you have any questions.

Sincerely,

Dave Livermore
Utah State Director

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The Nature Conservancy
Protecting nature. Preserving life.™

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fax [801] 531-1003
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July 15, 2016

Honorable Rob Bishop
123 Cannon House Office Building
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Sincerely,

Dave Livermore
Utah State Director

Conversation Contents

The end: Utah Readout Number 4

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Sat Jul 16 2016 21:28:46 GMT-0600 (MDT)
To:	
CC:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, John Blair <john_blair@ios.doi.gov>, Blake Androff <blake_androff@ios.doi.gov>, Sarah <Sarah_neimeyer@ios.doi.gov>, KMAC <kerry_mcnellis@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, Liz Pardue <lpardue@blm.gov>, Francis Iacobucci <francis_iacobucci@ios.doi.gov>, Jessica Kershaw <jessica_kershaw@ios.doi.gov>, Maria Najera <maria_najera@ios.doi.gov>, Jon Jarvis <jon_jarvis@nps.gov>, Larry Roberts <lawrence_roberts@ios.doi.gov>
Subject:	The end: Utah Readout Number 4

Hi All - I want to end this super- incredible-on-all-fronts trip by once again sending a huge thank you - to the team here and the team in DC. Big thanks to Liz for her help on these notes!

FRIDAY

Hike on the Comb Ridge - I wasn't on this hike but I heard it was awesome. Josh Ewing, from Friends of Cedar Mesa, led the DOI team, CLF, TWS, and a bunch of reporters on the comb ridge. On the hike, the group saw evidence of looting and the antiquities all "sides" are trying to protect.

Public Meeting (3.5 hours, Bluff) - By all counts, the public meeting was a success. The groups are estimating 1500-1800 attendees, with 1000-2000 supporters. (The coalition gave out 900 tshirts, and we had 900 people sign-in). 500 people were able to get inside, with others outside in our shade tent or under umbrellas as it was more than 100 degrees outside. We had plenty of water for everyone but ran out of shade. Around a dozen Navajo elders listened inside with the help of a translator.

The moderator, Sally, and Robert Bonnie opened up the meeting, all emphasizing that we were there to listen. Sally also briefly talked about the previous three days in Utah and how she had heard from so many and learned

so much.

Sally, Robert Bonnie, Larry Roberts, Neil Kornze, David Jiro (from the FS) and Jon Jarvis all sat up on a dais and listened to the crowd.

We had 19 pre-selected speakers, split into two chunks with public lottery comments in between. They included Casey Snider representing the Utah delegation; six county commissioners (5 against a monument, one neutral) from four different counties (all three San Juan county commissioners, including Phil Lyman spoke); and nine elected tribal leaders from five tribes including the President of Navajo Nation (who got a mix of applause and boos from the crowd) accompanied by the Speaker. All the "VIP speakers" from the five tribes were pro-monument. The minority leader and minority whip of the state house also spoke, as did Cody Stewart representing Governor Herbert.

The remaining 60 speakers were selected by random lottery from over 600 people who entered. It was a mix of pro-monument and anti-monument/pro-PLI speakers, at around a 2:1 ratio. There were tribal members on both sides of the issue as well as locals. Also represented in the lottery were environmentalists, the outdoor rec community, archaeologists, hunters/anglers, and other elected officials, among others.

Although monument supporters were the majority of the crowd, they weren't as raucous in their applause and cheers (and occasionally boos) as the anti-monument/pro-PLI crowd

A few notable speakers:
--A tribal member speaking for the spirits of nature -"all spirit lives matter"

--The widow of former Congressman Bill Orton, who died in an ATV accident in 2009, spoke about how he lost his election in '96 because of the way Grand Staircase-Escalante was designated and the way the administration "lied to people." She emphatically said that this process has been different, and thanked Pres Obama and stakeholders for an open and fair process.

-- The attorney general of the Navajo Nation and their Council Chairman both spoke passionately about collaborative management and how it would finally give them a seat at the table. Big applause.

--A Moab rock climbing company owner said his company alone has generated $3 mil in economic activity for Grant County, and asked for a seat at the table for climbers (and reminded Sally that he'd worked at a climbing birthday party for her in Seattle!)

--A woman spoke in Navajo through a translator, asking people not to believe government lies, or they'll lose holy land again.

--Phil Lyman's daughter spoke about her family's long history there,

and how unlike many speaking in favor of the monument, she doesn't plan to visit on vacation - she will be there all the time living with the consequences.

--A man from Blanding said that we all want to protect Bears Ears, but the question is who has the authority and how, and questioned the federal government's constitutional authority to do something against the state's will. Big applause.

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For those of you here in UT, please feel free to add more/correct/embellish!

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Subject: Re: The end: Utah Readout Number 4

Edit: The groups are estimating 1500-1800 attendees, **with 1000-1200** supporters.

Also this readout was for Saturday. Not Friday. Because today is Saturday. :)

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FRIDAY

Hike on the Comb Ridge - I wasn't on this hike but I heard it was awesome. Josh Ewing, from Friends of Cedar Mesa, led the DOI team, CLF, TWS, and a bunch of reporters on the comb ridge. On the hike, the group saw evidence of

looting and the antiquities all "sides" are trying to protect.

Public Meeting (3.5 hours, Bluff) - By all counts, the public meeting was a success. The groups are estimating 1500-1800 attendees, with 1000-2000 supporters. (The coalition gave out 900 tshirts, and we had 900 people sign-in). 500 people were able to get inside, with others outside in our shade tent or under umbrellas as it was more than 100 degrees outside. We had plenty of water for everyone but ran out of shade. Around a dozen Navajo elders listened inside with the help of a translator.

The moderator, Sally, and Robert Bonnie opened up the meeting, all emphasizing that we were there to listen. Sally also briefly talked about the previous three days in Utah and how she had heard from so many and learned so much.

Sally, Robert Bonnie, Larry Roberts, Neil Kornze, David Jiro (from the FS) and Jon Jarvis all sat up on a dais and listened to the crowd.

We had 19 pre-selected speakers, split into two chunks with public lottery comments in between. They included Casey Snider representing the Utah delegation; six county commissioners (5 against a monument, one neutral) from four different counties (all three San Juan county commissioners, including Phil Lyman spoke); and nine elected tribal leaders from five tribes including the President of Navajo Nation (who got a mix of applause and boos from the crowd) accompanied by the Speaker. All the "VIP speakers" from the five tribes were pro-monument. The minority leader and minority whip of the state house also spoke, as did Cody Stewart representing Governor Herbert.

The remaining 60 speakers were selected by random lottery from over 600 people who entered. It was a mix of pro-monument and anti-monument/pro-PLI speakers, at around a 2:1 ratio. There were tribal members on both sides of the issue as well as locals. Also represented in the lottery were environmentalists, the outdoor rec community, archaeologists, hunters/anglers, and other elected officials, among others.

Although monument supporters were the majority of the crowd, they weren't as raucous in their applause and cheers (and occasionally boos) as the anti-monument/pro-PLI crowd

A few notable speakers:
--A tribal member speaking for the spirits of nature -"all spirit lives matter"

--The widow of former Congressman Bill Orton, who died in an ATV accident in 2009, spoke about how he lost his election in '96 because of the way Grand Staircase-Escalante was designated and the way the administration "lied to people." She emphatically said that this process has been different, and thanked Pres Obama and stakeholders for an open and fair process.

-- The attorney general of the Navajo Nation and their Council Chairman both spoke passionately about collaborative management and how it would finally give them a seat at the table. Big applause.

--A Moab rock climbing company owner said his company alone has generated $3 mil in economic activity for Grant County, and asked for a seat at the table for climbers (and reminded Sally that he'd worked at a climbing birthday party for her in Seattle!)

--A woman spoke in Navajo through a translator, asking people not to believe government lies, or they'll lose holy land again.

--Phil Lyman's daughter spoke about her family's long history there, and how unlike many speaking in favor of the monument, she doesn't plan to visit on vacation - she will be there all the time living with the consequences.

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Sent:	Sat Jul 16 2016 07:29:13 GMT-0600 (MDT)
To:	
CC:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, John Blair <john_blair@ios.doi.gov>, Blake Androff <blake_androff@ios.doi.gov>, Sarah <Sarah_neimeyer@ios.doi.gov>, KMAC <kerry_mcnellis@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, Liz Pardue <lpardue@blm.gov>, Francis Iacobucci <francis_iacobucci@ios.doi.gov>, Jessica Kershaw <jessica_kershaw@ios.doi.gov>, Maria Najera <maria_najera@ios.doi.gov>, Jon Jarvis <jon_jarvis@nps.gov>, Larry Roberts <lawrence_roberts@ios.doi.gov>
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To:	
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>
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>
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Governor Herbert at the airport to discuss her upcoming trip. The Governor could not join Sally's trip because he was attending a NGA meeting. The small meeting was an hour long. It was very productive and covered the PLI, UT's economy, Bears Ears, among other things. I can provide more details when we're back.

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members discussed the Moab MLP as well as the PLI and Bears Ears proposals, and opinion about both the PLI and Monument Proposal was fairly evenly divided on the council. Sally spoke eloquently about the PLI, the Bears Ears, and the soon-to-be-released Moab MLP FEIS. The Utah delegation got lost on the way to the meeting, so they arrived quite late, but eventually joined the conversation. Press: two local papers and the local NPR affiliate.

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Conversation Contents

Religious Leaders' Bears Ears Press Release

"Shantha Ready Alonso, Creation Justice Ministries" <shantha@creationjustice.org>

From:	"Shantha Ready Alonso, Creation Justice Ministries" <shantha@creationjustice.org>
Sent:	Fri Jul 15 2016 14:38:21 GMT-0600 (MDT)
To:	<shantha@creationjustice.org>
Subject:	Religious Leaders' Bears Ears Press Release

Good afternoon,

As promised, here is what we sent on Thursday.

Grace and peace,

Shantha

From: Shantha Alonso <shantha@creationjustice.org>
Date: Thursday, July 14, 2016 at 10:22 AM
To: Shantha Alonso <shantha@creationjustice.org>
Subject: Press Release: Religious Leaders Support Bears Ears National Monument

NEWS RELEASE

For Immediate Release:
July 14, 2016
Contact: Shantha Ready Alonso, 760.408.0688(mobile) shantha@creationjustice.org

Christian Leaders Call for Permanent Protection of Bears Ears

A Bears Ears National Monument is a Step Toward Racial Justice and Reconciliation

Washington, DC – Today, leaders from fourteen Christian denominations and organizations called on the Obama Administration to permanently protect a 1.9 million-acre area in southeast Utah known as Bears Ears. They would like President Obama to follow the recommendation of a coalition of five tribes to make the area a national monument. Their call to action came in **a letter** released days before Administration officials plan to visit Bluff, Utah for a listening session about protecting Bears Ears.

The letter included a recognition of the historic nature of the Bears Ears Inter-Tribal

coalition's proposal, as well as the urgency to protect the area now, given repeated destruction of antiquities in Bears Ears. The letter said the "reckless erasing of history, as well as the desecration of sacred places, must stop." The religious leaders' letter also expressed respect for the tribes' expertise: "The tribes leading the Bears Ears national monument proposal have experience living sustainably on the land since time immemorial, and traditional knowledge related to Bears Ears is irreplaceable. Now, the Bears Ears Inter-Tribal Coalition is offering the United States a true gift: a national monument which will help our nation to learn from them."

Rev. Dr. Genny Rowley of the Alliance of Baptistssaid, "As decision-makers gather in Bluff this week, my prayer is that we continue moving towards protecting Bears Ears by designating it National Monument. Honoring the sacredness of this land is an opportunity for justice and reconciliation, in a process led by tribal leaders who continue to graciously offer their wisdom and stewardship."

Evangelical Lutheran Church in American Presiding Bishop Elizabeth A. Eaton said of the letter, "The Gospel calls the ELCA to the ministry of justice and reconciliation in upholding the dignity of Native American people and enhancing the wellbeing of their communities, which includes the care and stewardship of land and all creation."

Creation Justice Ministries Executive Director Shantha Ready Alonso said, "With the release of this letter, we want Administration officials, leaders of the Bears Ears Inter-Tribal Coalition, and other community members who gather in Bluff to know they will be in religious communities' thoughts and prayers. May our nation have the wisdom to protect what is sacred."

Creation Justice Ministries *represents the creation care policies of 38 Christian communions, including Baptist conventions, mainline Protestants, Historically Black Churches, Peace Churches, and Orthodox communions. Learn more at www.creationjustice.org*

###

CHRISTIAN LEADERS ON BEARS EARS NATIONAL MONUMENT PROPOSAL

Our national parks and monuments are an extraordinarily powerful tool for the people of the United States to tell our collective story. It is critical to ensure that the story includes historic and current contributions and wisdom of Native people. Rooted in, and in continuity with, our Lutheran faith and ministry, it is with great hope and joy that we support the Bears Ears Inter-Tribal coalition's recommendation for a Bears Ears National Monument."
Bishop Jim Gonia
Rocky Mountain Synod of the Evangelical Lutheran Church in America
(Read his full statement here.)

"We must protect our God-given treasures on earth and recognize the treasures of Native Americans. Both are consistent with a number of resolutions adopted by conventions of the Episcopal Church."
Bishop Scott Hayashi
Episcopal Diocese of Utah
(Read his full statement here.)

"National parks and monuments are sacred places where we take Sabbath – where we learn, play, and pray. Now is the time to accept the gifts of knowledge and stewardship being extended to us by the Bears Ears Inter-Tribal Coalition. Let's permanently protect Bears Ears through the establishment of a Bears Ears National Monument."
Rev. Rebecca Kemper Poos
Immediate Past Moderator, Rocky Mountain Conference of the United Church of Christ
Senior Minister, Congregational United Church of Christ in Buena Vista, CO
(Read her full statement here.)

"As Christians we believe all people are made in the image of God, with inherent dignity and worth. As Lutherans, by our baptism, it is our commitment to respond to the unending call of peace and justice work. A Bears Ears National Monument is a step towards justice for our communities that have suffered dehumanization for centuries. It is with the gift of tribal leadership that may contribute to ongoing healing and preservation of culture."
Prairie Rose Seminole
Program Director for American Indian and Alaska Native Ministries in the Evangelical Lutheran Church of America

Shantha Ready Alonso
Executive Director
Creation Justice Ministries
www.creationjustice.org
@CreationJustice

Sent from my thumbs. Please excuse brevity and type-os.

FOR COMMITTEE USE ONLY

Conversation Contents

Utah Readout Number 1

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Thu Jul 14 2016 14:51:14 GMT-0600 (MDT)
To:	
CC:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, John Blair <john_blair@ios.doi.gov>, Blake Androff <blake_androff@ios.doi.gov>, Sarah <Sarah_neimeyer@ios.doi.gov>, KMAC <kerry_mcnellis@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, Liz Pardue <lpardue@blm.gov>, Francis Iacobucci <francis_iacobucci@ios.doi.gov>, Jessica Kershaw <jessica_kershaw@ios.doi.gov>, Maria Najera <maria_najera@ios.doi.gov>
Subject:	Utah Readout Number 1

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FOR COMMITTEE USE ONLY

Conversation Contents

Veterans to Attend Bear Ears National Monument Hearing

Garett Reppenhagen <repp@vetvoicefoundation.org>

From:	Garett Reppenhagen <repp@vetvoicefoundation.org>
Sent:	Thu Jul 14 2016 10:04:13 GMT-0600 (MDT)
To:	undisclosed-recipients:;
Subject:	Veterans to Attend Bear Ears National Monument Hearing

Thanks for your hard work and dedication to hearing public input on Bears Ears National Monument

Local Utah Veterans Attend

Bears Ears National Monument Hearing

(Bluff, UT) - Vet Voice Foundation welcomes Secretary of Interior Sally Jewell, Department of Agriculture Undersecretary for Natural Resources and Environment Robert Bonnie, as well as Bureau of Land Management Director Neil Kornze, National Park Service Director Jonathan Jarvis, Assistant Secretary for Indian Affairs Larry Roberts, and Forest Service Associate Chief Dan Jiron to Bluff, Utah to hear comments from tribes, local citizens, and other stakeholders about the proposal for a Bears Ears National Monument on public lands in the region.

Vet Voice Foundation members are encouraged for the opportunity to be heard at this event, which will be held on Saturday, July 16 at 1 pm at the Bluff Community Center.

This public meeting will come after Obama administration officials spend the preceding days touring the region and meeting with stakeholders. This investment of time and energy demonstrates the commitment by the Obama administration natural resource agency leaders to benefit from hearing multiple viewpoints and offers the community a chance to show their overwhelming support of the conservation of this amazing cultural landscape.

Military veterans proved their support for President Obama designating Bears Ears as a National Monument in a Vet Voice Foundation (VVF) letter signed by 247 veterans from the Four Corners states (UT, CO, NM, and AZ), including 35 Utah veterans.

VVF announced the veteran letter in a press release on May 26, 2016. The letter expressed support for the designation of Bears Ears National Monument that would protect 1.9 million acres of public lands, preserve more than 100,000 Native American cultural sites, and while also protect incredible recreation opportunities for visitors and important habitat for iconic American wildlife.

Veterans in the local area will attend the meeting to advocate for the protection of this critical part of the iconic American West.

"These are public lands that continue to heal our nation's service members as they recover and recuperate from serving overseas," said Garett Reppenhagen, Vet Voice Foundation's Rocky Mountain Director. "As veterans, we feel it is an extension of our patriotic duty and service to our country to continue working to protect the lands we love."

Our elected representatives in Washington DC have been unable to act in the interest of the majority of Americans regarding the future of the Bears Ears region. This public meeting will verify it is time President Obama steps forward and uses the Antiquities Act, as previous presidents of both political parties have done in the past, to designate Bears Ears National Monument.

###

http://www.vetvoicefoundation.org/press/local-utah-veterans-attend-bears-ears-national-monument-hearing

--

Garett Reppenhagen
US Army 1st Infantry Division OIF Veteran
Rocky Mountain West Coordinator
Vet Voice Foundation
719-235-7030
REPP@vetvoicefoundation.org
www.vetvoicefoundation.org

FOR COMMITTEE USE ONLY

Conversation Contents

Fwd: Tomorrow.

"Whitlock, Jenna" <jwhitloc@blm.gov>

From:	"Whitlock, Jenna" <jwhitloc@blm.gov>
Sent:	Thu Jul 14 2016 05:27:47 GMT-0600 (MDT)
To:	Neil Kornze <nkornze@blm.gov>
Subject:	Fwd: Tomorrow.

---------- Forwarded message ----------
From: **Iacobucci, Francis** <francis_iacobucci@ios.doi.gov>
Date: Thu, Jul 14, 2016 at 5:25 AM
Subject: Re: Tomorrow.
To: Leland Pollock (b) (6)
Cc: Nicole Buffa <nicole_buffa@ios.doi.gov>, Kerry McNellis <kerry_mcnellis@ios.doi.gov>, "jwhitloc@blm.gov" <jwhitloc@blm.gov>, Liz Pardue <lpardue@blm.gov>, "william_mcintee@ios.doi.gov" <william_mcintee@ios.doi.gov>, Maria Najera <maria_najera@ios.doi.gov>

Leland -

Would you be able to stop by the BLM field office at 4:45pm today? 365 North Main Street Monticello, UT 84535. Thanks.

Francis

On Wed, Jul 13, 2016 at 5:23 PM, Leland Pollock (b) (6) wrote:

> Ok
>
> Sent from my iPhone
>
> On Jul 13, 2016, at 3:12 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> > Sorry, Leland. The Bears Ears gathering isn't the right place to meet logistically. We'll circle back with you.
> >
> > On Jul 13, 2016, at 3:02 PM, Leland Pollock (b) (6) wrote:

Yes I will be there whenever you tell me, if I need to I will be there tomorrow as well, I am very appreciative of this time so I will take whatever time I can get.
Leland.
Just give me a time and a place and I'm there.
Thank you again for this time

Sent from my iPhone

On Jul 13, 2016, at 2:32 PM, Kerry McNellis <kerry_mcnellis@ios.doi.gov> wrote:

> Leland - are you going to the Bears Ears gathering on Friday? That will be the near opportunity for a few minutes with the Secretary.
>
> Thanks,
> Kerry
>
> Kerry J. McNellis
> Deputy Director
> Office of Scheduling and Advance
> Office of the Secretary, U.S. Department of the Interior
> kerry_mcnellis@ios.doi.gov | C: 202-809-2193
>
> On Jul 13, 2016, at 11:14 AM, Leland Pollock (b) (6) wrote:
>
> > Is there anyway we can change that to Friday? Anytime Friday will work.
> > Leland.
> >
> > Sent from my iPhone
> >
> > On Jul 13, 2016, at 10:23 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
> >
> > Hi Leland - We'd love to visit

with you tomorrow when we're over with

the San Juan County folks or around there.

Francis and Kerry - Please let Leland know when he might be able to

see the secretary for five minutes. He knows we have practically no

time and promises to be quick!

Thanks,

Nikki

--

Francis Iacobucci
Director | Scheduling and Advance
Office of the Secretary, U.S. Department of the Interior
202.208.5723 (direct)

***All scheduling requests for Secretary Jewell should be sent to scheduling@ios.doi.gov

--

Jenna Whitlock, Acting State Director
Utah BLM
(801) 539-4010 office
(801) 503-6254 cell

Join the Conversation!

Conversation Contents

Bears Ears Religious Leaders' Letter

Attachments:

/181. Bears Ears Religious Leaders' Letter/1.1 Bears Ears Religious Leaders Letter 2016.pdf

Shantha Ready Alonso <shantha@creationjustice.org>

From:	Shantha Ready Alonso <shantha@creationjustice.org>
Sent:	Wed Jul 13 2016 14:03:13 GMT-0600 (MDT)
To:	<nkornze@blm.gov>
Subject:	Bears Ears Religious Leaders' Letter
Attachments:	Bears Ears Religious Leaders Letter 2016.pdf

Dear Neil,
Please find attached a religious leaders' letter to President Obama and Secretary Jewell in support of the Bears Ears National Monument proposal. We will release it to the media tomorrow morning.
I hope Secretary Jewell and any other traveling team members from the Administration have safe trips and meaningful visits to Utah this week!
Grace and Peace,
Shantha
--
Shantha Ready Alonso
Executive Director, Creation Justice Ministries
110 Maryland Ave. NE #203, Washington, DC 20002
202.827.3975 (office) 760.408.0688 (mobile) shantha@creationjustice.org
www.creationjustice.org * facebook.com/CreationJustice * @CreationJustice

Check out our 2016 Christian education resource, Care for God's Creatures: www.creationjustice.org/creatures

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Secretary Sally Jewell
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

July 14, 2016

Dear President Obama and Secretary Jewell,

As leaders of major faith communities in the United States, we affirm the Bears Ears Inter-Tribal coalition's proposal for a Bears Ears National Monument in southeast Utah.

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The Bears Ears region has more than 100,000 archaeological sites across 1.9 million acres. This area has more archeological sites than Utah's Mighty Five National Parks combined. Petroglyphs, burial sites, and ancient cliff dwellings are valuable parts of our collective history. These antiquities are under imminent threat from continuing grave-robbing, vandalism, careless visitation and a lack of management resources. In fact, in the first four months of 2016, there have been five reported serious incidents of cultural resource damage. This reckless erasing of history, as well as the desecration of sacred places, must stop.

Native American traditional wisdom about stewardship of God's creation has too often been dismissed. This attitude has not only contributed to centuries of physical, cultural, and spiritual violence toward Native Americans; it has also been a detriment to everyone. We *all* depend on the integrity of God's creation. The tribes leading the Bears Ears national monument proposal have experience living sustainably on the land since time immemorial, and traditional knowledge related to Bears Ears is irreplaceable. Now, the Bears Ears Inter-Tribal Coalition is offering the United States a true gift: a national monument which will help our nation to learn from them.

As religious communities, we are on a journey towards racial justice and reconciliation, as well as healing the relationships among land and people. A Bears Ears National Monument would be a profoundly meaningful place for our communities to participate in the healing process. Please use the Antiquities Act of 1906 to designate the Bears Ears region as a national monument.

In hope,

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Chicago, IL

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Senior Bishop
African Methodist Episcopal Zion Church
Charlotte, NC

Rev. Dr. Sharon Watkins
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FW: Bears Ears Religious Leaders' Letter

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John Blair <john_blair@ios.doi.gov>

From:	John Blair <john_blair@ios.doi.gov>
Sent:	Wed Jul 13 2016 13:53:06 GMT-0600 (MDT)
To:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Ben Milakofsky <benjamin_milakofsky@ios.doi.gov>, Blake Androff <blake_androff@ios.doi.gov>, Jessica Kershaw <jessica_kershaw@ios.doi.gov>, Kevin Thompson <kevin_thompson@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, Jon Jarvis <jon_jarvis@nps.gov>, Larry Roberts <lawrence_roberts@ios.doi.gov>, Janice Schneider <janice_schneider@ios.doi.gov>, Michael Bean <michael_bean@ios.doi.gov>, Richard Cardinale <richard_cardinale@ios.doi.gov>, Karen Hyun <karen_hyun@ios.doi.gov>
CC:	Nicole Buffa <nicole_buffa@ios.doi.gov>, Kim Jensen <kimberly_jensen@ios.doi.gov>, Maria Najera <maria_najera@ios.doi.gov>, Steven Avila <steven_avila@ios.doi.gov>
Subject:	FW: Bears Ears Religious Leaders' Letter
Attachments:	Bears Ears Religious Leaders Letter 2016.pdf

FYI. johnblair

From: Shantha Ready Alonso [mailto:shantha@creationjustice.org]
Sent: Wednesday, July 13, 2016 3:51 PM
To: nicole_buffa@ios.doi.gov; Jensen, Kimberly <kimberly_jensen@ios.doi.gov>; steven_avila@ios.doi.gov; john_blair@ios.doi.gov; terri_johnson@ios.doi.gov
Cc: Melissa Rogers (b) (6)
Subject: Bears Ears Religious Leaders' Letter

Dear Nikki, Kimberly, Steven, John, Terri, and Melissa:
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The Episcopal Church

Conversation Contents

Fwd: Bears Ears controversy ramps up with Jewell's visit, Bishop's planned legislation | Deseret News

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Jul 13 2016 04:08:52 GMT-0600 (MDT)
To:	Neil Kornze <nkornze@blm.gov>, Jessica Kershaw <jessica_kershaw@ios.doi.gov>
Subject:	Fwd: Bears Ears controversy ramps up with Jewell's visit, Bishop's planned legislation | Deseret News

FYI. This article is fine. More of a preview for the bill.

Begin forwarded message:

From: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Date: July 13, 2016 at 6:01:54 AM EDT
To: Nikki Buffa <nicole_buffa@ios.doi.gov>, Tommy Beaudreau <Tommy_Beaudreau@ios.doi.gov>
Subject: Bears Ears controversy ramps up with Jewell's visit, Bishop's planned legislation | Deseret News

Wanted to pass along. And if I could make an editorial comment, Gavin's words are very telling. I'm amazed he said that publicly.

http://m.deseretnews.com/article/865657937/Bears-Ears-controversy-ramps-up-with-Jewells-visit-Bishops-planned-legislation.html

Fred Ferguson
Chief of Staff
Rep. Chaffetz (UT-03)
202-631-0560 cell

Conversation Contents

Additional revised PLI maps

Attachments:

/188. Additional revised PLI maps/1.1 UPI_Wilderness_071316.pdf
/188. Additional revised PLI maps/3.1 UPI_StateFederalExchangeMap_071216.pdf

"Pool, Jamie" <jpool@blm.gov>

From:	"Pool, Jamie" <jpool@blm.gov>
Sent:	Tue Jul 12 2016 16:00:21 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>
CC:	Patrick Wilkinson <p2wilkin@blm.gov>
Subject:	Additional revised PLI maps
Attachments:	UPI_Wilderness_071316.pdf

Nikki, Neil,

FYI -- over the past 12 hours, we have received several requests for PLI map revisions from Fred and Casey Snider, including requests for new maps of the proposed SITLA exchange, the Book Cliffs mineral withdrawal, and the Ashley Karst geological area (affects USFS).

The modifications to the wilderness and NCA maps are generally:

- Range Creek (in Carbon County) is no longer proposed for wilderness designation, and it will remain a WSA;
- 8 cherry stems for wilderness designation within the proposed Bears Ears NCA have been removed; and
- A portion of the Colorado River NCA that overlapped with the Sand Flats Recreation Area has been removed.

The parcels proposed for exchange to SITLA have changed, but the extent of the changes is unclear. We just received new data and are waiting for the map to be finalized.

The attached revised wilderness overview map has been transmitted to Fred, but we are still working on a revised overview map of all the designations for internal review purposes.

Thanks and please let me know if you have any questions.

Jamie

--
Jamie Pool
U.S. Department of the Interior
Bureau of Land Management
Legislative Affairs Division (WO 620)
(202) 912-7138
jpool@blm.gov

"Buffa, Nicole" <nicole_buffa@ios.doi.gov>

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Tue Jul 12 2016 16:01:36 GMT-0600 (MDT)
To:	"Pool, Jamie" <jpool@blm.gov>
CC:	Neil Kornze <nkornze@blm.gov>, Patrick Wilkinson <p2wilkin@blm.gov>
Subject:	Re: Additional revised PLI maps

Thank you for the update. We'll just have to see what happens...

On Tue, Jul 12, 2016 at 6:00 PM, Pool, Jamie <jpool@blm.gov> wrote:

> Nikki, Neil,
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> FYI -- over the past 12 hours, we have received several requests for PLI map revisions from Fred and Casey Snider, including requests for new maps of the proposed SITLA exchange, the Book Cliffs mineral withdrawal, and the Ashley Karst geological area (affects USFS).
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> Bureau of Land Management
> Legislative Affairs Division (WO 620)
> (202) 912-7138
> jpool@blm.gov

--
Nikki Buffa
Deputy Chief of Staff
US Department of the Interior
202-219-3861
nicole_buffa@ios.doi.gov

"Pool, Jamie" <jpool@blm.gov>

From:	"Pool, Jamie" <jpool@blm.gov>
Sent:	Tue Jul 12 2016 19:53:25 GMT-0600 (MDT)
To:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
CC:	Neil Kornze <nkornze@blm.gov>, Patrick Wilkinson <p2wilkin@blm.gov>
Subject:	Re: Additional revised PLI maps
Attachments:	UPI_StateFederalExchangeMap_071216.pdf

Nikki, Neil,

As mentioned earlier, attached is the revised SITLA exchange map we transmitted to Fred tonight. It depicts lands proposed for exchange in all counties affected by PLI.

Jamie

On Tue, Jul 12, 2016 at 6:01 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Thank you for the update. We'll just have to see what happens...
>
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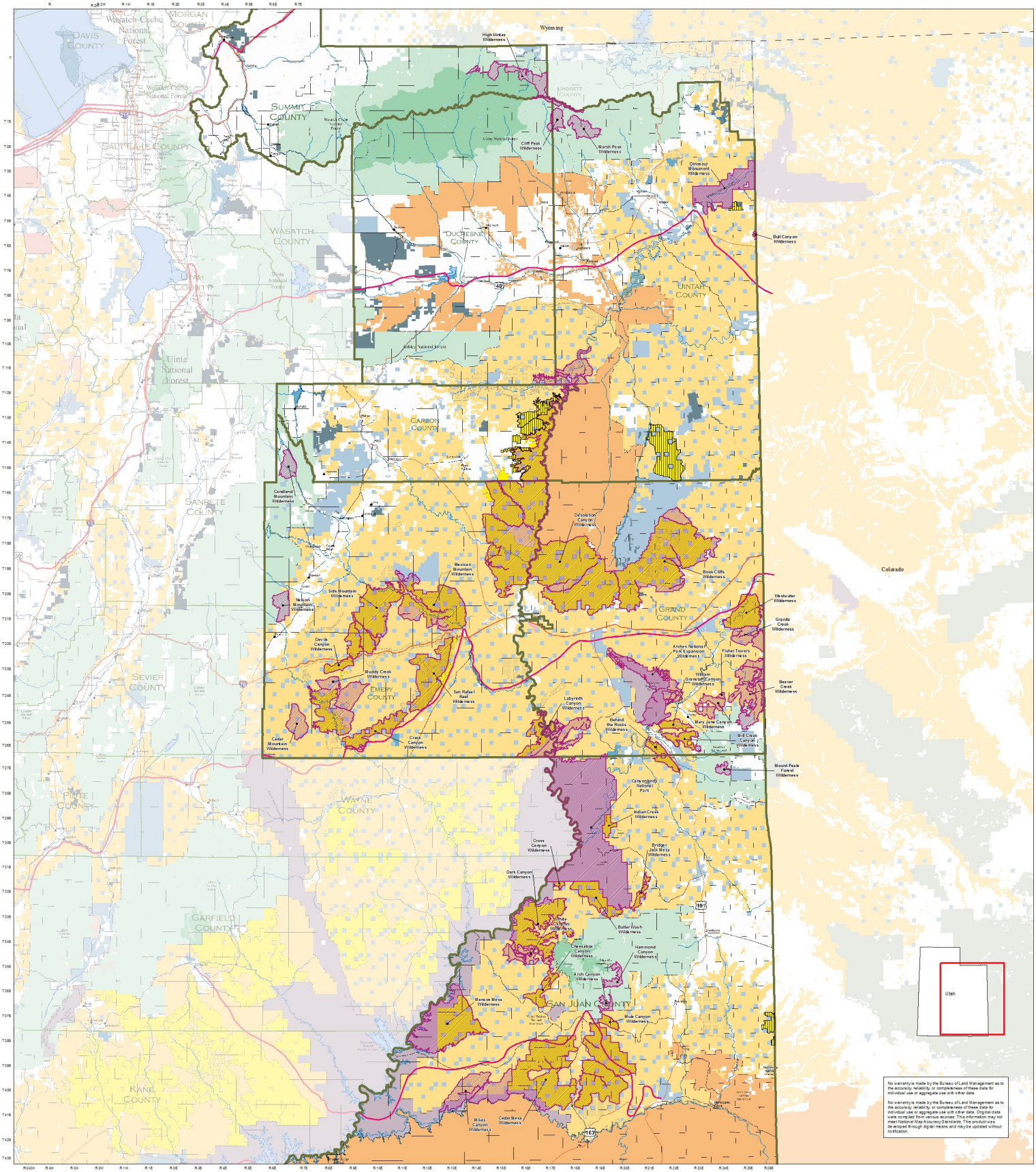
Utah PLI Wilderness Map

This map prepared at the request of Representative Rob Bishop and Representative Jason Chaffetz
July 13, 2016



- Proposed Wilderness Areas
- Wilderness Study Areas Proposed for Release
- BLM Wilderness Study Area
- Areas of Critical Environmental Concern (ACEC)
- Bureau of Land Management
- Indian Reservation
- National Park Service
- Private Land
- State Land
- State Parks and Recreation
- State Wildlife Reserve/Management Area
- US Forest Service
- US Forest Service Wilderness Area
- Historic Trails
- Interstate
- Federal Routes
- State Routes
- Rivers or Streams

Scale = 1:460,000 when plotted at 36" x 48"

NORTH

0 12.5 25 50 Miles

NAD_1983_UTM_Zone_12N
Projection: Transverse_Mercator
Geographic Coordinate System: GCS_North_American_1983
Datum: D_North_American_1983

US Department of the Interior
Bureau of Land Management
Utah State Office - Geographic Sciences
801-539-4154
www.ut.blm.gov

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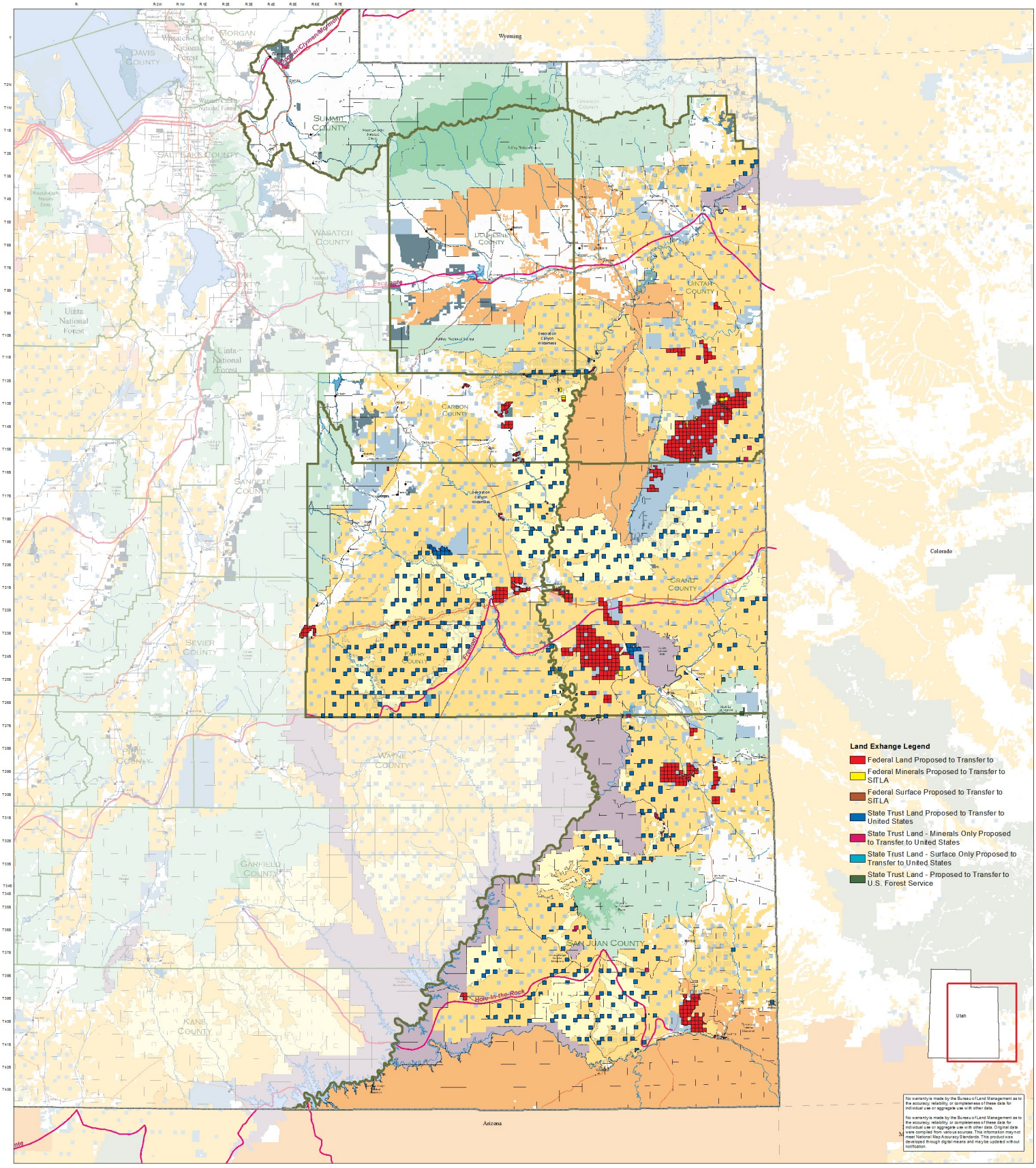
State and Federal Land Exchange Map

This map prepared at the request of Representative Rob Bishop and Representative Jason Chaffetz.
July 12, 2016



BLM Wilderness Study Area
Areas of Critical Environmental Concern (ACEC)
Bureau of Land Management
Indian Reservation
National Park Service
Private Land
State Land
State Parks and Recreation
State Wildlife Reserve/Management Area
US Forest Service
US Forest Service Wilderness Area
Historic Trails
Interstate
Federal Route
State Route
Rivers or Streams

Scale = 1:500,000 when plotted at 36" x 48"

NORTH

0 12.5 25 50 Miles

NAD_1983_UTM_Zone_12N
Projection: Transverse_Mercator
Geographic Coordinate System: GCS_North_American_1983
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Conversation Contents

Additional maps requested by Fred Ferguson

Attachments:

/195. Additional maps requested by Fred Ferguson/3.1
UPI_OverviewMap_LabyrinthCanyon_071116.pdf
/195. Additional maps requested by Fred Ferguson/3.2
UPI_OverviewMap_AbajoMountains_071116.pdf
/195. Additional maps requested by Fred Ferguson/4.1
UPI_WildScenicRiversMap_071116.pdf

"Pool, Jamie" <jpool@blm.gov>

From:	"Pool, Jamie" <jpool@blm.gov>
Sent:	Mon Jul 11 2016 13:18:23 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>
CC:	Patrick Wilkinson <p2wilkin@blm.gov>
Subject:	Additional maps requested by Fred Ferguson

Nikki, Neil,

FYI -- Fred reached out over the weekend and this morning to urgently request the following four additional maps:

1. A map depicting all of the areas proposed for designation within San Juan County;
2. A zoomed-in map depicting the proposed Labyrinth Canyon NCA and Wilderness within Grand County;
3. A zoomed-in map depicting the western Abajo Mountains (the southern half of the proposed Indian Creek NCA and the northern half of the proposed Bears Ears NCA); and
4. An updated Wild & Scenic River designation map that includes additional wild and recreational designations for the San Juan River.

Our Utah GIS team is working on these now, and we will share with you and transmit to Fred as soon as we receive. Please note that only the WSR designation map includes new data/boundary changes.

Thanks,
Jamie

--

Jamie Pool
U.S. Department of the Interior
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Legislative Affairs Division (WO 620)
(202) 912-7138
jpool@blm.gov

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Mon Jul 11 2016 14:30:57 GMT-0600 (MDT)
To:	"Pool, Jamie" <jpool@blm.gov>
CC:	Neil Kornze <nkornze@blm.gov>, Patrick Wilkinson <p2wilkin@blm.gov>
Subject:	Re: Additional maps requested by Fred Ferguson

Thanks for the update!

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> Bureau of Land Management

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jpool@blm.gov

"Pool, Jamie" <jpool@blm.gov>

From:	"Pool, Jamie" <jpool@blm.gov>
Sent:	Mon Jul 11 2016 18:05:52 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
CC:	Neil Kornze <nkornze@blm.gov>, Patrick Wilkinson <p2wilkin@blm.gov>
Subject:	Re: Additional maps requested by Fred Ferguson
Attachments:	UPI_OverviewMap_LabyrinthCanyon_071116.pdf UPI_OverviewMap_AbajoMountains_071116.pdf

FYI -- attached are the zoomed-in maps of the western Abajo Mountains and Labyrinth Canyon areas requested by Fred Ferguson. The completed WSR map will follow.

Jamie

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"Pool, Jamie" <jpool@blm.gov>

From:	"Pool, Jamie" <jpool@blm.gov>
Sent:	Mon Jul 11 2016 18:06:33 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
CC:	Neil Kornze <nkornze@blm.gov>, Patrick Wilkinson <p2wilkin@blm.gov>
Subject:	Re: Additional maps requested by Fred Ferguson
Attachments:	UPI_WildScenicRiversMap_071116.pdf

FYI -- attached is the WSR map.

On Mon, Jul 11, 2016 at 8:05 PM, Pool, Jamie <jpool@blm.gov> wrote:

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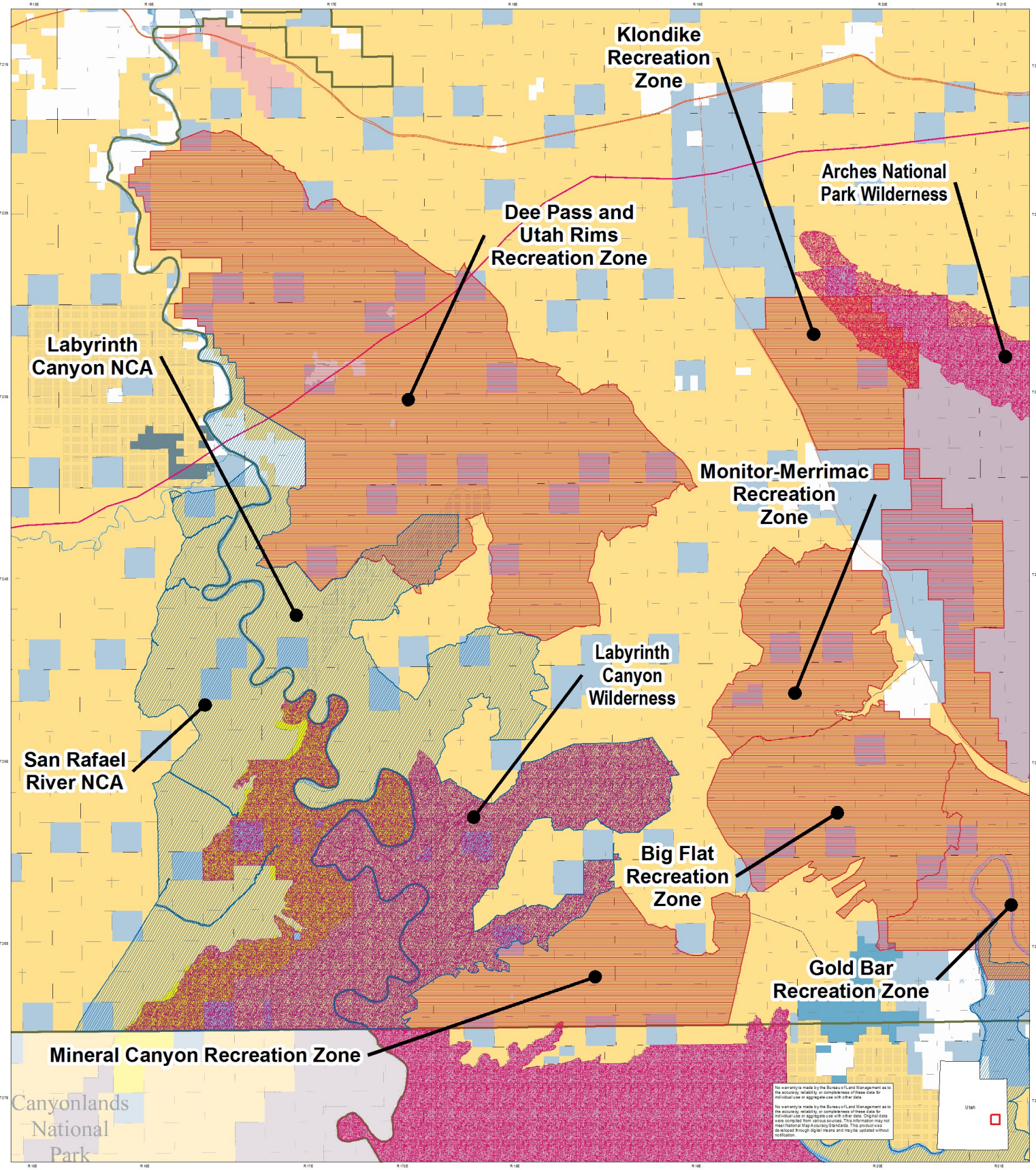
FOR COMMITTEE USE ONLY

Utah PLI Labyrinth Canyon Area Map

This map prepared at the request of Representative Rob Bishop and Representative Jason Chaffetz.
July 11, 2016



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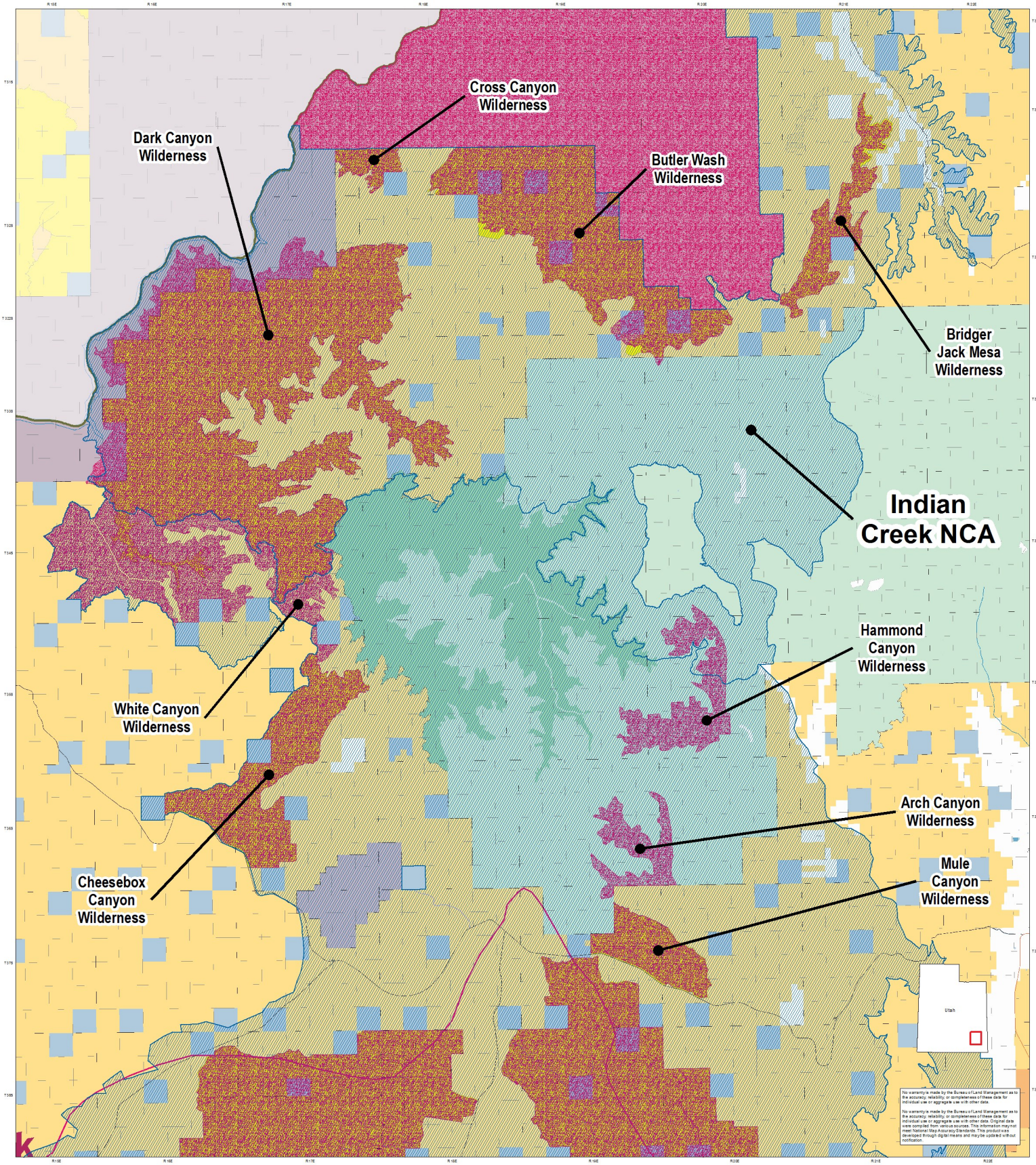
Utah PLI Abajo Mountains Area Map

This map prepared at the request of Representative Rob Bishop and Representative Jason Chaffetz.
July 11, 2016



Special Management Areas
Proposed Cooperative Management Area
Proposed National Conservation Areas
Proposed Recreation Zones
Proposed Wilderness Areas
Wilderness Study Area Proposed for Release
BLM Wilderness Study Area
Areas of Critical Environmental Concern (ACEC)

Bureau of Land Management
Indian Reservation
National Park Service
Private Land
State Land

State Parks and Recreation
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Scale = 1:80,000 when plotted at 36" x 48"

NORTH

0 2 4 8 Miles

NAD_1983_UTM_Zone_12N
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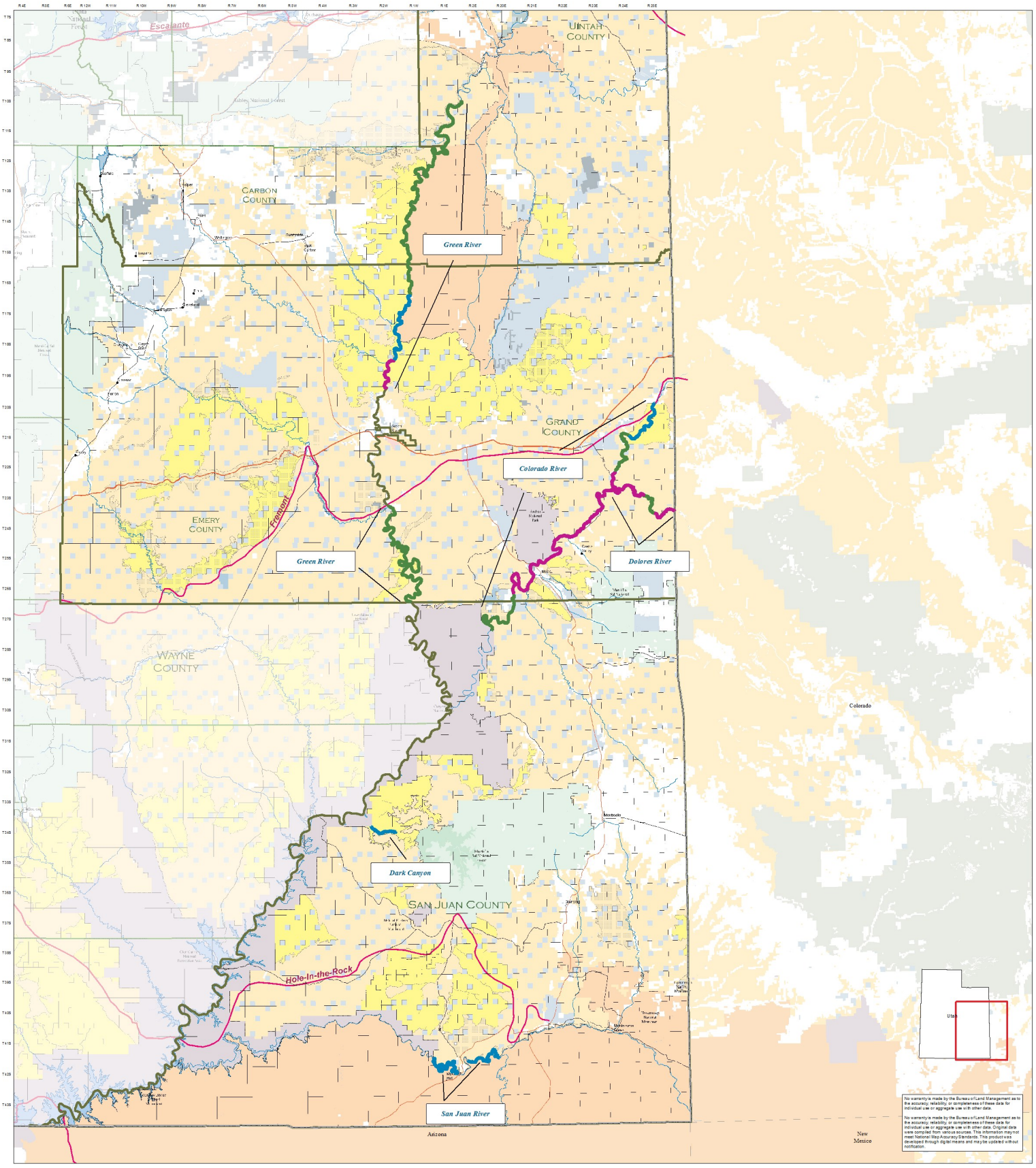
Utah PLI Wild and Scenic River Map

This map prepared at the request of Representative Rob Bishop and Representative Jason Chaffetz
July 11, 2016



- Proposed Recreational Rivers
- Proposed Scenic Rivers
- Proposed Wild Rivers
- BLM Wilderness Study Area
- Areas of Critical Environmental Concern (ACEC)
- Bureau of Land Management
- Indian Reservation
- National Park Service
- Private Land
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Scale = 1:375,000 when plotted at 36" x 48"

NORTH

0 5 10 20 Miles

NAD_1983_UTM_Zone_12N
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RICHARD J. DURBIN
ILLINOIS
ASSISTANT DEMOCRATIC LEADER

COMMITTEE ON APPROPRIATIONS
COMMITTEE ON THE JUDICIARY
COMMITTEE ON RULES AND ADMINISTRATION

United States Senate
Washington, DC 20510–1304

June 23, 2016

The Honorable Barack H. Obama
President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Obama:

I encourage you to use your authority under the Antiquities Act to designate the Bears Ears region to the National Park System. I support protecting this region and sharing these important natural, archeological, and cultural resources of Southern Utah, which lie north of the Navajo Nation and the San Juan River, east of the Colorado River, and west of the Ute Mountain Ute Reservation.

At over 1.9 million acres, the Bear Ears region contains abundant cultural resources, including well-preserved cliff dwellings, rock and art panels, artifacts, and Native American burials. It offers unparalleled research, educational, and recreational opportunities for scientists, educators, outdoor enthusiasts, and families.

The landscape of the region is most stunning yet fragile lands of the American west and includes magnificent red rock formations, deep carved canyons, long mesas, and rock arches. The region gets its namesake, Bears Ears, from twin buttes that lie at the heart of the majestic Cedar Mesa.

The Bears Ears region has always been important to Native American people that consider it a homeland. Many Native Americans use the lands today as a place for healing, ceremonies, and the gathering of firewood, plants, and medicinal herbs. A group of Indian nations – Navajo, Hopi, Zuni, Uintah and Ouray Ute, and Ute Mountain – have petitioned to protect this area under the Antiquities Act.

Despite support from archeologists and tribal groups, these incredible places remain threatened by oil, gas, and tar sands development and rampant off-road vehicle use – activities which, while appropriate elsewhere, simply should not occur on a landscape so fragile and precious. These lands also are constantly threatened from looters that deface artifacts and plunder graves for relics.

711 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510–1304
(202) 224–2152
VRS (202) 540–9782

230 SOUTH DEARBORN, 38TH FLOOR
CHICAGO, IL 60604
(312) 353–4952

525 SOUTH EIGHTH STREET
SPRINGFIELD, IL 62703
(217) 492–4062

1504 THIRD AVENUE
SUITE 227
ROCK ISLAND, IL 61201
(309) 786–5173

PAUL SIMON FEDERAL BUILDING
250 W. CHERRY STREET
SUITE 115–D
CARBONDALE, IL 62901

Protecting this landscape, habitat, and priceless archeological resources is support by environmental groups nationwide, including the Southern Utah Wilderness Alliance, Sierra Club, National Resources Defense Council, the Wilderness Society, Conservation Lands Foundation, and Grand Canyon Trust.

I have long worked to protect this precious region. Given this great potential and the tremendous public and tribal support demonstrated, I support declaring the Bears Ears as a unit of the National Park Service.

Sincerely,

Richard J. Durbin
United States Senator

The New York Times | http://nyti.ms/1OARdxW

The Opinion Pages | OP-ED CONTRIBUTOR

Grand Canyon Waters, at the Abyss

By MARK UDALL OCT. 14, 2015

Eldorado Springs, Colo. — I RECENTLY reunited with an old friend — not a person, but a place in Arizona, the state where I was born. It is a timeless place of great antiquity, a shrine of the ages that President Theodore Roosevelt said "man can only mar."

Roosevelt proclaimed the Grand Canyon a national monument in 1908. In so doing, he specifically intended to prevent mining and tourist development from harming one of our nation's most treasured landscapes. "Keep it for your children, your children's children and all who come after you," he said, "as the one great sight which every American should see."

But mar it we have. An abandoned uranium mine on the canyon's South Rim has cost taxpayers more than $15 million to remove toxic wastes from the surface. And contaminated water — flowing underground through the mine's radioactive ore — continues to poison a spring-fed creek deep within the canyon. It is a permanent loss at an unconscionable cost that should never be borne again.

Roosevelt's proclamation set aside only a fraction of the Grand Canyon as a national monument. His decision rankled mining and tourist businesses in the booming Arizona territory. Local politicians and profiteers fought the postage-stamp-size monument's further protection as a national park in 1919.

In 1975, Congress nearly doubled the park's size, declaring that the entire Grand Canyon "including tributary side canyons and surrounding plateaus, is a natural feature of national and international significance." Senator Barry Goldwater of Arizona, a Republican, introduced the bill. My dad, Congressman Morris Udall, a Democrat from Arizona, helped unite bipartisan support to better protect Arizona's and America's most famous natural wonder.

The Grand Canyon Enlargement Act, signed into law by President Gerald Ford four decades ago, returned more than 100,000 acres of federal land to the Havasupai tribe. It also effectively banned the building of two new dams in the canyon's upper and lower gorge. But it, too, fell short in protecting the Grand Canyon in its entirety.

Today, four uranium mines operate within the watershed that drains directly into Grand Canyon National Park. Arbitrary boundaries and antiquated rules permit these mines to threaten hundreds more life-giving seeps and springs in the desert basins below. Thousands of new mining claims on public lands that surround the canyon were put on hold by a 20-year moratorium imposed in 2012 by Ken Salazar, then the interior secretary. The National Mining Association and the Nuclear Energy Institute are suing in federal court to end the ban.

Achieving this hard-won hiatus on new uranium claims took more than five years and one of the broadest coalitions ever aligned to protect the Grand Canyon. The Havasupai, "people of blue-green water," whose sole source of drinking water is at risk, led the way. They were joined then by county supervisors, chambers of commerce, ranchers, hunters, bird-watchers, artists, scientists, Arizona's governor, game and fish commissioners and business owners. All united to stop uranium mining from permanently polluting the Grand Canyon and undermining the region's tourism-driven economy.

But the 2012 victory to halt new claims was temporary. Our challenge now is to rebuild that coalition and make the ban permanent. There's no reason to wait. President Obama can protect it now.

Congressman Raúl Grijalva, a Democrat from Arizona, plans to introduce the Greater Grand Canyon Heritage National Monument Act next week. It was written

in collaboration with Havasupai, Hualapai and Hopi leaders. The Navajo Nation, which banned all uranium mining on its land in 2005, joined in support along with Zuni, Paiute and Yavapai leaders.

The bill aims to protect 1.7 million acres of historical tribal homeland, including water sources and sacred sites. It would preserve the Grand Canyon's rich heritage of "biological, cultural, recreational, geological, educational and scientific values." It would make permanent the 20-year ban on new mining clams but would allow hunting, grazing, recreation and all other uses to continue under existing laws.

Unfortunately, there's almost no chance that the legislation will gain approval in today's gridlocked Congress. But the 1906 Antiquities Act gives the president unilateral authority to set aside federal lands as protected national monuments to stop the looting of archaeological sites and for reasons of "historic or scientific interest."

This past summer, President Obama used this authority to protect over one million acres of federal land in California, Nevada and Texas. Now we must prevail upon the president to permanently protect the Grand Canyon's sacred waters.

Earlier this year, my wife and I were invited to join native leaders on a rafting trip through the Grand Canyon. We've made many such trips before. But this time, at nearly every spring along the way, we stopped to pray.

All water is sacred to those who have learned to live where it is scarce. We must defend the Grand Canyon's sacred waters from unconscionable loss.

Mark Udall, who represented Colorado as a Democrat in the Senate from 2009 to 2015, is a member of the board of the Grand Canyon Trust.

A version of this op-ed appears in print on October 14, 2015, on page A25 of the New York edition with the headline: Grand Canyon Waters, at the Abyss.

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ROB BISHOP, UT
CHAIRMAN
DON YOUNG, AK
LOUIE GOHMERT, TX
DOUG LAMBORN, CO
ROBERT J. WITTMAN, VA
JOHN FLEMING, LA
TOM McCLINTOCK, CA
GLENN THOMPSON, PA
CYNTHIA LUMMIS, WY
DAN BENISHEK, MI
JEFF DUNCAN, SC
PAUL A. GOSAR, AZ
RAÚL R. LABRADOR, ID
DOUG LaMALFA, CA
JEFF DENHAM, CA
PAUL COOK, CA
BRUCE WESTERMAN, AR
GARRET GRAVES, LA
DAN NEWHOUSE, WA
RYAN ZINKE, MT
JODY HICE, GA
AUMUA AMATA COLEMAN RADEWAGEN, AS
TOM MacARTHUR, NJ
ALEX MOONEY, WV
CRESENT HARDY, NV
DARIN LaHOOD, IL

JASON KNOX
STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

RAÚL M. GRIJALVA, AZ
RANKING MEMBER
GRACE F. NAPOLITANO, CA
MADELEINE Z. BORDALLO, GU
JIM COSTA, CA
GREGORIO KILILI CAMACHO SABLAN, CNMI
NIKI TSONGAS, MA
PEDRO R. PIERLUISI, PR
JARED HUFFMAN, CA
RAUL RUIZ, CA
ALAN LOWENTHAL, CA
MATTHEW CARTWRIGHT, PA
DON BEYER, VA
NORMA J. TORRES, CA
DEBBIE DINGELL, MI
RUBEN GALLEGO, AZ
LOIS CAPPS, CA
JARED POLIS, CO
WM. LACY CLAY, MO

DAVID WATKINS
DEMOCRATIC STAFF DIRECTOR

July 7, 2016

The Honorable Sally Jewell
Secretary
United States Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Secretary Jewel:

I write to invite you and key members of your staff to join me and Tribal representatives for a discussion about the future of the greater Grand Canyon ecosystem and watershed. The discussion would be hosted at the Museum of Northern Arizona in Flagstaff. We would also like to host you along with local elected officials at a public forum to hear from interested members of the public.

The greater Grand Canyon region is home to nationally-significant biological, ecological, cultural, historical, recreational, geological, hydrological, educational, scenic and scientific values, including above-ground tributaries, springs, and interconnected groundwater that contribute significantly to the Colorado River.

Tribal representatives, my staff, and I spent the last year deliberating and cooperatively working to craft a legislative proposal to establish the Greater Grand Canyon Heritage National Monument (H.R. 3882). The proposed National Monument would secure now and for future generations the opportunity to experience the rich history and sacred beauty of this area through collaboration and cooperative management, as well as protecting water quality for millions of Americans.

The decision by your predecessor, former Secretary Salazar, to protect this region from new mining claims through a 20-year withdrawal was courageous and visionary; these protections must now be made permanent. In addition to the merits of our legislative proposal, we would also welcome the opportunity to discuss protections which may be available for this region pursuant to the Antiquities Act.

http://naturalresources.house.gov
00074272-BLM-BATCH012-DOC0099-REC-20240 Page 1 of 2

These events could be arranged on the following dates, at your convenience:

- Monday, August 1st through Friday, August 5th
- Monday, August 8th
- Wednesday, August 10th
- Monday, August 15th through Wednesday, August 17th
- Monday, August 22nd through Wednesday, August 24th
- Friday, August 26th

Please have your staff contact David Watkins, Democratic Staff Director, House Natural Resources Committee, regarding this request.

I look forward to your response and to discussing this with you further.

Sincerely,

Raul M. Grijalva
Ranking Member
Committee on Natural Resources

Conversation Contents

Fwd: 2016 Bears Ears Gathering

Attachments:

/207. Fwd: 2016 Bears Ears Gathering/1.1 Bears Ears Gathering Invitation2016.pdf

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Tue Jul 05 2016 16:04:39 GMT-0600 (MDT)
To:	Neil Kornze <nkornze@blm.gov>, Jon Jarvis <jon_jarvis@nps.gov>, Larry Roberts <lawrence_roberts@ios.doi.gov>
CC:	Sarah Walters <sarah_walters@ios.doi.gov>, Maureen Foster <maureen_foster@nps.gov>, liz_pardue@ios.doi.gov
Subject:	Fwd: 2016 Bears Ears Gathering
Attachments:	Bears Ears Gathering Invitation2016.pdf

As with last year, it would be great if you guys could attend.

Begin forwarded message:

> **From:** Regina Lopez-Whiteskunk <rwhiteskunk@utemountain.org>
> **To:** "molly_click@ios.doi.gov" <molly_click@ios.doi.gov>
> **Cc:** "scheduling_sio@ios.doi.gov" <scheduling_sio@ios.doi.gov>, "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>, Alfred Lomahquahu <alomahquahu@hopi.nsn.us>
> **Subject: 2016 Bears Ears Gathering**
>
> Good afternoon,
>
> Please accept the attached invitation to the 2016 Bears Ears Summer Gathering.
>
> Regina Lopez-Whiteskunk
> Ute Mountain Ute Tribal Council
> Ph: (970) 564-5601

FOR COMMITTEE USE ONLY

Cell: (970) 529-6695

"Walters, Sarah" <sarah_walters@ios.doi.gov>

From:	"Walters, Sarah" <sarah_walters@ios.doi.gov>
Sent:	Tue Jul 05 2016 17:05:17 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
CC:	Neil Kornze <nkornze@blm.gov>, Jon Jarvis <jon_jarvis@nps.gov>, Larry Roberts <lawrence_roberts@ios.doi.gov>, Maureen Foster <maureen_foster@nps.gov>, "Laura (Liz) Pardue" <liz_pardue@ios.doi.gov>
Subject:	Re: 2016 Bears Ears Gathering

The PDF is corrupt.

On Tue, Jul 5, 2016 at 6:04 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> As with last year, it would be great if you guys could attend.
>
> Begin forwarded message:
>
> **From:** Regina Lopez-Whiteskunk <rwhiteskunk@utemountain.org>
> **To:** "molly_click@ios.doi.gov" <molly_click@ios.doi.gov>
> **Cc:** "scheduling_sio@ios.doi.gov" <scheduling_sio@ios.doi.gov>, "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>, Alfred Lomahquahu <alomahquahu@hopi.nsn.us>
> **Subject: 2016 Bears Ears Gathering**
>
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>
> Regina Lopez-Whiteskunk
> Ute Mountain Ute Tribal Council
> Ph: (970) 564-5601
> Cell: (970) 529-6695

--
Sarah Walters

FOR COMMITTEE USE ONLY

Chief of Staff to the Assistant Secretary - Indian Affairs
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240
Ph. (202) 208-7163
Fax (202) 208-5320

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Tue Jul 05 2016 18:08:31 GMT-0600 (MDT)
To:	"Walters, Sarah" <sarah_walters@ios.doi.gov>
CC:	Neil Kornze <nkornze@blm.gov>, Jon Jarvis <jon_jarvis@nps.gov>, Larry Roberts <lawrence_roberts@ios.doi.gov>, Maureen Foster <maureen_foster@nps.gov>, "Laura (Liz) Pardue" <liz_pardue@ios.doi.gov>
Subject:	Re: 2016 Bears Ears Gathering

Will resend from my desk in the morning. I can see it from my phone. But sometimes, there are issues.

On Jul 5, 2016, at 7:05 PM, Walters, Sarah <sarah_walters@ios.doi.gov> wrote:

> The PDF is corrupt.
>
> On Tue, Jul 5, 2016 at 6:04 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> > As with last year, it would be great if you guys could attend.
> >
> > Begin forwarded message:
> >
> > **From:** Regina Lopez-Whiteskunk <rwhiteskunk@utemountain.org>
> > **To:** "molly_click@ios.doi.gov" <molly_click@ios.doi.gov>
> > **Cc:** "scheduling_sio@ios.doi.gov" <scheduling_sio@ios.doi.gov>, "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>, Alfred Lomahquahu <alomahquahu@hopi.nsn.us>
> > **Subject: 2016 Bears Ears Gathering**
> >
> > Good afternoon,
> >
> > Please accept the attached invitation to the 2016 Bears Ears

> Summer Gathering.
>
> Regina Lopez-Whiteskunk
> Ute Mountain Ute Tribal Council
> Ph: (970) 564-5601
> Cell: (970) 529-6695

--

Sarah Walters
Chief of Staff to the Assistant Secretary - Indian Affairs
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240
Ph. (202) 208-7163
Fax (202) 208-5320

PLACE HOLDER

Attachment is corrupted

"Bears Ears Gathering Invitation2016.pdf"

Conversation Contents

Response from Bears Ears coalition.

Attachments:

/210. Response from Bears Ears coalition./1.1 BearsEarsLetterUtahDelegation062916.pdf
/210. Response from Bears Ears coalition./1.2 ATT00001.txt

"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>

From:	"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Sent:	Wed Jun 29 2016 21:20:26 GMT-0600 (MDT)
To:	Neil Kornze <nkornze@blm.gov>
Subject:	Response from Bears Ears coalition.
Attachments:	BearsEarsLetterUtahDelegation062916.pdf ATT00001.txt

FOR COMMITTEE USE ONLY

BEARS EARS INTER-TRIBAL COALITION

A Partnership of the Hopi, Navajo, Uintah & Ouray Ute, Ute Mountain Ute, and Zuni Governments

June 29, 2016

Senator Orrin Hatch
104 Hart Office Building
Washington, DC 20510

Representative Rob Bishop
123 Cannon House Office Building
Washington, D.C. 20515

Senator Mike Lee
361A Russell Senate Office Building
Washington, D.C. 20510

Representative Jason Chaffetz
2236 Rayburn House Office Building
Washington, DC 20515

Dear Senators Hatch and Lee and Representatives Bishop and Chaffetz:

Thank you for your letter of June 24th requesting a meeting with the Bears Ears Inter-Tribal Coalition regarding your Public Lands Initiative.

As you know, we withdrew from the Public Lands Initiative process late last year. We set out in detail our reasons for withdrawing in a letter to you dated December 31, 2015. In the intervening months, your approach toward our proposal and our coalition have reaffirmed the concerns expressed in our December letter.

Accordingly, we respectfully decline your invitation. We are satisfied that a Bears Ears National Monument proclaimed by President Obama under his authority granted by the Antiquities Act presents the best opportunity to protect the Bears Ears landscape and assure a strong Native American voice in monument management. We hope you will join us in supporting a Bears Ears National Monument.

Respectfully,

Alfred Lomahquahu
Hopi Vice-Chairman
Co-Chair. Bears Ears
Inter-tribal Coalition

Regina Lopez-Whiteskunk
Ute Mountain Ute Tribe Council Member
Co-Chair. Bears Ears
Inter-tribal Coalition

FOR COMMITTEE USE ONLY

Conversation Contents

Attachments:

/211. /1.1 Bears Ears PLI Meeting Request[1].pdf

"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>

From:	"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Sent:	Wed Jun 29 2016 14:53:58 GMT-0600 (MDT)
To:	Neil Kornze <nkornze@blm.gov>
Subject:	
Attachments:	Bears Ears PLI Meeting Request[1].pdf

Neil Kornze <nkornze@blm.gov>

From:	Neil Kornze <nkornze@blm.gov>
Sent:	Wed Jun 29 2016 20:52:54 GMT-0600 (MDT)
To:	"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Subject:	Re:

Thank you for sharing this. It was great to see you today.

Neil

On Jun 29, 2016, at 4:54 PM, Tanner, John (Hatch) <John_Tanner@hatch.senate.gov> wrote:

<Bears Ears PLI Meeting Request[1].pdf>

FOR COMMITTEE USE ONLY

Congress of the United States
Washington, DC 20515

June 24, 2016

Dear Chairwoman Whiteskunk and Chairman Lomahquahu:

On behalf of our offices, we write to formally request a meeting with you and your fellow tribal leaders, who make up the Bears Ears Intertribal Coalition. The purpose of this meeting is to solicit feedback on updated materials regarding the Utah Public Lands Initiative in southeastern Utah.

We understand the limited timeframe under which we are all working and the significant scheduling demands of all those involved. Members of our staff are available to meet with each of you or your designee(s) at your earliest convenience and at a location of your choosing. Following staff level discussions, we would like to find a time of mutual convenience for a larger meeting.

Thank you for your consideration. We look forward to hearing from you.

Sincerely,

Congressman Rob Bishop

Congressman Jason Chaffetz

Senator Mike Lee

Senator Orrin Hatch

PRINTED ON RECYCLED PAPER

Conversation Contents

Fwd: FW: Meeting with Tommy Beaudreau

Attachments:

/264. Fwd: FW: Meeting with Tommy Beaudreau/1.1 PLI - Nikki.pdf

"Buffa, Nicole" <nicole_buffa@ios.doi.gov>

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Thu Jan 14 2016 15:39:34 GMT-0700 (MST)
To:	Neil Kornze <nkornze@blm.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject:	Fwd: FW: Meeting with Tommy Beaudreau
Attachments:	PLI - Nikki.pdf

See attached from Fred. He asked that I not share this except with you two.

--
Nikki Buffa
Deputy Chief of Staff
US Department of the Interior
202-219-3861
nicole_buffa@ios.doi.gov

The Public Lands Initiative

The Public Lands Initiative (PLI) is a locally-driven effort to bring resolution to some of the most challenging land disputes in the State of Utah. The initiative is rooted in the belief that conservation and economic development can coexist and make Utah a better place to live, work, and visit.

The purpose of this document is to summarize the 20 different sections of the draft legislation, known as the Utah Public Lands Initiative Act.

The PLI Region

The PLI Region covers 7 eastern Utah counties, encompassing approximately 18 million acres of federal land. Member of the Utah Congressional Delegation, local officials, and stakeholders have met over 1,200 times in an effort to craft a comprehensive land-use plan for the entire region.

PLI Process

Congressmen Rob Bishop and Jason Chaffetz launched PLI in February 2013. Since that time, more than 120 different stakeholders have submitted more than 65 detailed proposals regarding land management in eastern Utah. Altogether, their offices have held more than 1,200 meetings with local and tribal leaders, interested parties, and subject matter experts.

For more information, please visit www.UtahPLI.com.

Division A – Conservation

The first half of the legislation covers land protection and conservation. This section of the bill offers protection for places like the Bears Ears, Arches, Labyrinth Canyon, and the Book Cliffs (among many many others). In total, the Conservation Division of PLI would designate 4,336,289 acres of federal land and 406 miles of rivers.

Title I – Wilderness

PLI will create 40 wilderness areas covering 2,202,400 acres of federal land. Wilderness is the most restrictive federal land designation and ensures that rugged landscapes will remain intact for future generations to enjoy. PLI will bring the total wilderness acreage in the participating counties to 2,707,443 acres, larger than the entire states of Delaware and Rhode Island combined.

Title II – National Conservation Areas

PLI creates 14 National Conservation Areas covering 1,916,206 acres of federal land. Like wilderness, NCAs offer protection to worthy landscapes found on federal land. But where NCAs differ from wilderness is that they offer greater flexibility for multiple-uses and opportunities for local involvement in the land management process.

Title III - Special Management Areas

PLI creates five Special Management Areas covering 197,558 acres of federal land. SMA's are located on National Forest System lands and offer similar protection and flexibility of National Conservation Areas.

Title IV – Arches National Park Expansion

The Delicate Arch, one of Utah's most recognizable landmarks, will be further protected under PLI. Arches National Park will be expanded by 19,255 acres, ensuring the area behind Delicate Arch remains untouched and protected.

Title V – Jurassic National Monument

The Cleveland-Lloyd Dinosaur Quarry is home to the largest concentration of Jurassic-era dinosaur fossils in the world. With seasonal closures and limited resources at the current BLM site, a bottom-up process of local stakeholders determined that this site warrants National Monument status as part of the PLI legislative effort. This enhanced status will help to increase visitation and support the mission of this world-class, 867-acre area.

Title VI – Wild and Scenic River Designations

PLI will designate 406 miles of five different Utah rivers as wild, scenic and recreation.

This equals the approximate distance between New York City and Norfolk, Virginia.

Title VII – Ashley Creek Recreational and Special Management Area

Ashley Creek Recreational and Special Management area will facilitate all-season outdoor recreation and forest product development in the vast 110,838 acre area. Mineral development and extraction will be prohibited in order to promote and protect the outdoor recreation experience.

Division B – Opportunity

The second half of the legislation covers recreation and economic development opportunities. Maximizing Utah's education trust fund, local park management, and long-term certainty are accomplished through the various titles of the Opportunity Division. In total, this section would provide for new recreation and economic development opportunities on 1,041,786 acres of land.

Title I – School Trust Land Consolidations

Utah's public education system is supported by a little known state agency called SITLA. SITLA's mission is to manage remote parcels of state land for the benefit of the state's education trust fund. PLI would consolidate roughly 336,441 acres of state land in locations that would maximize revenue for Utah's school kids.

Title IA – Book Cliffs Roadless Area

SITLA will also swap minerals in the Book Cliffs Roadless Area for more accessible minerals in the Uintah Basin. This swap will support the education trust fund while also providing for the 35,891 acre Book Cliffs Roadless Area to be protected and managed by the state of Utah for it's scenic and wildlife values.

Title IB – Wilderness Release

PLI will release from temporary wilderness study status five different units totaling 68,370 acres. These lands do not merit wilderness status and will be returned to multiple-use.

Title II – Goblin Valley State Park

The greater Goblin Valley State Park area has experienced a large increase in recreators, campers, and general visitors. A bottom-up process involving BLM, Emery County, and Utah State Parks has identified a solution that would expand Goblin Valley State Park and create a co-management area within the greater park region. PLI expands the park by 9,994 acres and creates a 166,829 acre co-management area that protects resources and manages recreation.

Title III – Price Canyon State Forest

PLI creates Utah's first state forest. Scattered parcels of state lands will be reconsolidated into one location in Carbon County, Utah, creating the 13,321 acre Price Canyon State Forest.

Title IV – Deer Lodge Land Exchange

There are 233 acres of Land Exchanges in the Deer Lodge Exchange.

Title V – Scofield Land Transfers

Land ownership records in and around Scofield State Park are incomplete. Various administrative errors, dating back more than 50 years in some instances, have left homeowners and the federal government at odds over who owns what land. This section seeks to remedy the confusion by creating a framework for the homeowners and the federal government to resolve the disputes.

Title VI – Land Conveyances

PLI empowers state and local land management through the conveyance of 22 parcels of federal land totaling 40,290 acres. The purpose of the conveyances is to facilitate and enhance recreation and public use of local lands. Expansion of the Canyonlands Field Airport, transfer of the historic Hole-in-the-Rock Trail, and creation of the Fantasy Canyon State Park are among some of the conveyances authorized in this section.

Title VII – Land Disposals

There are over 30 Land Disposals in Emery County covering 5,094 acres of land identified in PLI.

Title VIII – Canyon Country Recreation Zones

The Big Flat Working Group divided portions of Grand County into seven different recreation-planning zones. Within each zone, various objectives were outlined, from mineral lease retirement to expanded motorized and mechanized use. This section codifies the work done by the Grand County group.

PLI also creates two recreation zones in San Juan County to facilitate motorized and mechanized recreation. In total, PLI creates 375,689 acres of recreation zones between the two counties.

Title IX – Red Rock County Off-Highway Vehicle Trail

Motorized recreation enthusiasts have long searched for a trail system that connects Grand Junction, Colorado to Moab, Utah to Green River, Utah. The 93 mile Red Rock Country OHV Trail created by PLI would connect these western recreation towns and boost local economic activity.

Title X – Long-term Native American Economic Development

Native American tribes are active participants in the PLI process. The Navajo Nation, Ute Tribe, and Ute Mountain Ute are among the many tribes that must gain economic development advantages under PLI. Mineral transfers at McCraken Mesa, land transfers along the San Juan River, and other provisions should be included to enhance economic

opportunities for Native Americans. This title needs more work; more ideas from tribal leaders are needed to help enhance economic development opportunities in the tribal communities.

Title XI – Long-term Energy Development Certainty

Geologic experts within the Bureau of Land Management have categorized certain federal lands as being "open" to energy development. Lands determined to be open do not merit protective status. The highest and best use of this land is energy development. PLI ensures that lands identified by experts as being "open" will be leased and developed in a streamlined, timely manner.

Title XII – Long-term Travel Management Certainty

The State of Utah has gained ownership of approximately 78 miles of R.S. 2477 claims through litigation and settlement over the past 19 years. Nearly 36,000 miles remain unresolved. This section seeks to strike a balance that would result in the State of Utah gaining ownership over a large majority of unresolved claims within the PLI counties.

Title XIII– Long-term Land Use Certainty

Lincoln County, Nevada is home to the Basin and Range National Monument. President Obama created this monument just 10 years after the local community enacted the Lincoln County lands bill. This lands bill was created in a process very similar to PLI. The fact the president doubled the size of the Lincoln County lands bill after an exhaustive, locally-driven process is troubling. The Utah Congressional delegation and many local leaders do not want this unilateral action to be repeated. The final PLI bill must include language that guarantees long-term land use certainty. The delegation has language it prefers, but is instead asking PLI participants to craft language that ensures a large-scale national monument is not created within the PLI counties.

FOR COMMITTEE USE ONLY

Conversation Contents

Meeting request re: Cedar Mesa/Bears Ears

Josh Ewing <josh@cedarmesafriends.org>

From:	Josh Ewing <josh@cedarmesafriends.org>
Sent:	Wed Jan 06 2016 09:49:58 GMT-0700 (MST)
To:	<nkornze@blm.gov>
Subject:	Meeting request re: Cedar Mesa/Bears Ears

Dear Director Kornze: I'm writing to request a meeting with you regarding efforts to protect internationally significant natural and cultural resources in the Cedar Mesa and Bears Ears areas. I run an organization called Friends of Cedar Mesa, based in Bluff, Utah. We work to steward public lands of southeastern Utah via volunteer projects, research, education, and advocacy.

A small group of us will be visiting Washington DC **Monday, January 25th through Wednesday, January 27th.**

Joining me for meetings will be:
Vaughn Hadenfeldt, Friends of Cedar Mesa Board Chair and longtime backpacking guide
Bill Doelle, Archaeology Southwest Executive Director
Sam Mix, Osprey Packs Conduit for Corporate Outreach

We would like to speak briefly with you about ongoing damage to archaeological resources, the critical importance of this area to recreation enthusiasts from around the world, and our thoughts about possible legislative and administrative actions to conserve this area, including collaborative management ideas.

Please let me know if you would entertain a meeting with us during the above dates. And if you aren't available, perhaps you could suggest a colleague or two at BLM we could meet.

Thanks in advance for considering our request.

--
Josh Ewing
Executive Director, Friends of Cedar Mesa
(801) 410-0773 - PO Box 338, Bluff, UT 84512
cedarmesafriends.org - Twitter: @joshewing - Facebook.com/cedarmesafriends

FOR COMMITTEE USE ONLY

"Kornze, Neil" <nkornze@blm.gov>

From:	"Kornze, Neil" <nkornze@blm.gov>
Sent:	Wed Jan 06 2016 09:51:40 GMT-0700 (MST)
To:	Claudia B Walker <cbwalker@blm.gov>, Jamie T Harrison <jharriso@blm.gov>
CC:	James Anderson <jeanderson@blm.gov>, Linda Lance <llance@blm.gov>
Subject:	Fwd: Meeting request re: Cedar Mesa/Bears Ears

scheduling

---------- Forwarded message ----------
From: **Josh Ewing** <josh@cedarmesafriends.org>
Date: Wed, Jan 6, 2016 at 11:49 AM
Subject: Meeting request re: Cedar Mesa/Bears Ears
To: nkornze@blm.gov
Cc: Claudia_walker@blm.gov

Dear Director Kornze: I'm writing to request a meeting with you regarding efforts to protect internationally significant natural and cultural resources in the Cedar Mesa and Bears Ears areas. I run an organization called Friends of Cedar Mesa, based in Bluff, Utah. We work to steward public lands of southeastern Utah via volunteer projects, research, education, and advocacy.

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Thanks in advance for considering our request.

--
Josh Ewing
Executive Director, Friends of Cedar Mesa

(801) 410-0773 - PO Box 338, Bluff, UT 84512
cedarmesafriends.org - Twitter: @joshewing - Facebook.com/cedarmesafriends

FOR COMMITTEE USE ONLY

Conversation Contents

Utah

Attachments:

/267. Utah/1.1 BEIC_123115_pressrelease_final.pdf
/267. Utah/1.2 BEIC_Bishop_Letter_123115.pdf

"Buffa, Nicole" <nicole_buffa@ios.doi.gov>

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Thu Dec 31 2015 09:30:22 GMT-0700 (MST)
To:	Neil Kornze <nkornze@blm.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Jonathan Jarvis <jon_jarvis@nps.gov>, Lawrence Roberts <lawrence_roberts@ios.doi.gov>
Subject:	Utah
Attachments:	BEIC_123115_pressrelease_final.pdf BEIC_Bishop_Letter_123115.pdf

Hi All - I just received these docs from the tribal coalition representing the Bears Ears monument proposal. Evidently, the Tribes have decided to end discussions with Bishop and Chaffetz on the PLI, and plan to focus their attention on working with the WH on an Administrative solution. Please take a look and we can discuss at a later date.

Thanks,
Nikki

"Kornze, Neil" <nkornze@blm.gov>

From:	"Kornze, Neil" <nkornze@blm.gov>
Sent:	Thu Dec 31 2015 09:30:28 GMT-0700 (MST)
To:	nicole_buffa@ios.doi.gov
Subject:	Re: Utah

Thank you for your note. I am away from the office. If you need assistance, please feel free to contact Anita Bilbao, Chief of Staff, at abilbao@blm.gov or at 202-208-3801.

Neil

FOR COMMITTEE USE ONLY

For Immediate Release

Contact: Natasha Hale at 505-906-8303 or BearsEarsPress@gmail.com.

BEARS EARS COALITION FORCED TO BREAK OFF NEGOTIATIONS WITH CONGRESSMEN CAUSED BY BROKEN PROMISES AND MISSED DEADLINES

DECEMBER 31, 2015 — On December 31st, the Bears Ears Inter-tribal Coalition sent a formal letter, which is attached, to Utah Congressmen Rob Bishop and Jason Chaffetz, discontinuing discussions over including tribal objectives in the Congressmen's Public Lands Initiative. The PLI is a process initiated in 2013 by Congressman Bishop to resolve long-standing disputes over conservation on federal public lands in Eastern Utah.

The Hopi, Navajo, Ute Indian Tribe, Ute Mountain Ute, and Zuni Tribes created the Bears Ears Inter-Tribal Coalition in July of this year with the mission to protect and preserve the Bears Ears region in Southern Utah. The sovereign-led proposal is formally supported by an additional 19 Tribes as well as the National Congress of American Indians.

The tribes developed a comprehensive proposal for a 1.9 million acre Bears Ears National Monument, encompassing a glorious landscape that had been tribal homeland since time immemorial. Indian people were forcibly removed to reservations starting in the mid 1800's. The area is now federal public land.

The tribes submitted a detailed and creative proposal to President Obama on October 15th. The President has broad authority to create National Monuments under the Antiquities Act of 1906, and Bears Ears is a leading candidate. The Coalition is hopeful that the President would grant Bears Ears monument status, but decided to try first the Congressional route of the PLI to satisfy recommendations of the Utah delegation.

"Our proposal confirms tribal cooperation and support and is at its core a process of healing, not only for our people, but our land," stated Zuni Councilman Carleton Bowekaty.

In its letter, the Coalition detailed a long and callous PLI pattern of "not taking seriously" the concerns of tribes. In numerous meetings, the tribes put forward compelling, specific

reasons for protecting Bears Ears. But the Coalition never received any responses to the proposal, positive or negative, just continuing delay.

This has been a problem with the PLI, which has been consistently plagued by missed deadlines. PLI representatives promised a draft proposal by November 30th, and then guaranteed delivery of a report by December 30th, but the draft report has never been delivered. The Coalition still had not received any idea of what the PLI intends to do.

The tribes also faced outright discrimination by the San Juan County Commission. The Commission promised to include the tribal proposal in its citizen survey, but then reneged. A write-in campaign ensued and the tribal proposal received an overwhelming 64% of the votes. The Commission then recommended an industry-supported proposal which received less than 1% of the votes. The Coalition's letter described this as "extraordinary unfairness" and "the kind of raw, heavy-handed political overreaching rarely seen in America today."

"Hopi has been instructed to speak and act with the full authority as a sovereign tribe in order to protect all Tuwakatsi, which includes Bears Ears. As Vice Chairman, I stand by my people's priorities to do so as a member of our Coalition", stated Bears Ears Co-Chair Alfred Lomahquahu.

The tribes concluded that the Coalition had "no choice" but to discontinue PLI negotiations. Now the tribes will turn to the Obama Administration for monument designation under the Antiquities Act. President Obama has on several occasions welcomed tribal national monument proposals.

Ute Mountain Ute Councilwoman Regina Lopez-Whiteskunk stated, "The President has a responsibility to think and act to take care of her because we all share one mother, and that's Mother Earth."

# # #

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BEARS EARS INTER-TRIBAL COALITION

A Partnership of the Hopi, Navajo, Uintah & Ouray Ute, Ute Mountain Ute, and Zuni Governments

December 31, 2015

Hon. Rob Bishop
Hon. Jason Chaffetz
U.S. House of Representatives
Washington, DC 20515

RE: Status of the Bears Ears Coalition-PLI Discussions

Dear Representatives Bishop and Chaffetz:

The Coalition held a day-long meeting on December 30, 2015 at the White Mesa Tribal Headquarters. Most of the meeting consisted of a full-scale review and evaluation of the discussions with PLI. These are the results of our deliberations.

On July 16, 2015, the Coalition, knowing that it would be extremely difficult, set a firm deadline of October 15 for submitting to President Obama and the PLI a comprehensive proposal for a Bears Ears National Monument. After an intensive series of well-attended drafting meetings, we met that deadline. In discussing what steps we should take next, we considered whether we should first negotiate with the PLI to see if congressional action might make it unnecessary for the President to declare a monument under the Antiquities Act. We concluded that we should meet with the PLI first and resolved to make our best effort to achieve a satisfactory congressional resolution.

In doing so, we are very conscious of our obligations to our ancestors. The events leading up to our proposal of October 15, 2015 have been long in the making. Ever since the 1800s, when all Indian people residing in the Bears Ears area were forcibly removed, we have grieved and suffered great pain over the treatment of these ancestral lands. The looting and grave robbing has been extensive, despicable, and continuous. Irresponsible mining and off-road vehicle use have torn up the ground. These and other actions have violated and despoiled our ancestors' homes and other structures. Generations of misuse and other bad conduct have interfered with, and sometimes nearly destroyed, our gathering of medicines and herbs, sacred ceremonies, family gatherings, and individual prayers and offerings, all the things that heal us and the land. But our people revere the Bears Ears area, and we continue to visit it in spite of the conduct of others because for us it remains a special place, where we can be among our ancestors and their songs and wisdom, where the traumas of the past can be alleviated, where we can connect with the land and our deepest values and heal.

We were very apprehensive about entering into discussions with the PLI. Up to that time, the PLI had never taken us seriously. This was in spite of the fact that we worked tirelessly on the PLI process, putting in as much or more effort as any party involved in the process. We made at least 25 presentations at PLI meetings, complete with maps, a two-page summary of the UDB proposal (the precursor to the pending Coalition proposal), and substantial oral presentations. Congressional staff was present at approximately a dozen of these meetings. We also made eight separate trips to Washington DC to meet with the Utah delegation; at each of those meetings, we made extensive statements complete with maps and a summary of the proposal. At all of these meetings, both in the field and in Washington DC, we asked for comments on our proposal. Our extensive and unwavering efforts to engage in the PLI process are cataloged in great detail in Exhibit One of our proposal.

It was to no avail. In no instance did anyone from the Utah delegation or the PLI make a single substantive comment, positively or negatively, on our proposal.

Our painful experience with attempting to make an inroad into the PLI process was epitomized by our dealings with the San Juan County Commission. Although the proponents of the PLI described the process as "open" and "ground-up." PLI leaders said that they were relying heavily on county commissions. We were repeatedly told to present our proposal to the San Juan County commission.

The San Juan County Commission conducted a public comment process on PLI in 2014. The UDB proposal was identified as "Alternative D." Commission staff agreed to include Alternative D in the list of alternatives. Then the staff changed that commitment and refused to include Alternative D on the list.

Supporters of Alternative D waged a write-in campaign. Despite being omitted from the list, Alternative D received 300 positive comments, 64% of the 467 total comments received. The Commission then completely rejected the results of its own survey—and the wishes of the Indian people who comprise 53% of the population of San Juan County—and selected the heavy-development, low conservation "Alternative B." Alternative B had received just two comments, one half of 1% of the total.

In spite of the extraordinary unfairness of this proceeding—the kind of raw, heavy-handed political overreaching rarely seen in America today—at no time has San Juan County, the PLI, or the Utah delegation ever seen fit to acknowledge it, much less apologize and disown it.

Because of the frustration and resentment caused by this long progression of events, the Native people supporting protection for Bears Ears requested the sovereign Indian nations to take the lead in requesting action from President Obama and attempting to obtain satisfactory legislation from the PLI process. Our five sovereign Indian nations, the Hopi, Navajo, Uintah & Ouray Ute, Ute Mountain Ute, and Zuni then formally created the Bears Ears Inter-tribal Coalition in July 2015.

Despite all of the past difficulties, after the completion of our proposal on October 15 we entered into these discussions with PLI with open minds. Two meetings have been held, on October 29 at the Ute Mountain Ute Tribal Headquarters in Towaoc and on November 30 on Capitol Hill in Washington DC. Both meetings were characterized by civil discourse. There was, however, almost nothing substantive from the PLI side. We asked several times for reactions,

positive or negative, to our proposal but received no substantive responses. The closest was the statement by a PLI staff member at the Towaoc meeting that "we like the idea of cooperative management." Cooperative management, however, is a broad term with many applications and definitions. Our proposal calls for a strong and unique definition of collaborative management that the staff did not comment on.

At the Coalition meeting on December 30, we reflected on the two recent meetings and realized that they fit into the pattern that we have long experienced with the PLI. At the public meetings on the PLI, the moderators, including the Congressmen, were always polite. When we went back to Washington DC in 2013-2015 for our eight meetings with the Utah delegation and staff, everyone was polite and friendly. They were pleasant meetings. But they offered no substantive engagement at all. The same was true with our recent meetings in Towaoc and Washington DC. Despite our inquiries, PLI representatives had nothing to say about the proposal that we had so painstakingly developed. Once again, we were not being taken seriously.

This was all underscored by the events directly leading up to our recent December 30 Coalition meeting. That day was not supposed to be a Coalition meeting.

At the end of the November 30, 2015 meeting in Washington DC, both sides talked about the next meeting date; we all agreed that December 30 was a most promising date and that we would all check our calendars. For us, this was late: it was a month away, and from the beginning we had made it clear—and PLI staffers agreed—that time was of the essence. Still, we were willing to do it.

On December 15, 2015, PLI staff advised us that Congressman Chaffetz would be unable to attend a meeting on December 30. We promptly responded with our regrets but asked for confirmation that the staff would still be able to meet on December 30. A week later, on December 23, a lead staffer responded that he would be unable to attend the December 30 meeting and we were advised on December 29 that the other staffers could not attend.

These cancellations complicated matters for us considerably. Needless to say, December 30 was not a convenient date for us, but we all had set it aside because of the importance of these negotiations.

In addition, we were shocked by the staff's December 23 email. At the October 29 meeting in Towaoc, the PLI representatives assured us that a PLI draft would be available soon, perhaps as early as November. That did not occur. Then, at the November 30 meeting in Washington DC, PLI staff "guaranteed" that we would receive the PLI draft before December 30. But, to our surprise, on December 23, PLI staff advised us that the promised draft PLI would not be available on December 30. We had depended upon receiving the draft PLI so that we would have a basis for determining the thrust of the PLI's view of our proposal. Now, after 2 1/2 months since providing them with our proposal on the date promised, we had not received a single reaction to it. On December 24, Tribal Leaders convened a conference call to discuss options including discontinuation of discussions with PLI. Coalition members then spent December 30 discussing in detail the state of the negotiations with PLI from beginning to end.

We have come to the conclusion that we have no choice but to discontinue these discussions. Our strenuous efforts to participate in the PLI, and related proceedings before that over the course of the past six years, have been consistently stonewalled. We have never been taken

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seriously. Now, 2 1/2 months after submitting our proposal to you, we have received no reactions at all from you on our proposal. The promised draft PLI was never delivered. All of this is consistent with PLI's repeated failures to meet deadlines. Our five sovereign tribal nations, and our carefully-drafted comprehensive proposal, deserve far more than that.

Again, time is of the essence. We don't feel we can wait any longer before èngaging with the Obama Administration concerning our proposal in the hope that they will advance our proposal via the Antiquities Act. If, at some point, you decide to submit to us a comprehensive proposal for what you specifically intend to include in the PLI legislation and process, including a firm date for passage by Congress, then we will promptly review that submission and advise you as to whether it would be worthwhile for us to re-establish discussions. In the meantime, we have no choice but to turn our attention to working with the Obama Administration.

Respectfully,

Alfred Lomahquahu
Co-Chair
Bears Ears Inter-tribal Coalition

Eric Descheenie
Co-Chair
Bears Ears Inter-tribal Coalition

Conversation Contents

Thank you! And encouraging greater diversity of public lands

Attachments:

/268. Thank you! And encouraging greater diversity of public lands/1.1 President Obama Please Protect More Public Lands.pdf

<earthws@aol.com>

From:	<earthws@aol.com>
Sent:	Wed Dec 02 2015 14:45:47 GMT-0700 (MST)
To:	<Sally_Jewell@ios.doi.gov>
Subject:	Thank you! And encouraging greater diversity of public lands
Attachments:	President Obama Please Protect More Public Lands.pdf

Dear Secretary Jewell,

Thank you for your leadership on all fronts to protect and expand our publicly-owned lands system.

The members of the Diverse Environmental Leaders Speakers Bureau support the expansion of the system and particularly recognize the need for the units managed by the DOI to increasingly reflect the racial and ethnic diversity of our great country.

As you will see from the attached letter we have sent to President Obama, the Center for American Progress has cited the great inequality of having less than 15% representation of diverse ethnicities, women and the LGBT community among our national parks and historic sites. We trust that your long-standing and intimate connections with these issues will inspire you and the administration to institute the lasting changes we are calling for.

Sincerely,

Audrey and Frank Peterman
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DIVERSE ENVIRONMENTAL LEADERS Speakers Bureau

www.DELnsb.com
3 404.432.2839

A Program of
Earthwise Productions, Inc.
11200 NW 20th Court
Plantation, FL 33323

December 1, 2015

The Honorable Barack Obama
The White House
Washington, DC

Dear President Obama,

America is forever in your debt for the leadership and sensitivity you have demonstrated in caring for and preserving our publicly-owned lands, and in particular for conserving historic and cultural sites that honor the experiences of our diverse population. As Americans of African, Asian, Hispanic and Native descent who have toured our national parks, forests and wildlife refuges from Alaska to the US Virgin Islands, we know from experience the sense of liberation and belonging that comes from finding our stories reflected in these protected places.

With the 100th anniversary of the National Park Service hurtling toward us, the 50-plus associates in the Diverse Environmental Leaders Speakers Bureau join us in encouraging you to continue using the Antiquities Act to increase the number and diversity of units across the public lands spectrum. According to the Center for American Progress, less than 15-percent of units in our National Park System reflect the contributions of non-white Americans, women and members of the LGBT community. The disparity is even greater throughout our national forests and wildlife refuge systems, and lands managed by the BLM.

We encourage you to continue to use the power of your office to protect more of our natural, cultural and historically significant lands and structures across the nation . For example, communities around the country are eagerly seeking the protection of places such as Stonewall Inn in New York City, often regarded as the single-most important place in the evolution of the LGBT movement; Freedom Riders Park in Anniston, Alabama, where the Civil Rights movement was strengthened after Black riders testing the limits of interstate bus segregation were targeted by a mob in 1961; and the Native American-led proposal to protect Bears' Ears in Utah, which is sacred to several tribes.

Please also take steps to enhance your successful Find Your Park/Every Kid in a Park initiative to include new community outreach and diversity recruitment and retention strategies. These kinds of policy and human resources changes will help to ensure that the next Administration has the necessary staff in place to uphold your legacy and continue to

push for greater conservation and protection of critical American places and American stories.

Mr. President: we can hardly overstate the pleasure we derive from being able to claim you as one of the greatest conservation Presidents in our history, alongside Teddy Roosevelt who cautioned at the turn of the 20th Century, *"We have fallen heirs to the most glorious heritage a people ever received, and each one must do his part if we wish to show that the nation is worthy of its good fortune."*

Your leadership has shown you to be eminently worthy Mr. President, of this challenge. We have no doubt that Americans will proudly join us in supporting and celebrating the inclusive public lands system you will have created by the end of your term. Please contact us if we can help with this mission.

With deep thanks and appreciation,

Audrey & Frank Peterman
Founders, Diverse Environmental Leaders Speakers Bureau

Carlos Alcazar	*Tony C. Anderson*	*Midy Aponte*	*Krishel Augustine*
Teresa Baker	*Irela Bague*	*Dorien Blythers*	*Evonne Blythers*
Marcelo Bonta	*Gillian Bowser, PhD*	*Majora Carter*	*Naomi Davis*
Dudley Edmondson	*Stacey Evans*	*Angelou Ezeilo*	*James Ezeilo*
Carolyn Finney, PhD	*Iantha Gantt-Wright*	*Queen Quet*	*Carolyn Hartfield*
Na'Taki Osborne-Jelks	*James King II*	*Drew Lanham, PhD*	*Jarid Manos*
James Mills	*Stefan Moss*	*Mamie Parker, PhD*	*Nadine Patrice*
Celinda Pena	*Darryl Perkins*	*Capt. Bill Pinkney*	*Naseem Rakha*
J.T. Reynolds	*C. Richardson-Sutton*	*Nina Roberts, PhD*	*Nia Robinson*
Lauret Savoy, PhD	*Keisha Scovens*	*Tarsha Scovens*	*Loan Sewer*
Stephen Shobe	*Jack Shu*	*Rachel Stewart*	*Wandi Steward*
Fred Tutman	*Bill Vanderberg*	*Eriquah Vincent*	*Lizbeth Williams*
Sid Wilson			

CC: Honorable Sally Jewell, Secretary, U.S. Department of the Interior
Honorable Tom Vilsack, Secretary, U.S. Department of Agriculture
Christy Goldfuss, Managing Director, White House Council of Environmental Quality
Beth Cobert, Acting Director, White House Office of Personnel Management