FOR COMMITTEE USE ONLY

MINORITY LEADER
GENE DAVIS

THIRD DISTRICT

# UTAH STATE SENATE

865 PARKWAY AVENUE
SALT LAKE CITY, UT 84106
(H) 801-484-9428
(C) 801-647-8924
gdavis@le.utah.gov

320 STATE CAPITOL • P.O. BOX 145115 • SALT LAKE CITY, UTAH 84114
801-538-1035 • www.utahsenate.org

October 4, 2016

Please take action, Mr. President:

The debate surrounding an area of Utah known as Bears Ears has been raging for several months now. Nearly all agree that these public lands are special and should be protected, but how to do this has been hotly contested. All sides have had ample time to weigh in. That includes 26 Native American tribes, San Juan County, and people from both across our state and across the nation, all of whom have a right to have a say in the management of their public lands.

But now it's time to take action. With little chance of Congress protecting the Bears Ears region, you should use your authority to establish the Bears Ears National Monument and ensure permanent protection of this unique region. In doing so, you would be heeding the calls of Native American tribes, labor unions, veterans, business owners, faith leaders, sportsmen, recreationalists, conservationists, and many others who wish to see these lands protected and appropriate access ensured.

A national monument designation will keep these public lands managed under existing agencies, and ensure access and preservation for us, our children, and future generations.

As the Utah State Senate Minority Leader, I implore you to take action.

Respectfully,

Senator Gene Davis

Utah State Senate Minority Leader

FOR COMMITTEE USE ONLY

# Conversation Contents

**Fwd: Meeting with Nikki Buffa**

**Attachments:**

/75. Fwd: Meeting with Nikki Buffa/1.1 image001.jpg
/75. Fwd: Meeting with Nikki Buffa/1.2 Advisability of Designating the Bear Ear FINAL W Attachments.pdf

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

| | |
|---|---|
| **From:** | "Buffa, Nicole" <nicole_buffa@ios.doi.gov> |
| **Sent:** | Tue Oct 11 2016 09:55:59 GMT-0600 (MDT) |
| **To:** | Neil Kornze <nkornze@blm.gov>, Michael Bean <michael_bean@ios.doi.gov>, Lawrence Roberts <lawrence_roberts@ios.doi.gov>, Jonathan Jarvis <jon_jarvis@nps.gov> |
| **CC:** | Liz Pardue <lpardue@blm.gov>, Karen Hyun <karen_hyun@ios.doi.gov>, Sarah Walters <sarah_walters@ios.doi.gov>, Maureen Foster <maureen_foster@nps.gov>, Gisella Ojeda-dodds <gisella_ojeda-dodds@ios.doi.gov>, Justin Pidot <justin.pidot@sol.doi.gov> |
| **Subject:** | Fwd: Meeting with Nikki Buffa |
| **Attachments:** | image001.jpg Advisability of Designating the Bear Ear FINAL W Attachments.pdf |

Hi All - Sorry for the late notice. But it appears that this request, from San Juan County Commissioner Bill Adams, came in yesterday. I would really like a few others to be in the room for this meeting, are any of you available to join me? I will make sure he connects directly with Forest Service for their other request.

Gisella - We may need to move the time around to accommodate Neil, Michael, Larry, and/or Jon's schedule.

Thanks in advance,
Nikki

---------- Forwarded message ----------
From: **Ojeda-dodds, Gisella** <gisella_ojeda-dodds@ios.doi.gov>
Date: Tue, Oct 11, 2016 at 11:49 AM
Subject: Fwd: Meeting with Nikki Buffa

To: Nicole Buffa <nicole_buffa@ios.doi.gov>

Nikki - did you want me to include anyone else from BLM or FWS for this meeting tomorrow?

G

**Gisella Ojeda-Dodds**
**Executive Assistant to Nikki Buffa, Deputy Chief of Staff**
**Immediate Office of the Secretary**
**U.S. Department of the Interior**
**1849 "C" Street, NW, MS: 6136-MIB**
**Washington, D.C. 20240**
**Telephone: (202) 208-4123/4105**
**Facsimile: (202) 208-4561**
**E-mail: Gisella_Ojeda-Dodds@ios.doi.gov**

***"Treat the earth well: it was not given to you by your parents, it was loaned to you by your children. We do not inherit the Earth from our Ancestors, we borrow it from our Children."***

***- Tribe Unknown***

***"In matters of style, swim with the current; in matters of principle, stand like a rock."***

***- Thomas Jefferson***

---------- Forwarded message ----------
From: **Bruce Adams** <bbadams@sanjuancounty.org>
Date: Tue, Oct 11, 2016 at 11:24 AM
Subject: Fwd: Meeting with Nikki Buffa
To: Ojeda-dodds Gisella <Gisella_Ojeda-Dodds@ios.doi.gov>
Cc: Lyman Phil <plyman@sanjuancounty.org>, Benally Rebecca <rmbenally@sanjuancounty.org>, Carlson Jim <sts@wbsnet.org>, Wilcox Ryan <ryan_wilcox@lee.senate.gov>

Sent from my iPhone

Begin forwarded message:

**Subject: RE: Meeting with Nikki Buffa**

Gisella -

Thanks for setting the meeting up - I really appreciate it.

When San Juan County requested the meeting through Senator Lee, we were hoping to include leadership from the BLM, Park Service, CEQ and Forest Service. Some administration leaders we believe may be interested in our message included Michel Bean, Ann Mills, Lawrence Roberts, Christy Goldfuss and Tom Tidwell.

I realize with the late notice and the Columbus Day Holiday it may not be feasible to meet our attendee request. Our Commission does believe the attached report - and the County Resolution in the back - gives a valuable, alternative viewpoint to the monument request from the Bears Ears Intertribal Coalition. Please feel free to share the report as we will be referencing the Resolutions and perhaps some other details.

Accompanying me will be Jim Carlson of Stillwater Technical Solutions, the primary author of the Report and Angus McIntosh, a research expert. I would like to know who may attend from your end once you have made arrangements - and where you would like for us to meet.

Our primary mission is to invite agencies from the Department of Interior to participate in revision of the San Juan County Master Plan and positively touch a few points in the report that we believe the various agencies may wish to consider going forward.

The 10:30 to 11:30 am time slot works will for us if it can work for the requested attendees.

Sincerely,

Bruce Adams

Commissior

San Juan County, Utah

(435) 459-1351

---

**From:** Bruce Adams [mailto:bbadams@sanjuancounty.org]
**Sent:** Tuesday, October 11, 2016 9:01 AM

Sent from my iPhone

Begin forwarded message:

> **From:** "Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>
> **Date:** October 11, 2016 at 9:34:22 AM EDT
> **To:** <bbadams@sanjuancounty.org>
> **Subject: Meeting with Nikki Buffa**
>
> Good Morning,
>
> I apologize for not reaching out sooner. Nikki would be like to meet with you tomorrow if you are available. She has time between 10:30AM-12PM and after 3PM. Please let me know which window is best.
>
> Sincerely,
>
> Gisella
>
> **Gisella Ojeda-Dodds**
>
> **Executive Assistant to Nikki Buffa, Deputy Chief of Staff**
>
> **Immediate Office of the Secretary**
>
> **U.S. Department of the Interior**

FOR COMMITTEE USE ONLY

1849 C Street, NW, MS 4136-MIB

Washington, D.C. 20240

Telephone: (202) 208-4123/4105

Facsimile: (202) 208-4561

E-mail: Gisella_Ojeda-Dodds@ios.doi.gov

*"Treat the earth well: it was not given to you by your parents, it was loaned to you by your children. We do not inherit the Earth from our Ancestors, we borrow it from our Children."*

*- Tribe Unknown*

*"In matters of style, swim with the current; in matters of principle, stand like a rock."*

*- Thomas Jefferson*

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7797 / Virus Database: 4656/13179 - Release Date: 10/09/16

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

## "Bean, Michael" <michael_bean@ios.doi.gov>

| | |
|---|---|
| **From:** | "Bean, Michael" <michael_bean@ios.doi.gov> |
| **Sent:** | Tue Oct 11 2016 10:09:18 GMT-0600 (MDT) |
| **To:** | "Buffa, Nicole" <nicole_buffa@ios.doi.gov> |

**CC:** Neil Kornze <nkornze@blm.gov>, Lawrence Roberts <lawrence_roberts@ios.doi.gov>, Jonathan Jarvis <jon_jarvis@nps.gov>, Liz Pardue <lpardue@blm.gov>, Karen Hyun <karen_hyun@ios.doi.gov>, Sarah Walters <sarah_walters@ios.doi.gov>, Maureen Foster <maureen_foster@nps.gov>, Gisella Ojeda-dodds <gisella_ojeda-dodds@ios.doi.gov>, Justin Pidot <justin.pidot@sol.doi.gov>

**Subject:** Re: Meeting with Nikki Buffa

If this meeting is to take place 10:30-11:30 tomorrow, I am available.

Michael J. Bean
Principal Deputy Assistant Secretary for Fish and Wildlife and Parks
U.S. Department of the Interior
Washington, DC 20240
202-208-4416
202-208-4684 (fax)
michael_bean@ios.doi.gov
Twitter: @DOIBeanScene

On Tue, Oct 11, 2016 at 11:55 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Hi All - Sorry for the late notice. But it appears that this request, from San Juan County Commissioner Bill Adams, came in yesterday. I would really like a few others to be in the room for this meeting, are any of you available to join me? I will make sure he connects directly with Forest Service for their other request.
>
> Gisella - We may need to move the time around to accommodate Neil, Michael, Larry, and/or Jon's schedule.
>
> Thanks in advance,
> Nikki
>
> ---------- Forwarded message ----------
> From: **Ojeda-dodds, Gisella** <gisella_ojeda-dodds@ios.doi.gov>
> Date: Tue, Oct 11, 2016 at 11:49 AM
> Subject: Fwd: Meeting with Nikki Buffa
> To: Nicole Buffa <nicole_buffa@ios.doi.gov>
>
> Nikki - did you want me to include anyone else from BLM or FWS for this meeting tomorrow?
>
> G
>
> **Gisella Ojeda-Dodds**
> **Executive Assistant to Nikki Buffa, Deputy Chief of Staff**
> **Immediate Office of the Secretary**
> **U.S. Department of the Interior**
> **1849 "C" Street, NW, MS: 6136-MIB**
> **Washington, D.C. 20240**
> **Telephone: (202) 208-4123/4105**
> **Facsimile: (202) 208-4561**

*"Treat the earth well: it was not given to you by your parents, it was loaned to you by your children. We do not inherit the Earth from our Ancestors, we borrow it from our Children."*

*- Tribe Unknown*

*"In matters of style, swim with the current; in matters of principle, stand like a rock."*

*- Thomas Jefferson*

---------- Forwarded message ----------
From: **Bruce Adams** <bbadams@sanjuancounty.org>
Date: Tue, Oct 11, 2016 at 11:24 AM
Subject: Fwd: Meeting with Nikki Buffa
To: Ojeda-dodds Gisella <Gisella_Ojeda-Dodds@ios.doi.gov>
Cc: Lyman Phil <plyman@sanjuancounty.org>, Benally Rebecca <rmbenally@sanjuancounty.org>, Carlson Jim <sts@wbsnet.org>, Wilcox Ryan <ryan_wilcox@lee.senate.gov>

Sent from my iPhone

Begin forwarded message:

**Subject: RE: Meeting with Nikki Buffa**

Gisella -

Thanks for setting the meeting up - I really appreciate it.

When San Juan County requested the meeting through Senator Lee, we were hoping to include leadership from the BLM, Park

FOR COMMITTEE USE ONLY

Service, CEQ and Forest Service. Some administration leaders we believe may be interested in our message included Michel Bean, Ann Mills, Lawrence Roberts, Christy Goldfuss and Tom Tidwell.

I realize with the late notice and the Columbus Day Holiday it may not be feasible to meet our attendee request. Our Commission does believe the attached report - and the County Resolution in the back - gives a valuable, alternative viewpoint to the monument request from the Bears Ears Intertribal Coalition. Please feel free to share the report as we will be referencing the Resolutions and perhaps some other details.

Accompanying me will be Jim Carlson of Stillwater Technical Solutions, the primary author of the Report and Angus McIntosh, a research expert. I would like to know who may attend from your end once you have made arrangements - and where you would like for us to meet.

Our primary mission is to invite agencies from the Department of Interior to participate in revision of the San Juan County Master Plan and positively touch a few points in the report that we believe the various agencies may wish to consider going forward.

The 10:30 to 11:30 am time slot works will for us if it can work for the requested attendees.

Sincerely,

Bruce Adams

Commissior

San Juan County, Utah

**From:** Bruce Adams [mailto:bbadams@sanjuancounty.org]
**Sent:** Tuesday, October 11, 2016 9:01 AM

Sent from my iPhone

Begin forwarded message:

> **From:** "Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>
> **Date:** October 11, 2016 at 9:34:22 AM EDT
> **To:** <bbadams@sanjuancounty.org>
> **Subject: Meeting with Nikki Buffa**
>
> Good Morning,
>
> I apologize for not reaching out sooner. Nikki would be like to meet with you tomorrow if you are available. She has time between 10:30AM-12PM and after 3PM. Please let me know which window is best.
>
> Sincerely,
>
> Gisella
>
> **Gisella Ojeda-Dodds**
>
> **Executive Assistant to Nikki Buffa, Deputy Chief of Staff**
>
> **Immediate Office of the Secretary**
>
> **U.S. Department of the Interior**
>
> **1849 "C" Street, NW, MS: 6136-MIB**
>
> **Washington, D.C. 20240**
>
> **Telephone: (202) 208-4123/4105**
>
> **Facsimile: (202) 208-4561**
>
> **E-mail: Gisella_Ojeda-Dodds@ios.doi.gov**

*Treat the earth well: it was not given to you by your parents, it was loaned to you by your children. We do not inherit the Earth from our Ancestors, we borrow it from our Children."*

*- Tribe Unknown*

*"In matters of style, swim with the current; in matters of principle, stand like a rock."*

*- Thomas Jefferson*

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7797 / Virus Database: 4656/13179 - Release Date: 10/09/16

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

## Justin Pidot <justin.pidot@sol.doi.gov>

| | |
|---|---|
| **From:** | Justin Pidot <justin.pidot@sol.doi.gov> |
| **Sent:** | Tue Oct 11 2016 10:17:57 GMT-0600 (MDT) |
| **To:** | "Bean, Michael" <michael_bean@ios.doi.gov> |
| **CC:** | "Buffa, Nicole" <nicole_buffa@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, Lawrence Roberts <lawrence_roberts@ios.doi.gov>, Jonathan Jarvis <jon_jarvis@nps.gov>, Liz Pardue <lpardue@blm.gov>, Karen Hyun <karen_hyun@ios.doi.gov>, Sarah Walters <sarah_walters@ios.doi.gov>, Maureen Foster <maureen_foster@nps.gov>, Gisella Ojeda-dodds <gisella_ojeda-dodds@ios.doi.gov> |

**Subject:** FOR COMMITTEE USE ONLY Re: Meeting with Nikki Buffa

I can also be available at that time

Sent from my iPhone

On Oct 11, 2016, at 12:09 PM, Bean, Michael <michael_bean@ios.doi.gov> wrote:

> If this meeting is to take place 10:30-11:30 tomorrow, I am available.
>
> Michael J. Bean
> Principal Deputy Assistant Secretary for Fish and Wildlife and Parks
> U.S. Department of the Interior
> Washington, DC 20240
> 202-208-4416
> 202-208-4684 (fax)
> michael_bean@ios.doi.gov
> Twitter: @DOIBeanScene
>
> On Tue, Oct 11, 2016 at 11:55 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
>
> > Hi All - Sorry for the late notice. But it appears that this request, from San Juan County Commissioner Bill Adams, came in yesterday. I would really like a few others to be in the room for this meeting, are any of you available to join me? I will make sure he connects directly with Forest Service for their other request.
> >
> > Gisella - We may need to move the time around to accommodate Neil, Michael, Larry, and/or Jon's schedule.
> >
> > Thanks in advance,
> > Nikki
> >
> > ---------- Forwarded message ----------
> > From: **Ojeda-dodds, Gisella** <gisella_ojeda-dodds@ios.doi.gov>
> > Date: Tue, Oct 11, 2016 at 11:49 AM
> > Subject: Fwd: Meeting with Nikki Buffa
> > To: Nicole Buffa <nicole_buffa@ios.doi.gov>
> >
> > Nikki - did you want me to include anyone else from BLM or FWS for this meeting tomorrow?
> >
> > G
> >
> > **Gisella Ojeda-Dodds**
> > **Executive Assistant to Nikki Buffa, Deputy Chief of Staff**
> > **Immediate Office of the Secretary**
> > **U.S. Department of the Interior**
> > **1849 "C" Street, NW, MS: 6136-MIB**
> > **Washington, D.C. 20240**
> > **Telephone: (202) 208-4123/4105**

FOR COMMITTEE USE ONLY
Facsimile: (202) 208-5610
E-mail: Gisella_Ojeda-Dodds@ios.doi.gov

*"Treat the earth well: it was not given to you by your parents, it was loaned to you by your children. We do not inherit the Earth from our Ancestors, we borrow it from our Children."*

*- Tribe Unknown*

*"In matters of style, swim with the current; in matters of principle, stand like a rock."*

*- Thomas Jefferson*

---------- Forwarded message ----------
From: **Bruce Adams** <bbadams@sanjuancounty.org>
Date: Tue, Oct 11, 2016 at 11:24 AM
Subject: Fwd: Meeting with Nikki Buffa
To: Ojeda-dodds Gisella <Gisella_Ojeda-Dodds@ios.doi.gov>
Cc: Lyman Phil <plyman@sanjuancounty.org>, Benally Rebecca <rmbenally@sanjuancounty.org>, Carlson Jim <sts@wbsnet.org>, Wilcox Ryan <ryan_wilcox@lee.senate.gov>

Sent from my iPhone

Begin forwarded message:

**Subject: RE: Meeting with Nikki Buffa**

Gisella -

Thanks for setting the meeting up - I really appreciate it.

When San Juan County requested the meeting through Senator Lee, we were hoping to include leadership from the BLM, Park Service, CEQ and Forest Service. Some administration leaders we believe may be interested in our message included Michel Bean, Ann Mills, Lawrence Roberts, Christy Goldfuss and Tom Tidwell.

I realize with the late notice and the Columbus Day Holiday it may not be feasible to meet our attendee request. Our Commission does believe the attached report - and the County Resolution in the back - gives a valuable, alternative viewpoint to the monument request from the Bears Ears Intertribal Coalition. Please feel free to share the report as we will be referencing the Resolutions and perhaps some other details.

Accompanying me will be Jim Carlson of Stillwater Technical Solutions, the primary author of the Report and Angus McIntosh, a research expert. I would like to know who may attend from your end once you have made arrangements - and where you would like for us to meet.

Our primary mission is to invite agencies from the Department of Interior to participate in revision of the San Juan County Master Plan and positively touch a few points in the report that we believe the various agencies may wish to consider going forward.

The 10:30 to 11:30 am time slot works will for us if it can work for the requested attendees.

Sincerely,

Bruce Adams

Commissior

San Juan County, Utah

(435) 459-1351

---

**From:** Bruce Adams [mailto:bbadams@sanjuancounty.org]
**Sent:** Tuesday, October 11, 2016 9:01 AM

Sent from my iPhone

Begin forwarded message:

> **From:** "Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>
> **Date:** October 11, 2016 at 9:34:22 AM EDT
> **To:** <bbadams@sanjuancounty.org>
> **Subject: Meeting with Nikki Buffa**
>
> Good Morning,
>
> I apologize for not reaching out sooner. Nikki would be like to meet with you tomorrow if you are available. She has time between 10:30AM-12PM and after 3PM. Please let me know which window is best.
>
> Sincerely,
>
> Gisella
>
> **Gisella Ojeda-Dodds**
>
> **Executive Assistant to Nikki Buffa, Deputy Chief of Staff**
>
> **Immediate Office of the Secretary**
>
> **U.S. Department of the**

1849 C Street, NW, MS: 6136-MIB

Washington, D.C. 20240

Telephone: (202) 208-4123/4105

Facsimile: (202) 208-4561

E-mail: Gisella_Ojeda-Dodds@ios.doi.gov

*"Treat the earth well: it was not given to you by your parents, it was loaned to you by your children. We do not inherit the Earth from our Ancestors, we borrow it from our Children."*

*- Tribe Unknown*

*"In matters of style, swim with the current; in matters of principle, stand like a rock."*

*- Thomas Jefferson*

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2016.0.7797 / Virus Database: 4656/13179 - Release Date: 10/09/16

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

# The Advisability of Designating the Bears Ears as a Monument Under the Antiquities Act

Procedural Requirements, Governmental Prerogatives, and a Required Statutory Process

**Prepared for:**

**County Commission**
**San Juan County, Utah**
**117 South Main Street**
**Monticello, Utah**

October, 2016

*"Complex Problems Solved Well"*

Stillwater Technical Solutions
PO Box 93
Garden City, KS 67846

Principal Author: J.R. Carlson

Principal Researchers & Contributing Authors:
Norm MacLeod
Angus McIntosh, PhD
Alva Byron Clarke, IV, J.D.,
Blue Mountain Diné Community Group

# Table of Contents

**1.0 INTRODUCTION** ..... 1
*1.1 Background* ..... 1
*1.2 Land Management & Land Use Planning* ..... 2
*1.3 Situation Appraisal; Issue Identification* ..... 2
*1.4 Purpose and Approach* ..... 4
**2.0 STATUTORY BACKDROP** ..... 5
*2.1 The Federal Land Policy and Management Act* ..... 5
*2.2 The Data Quality Act* ..... 8
*2.3 The Antiquities Act* ..... 9
*2.4 The National Environmental Policy Act* ..... 12
**3.0 DISCUSSION** ..... 14
*3.1 Proposal by the Bears Ears Intertribal Coalition* ..... 14
*3.1.1 Jurisdiction* ..... 14
*3.1.2 Damage to Antiquities* ..... 14
*3.1.3 Legislative Considerations* ..... 15
*3.2 Valid Existing Rights* ..... 16
*3.2.1 Grazing Allotments* ..... 16
*3.2.2 SITLA Lands* ..... 17
*3.2.3 Implied Reservation of Water* ..... 18
*3.2.4 Rights-of-Way* ..... 19
*3.2.5 Uranium* ..... 20
*3.3 Other Considerations* ..... 20
*3.3.1 Human Health, Safety & Welfare* ..... 20
*3.3.2 NPS Backlog; Interagency Cultural Issues* ..... 21
**4.0 CONCLUSIONS** ..... 23
**5.0 RECOMENDATIONS** ..... 26
*Table of Authorities* ..... 27

## List of Exhibits

**Exhibit 1: Maps**
**Exhibit 2: List of Inholdings**
**Exhibit 3: Land Use Plans in San Juan County**
**Exhibit 4: MOA Between SJC & The Navajo Nation**
**Exhibit 5: Briefing Paper: DOI BLM Office of Enforcement & Security**
**Exhibit 6: SJC Lands Council: Items for PLI Legislation**
**Exhibit 7: Impact Letters from Two County Sheriffs**
**Exhibit 8: Cultural & Fiscal Problems at NPS**
**Exhibit 9: San Juan County Resolutions**

# EXECUTIVE SUMMARY

Over the past twenty years, the quantity and area proposed for monuments in the United States has increased dramatically. Withdrawal of what are supposed to be "public lands" from productive use has kindled scrutiny of the President's discretionary authority, raised questions about the procedural responsibilities of administrative agencies, and focused review on the Federal government's responsibility to inventory and safeguard property inholdings that have valid existing rights.

Upon bringing the Antiquities Act under Title 54 of the United States Code in the National Park Service body of statutory law, the Congress eliminated potential for the Antiquities Act to be considered a stand-alone privilege enjoyed by the President. The 2014, *in para materia* adoption of the Antiquities Act into the National Park Service Statutes now requires the Secretaries of Interior and Agriculture to implement the procedural, due-diligence obligations that balance human and natural environments, preserve valid existing rights, and which demonstrate deference for State and local jurisdictional prerogatives.

The methodological language of the Antiquities Act presupposes an inventory of private inholdings has been conducted, that those interests have been distinguished from lands owned and controlled by the Federal government, and that inholding owners have been given opportunity to relinquish their properties prior to the designation process. Similarly, the logic of the Antiquities Act requires advance understanding of the areal extent of the tract, knowledge of the nature and care required for the objects, and a minimum, scientific understanding of the occurrence and relationship of the objects to non-Federal inholdings.

A non-governmental organization (NGO) of Native American tribes has proposed designation of a 1.9 million acre national monument in San Juan County, Utah. We reviewed that proposal in a procedural, statutory context using the historical definition of "public lands," congressionally-mandated land use planning prerogatives, and a county inventory of valid existing rights that occur in the proposed monument area.

The proposal by the Coalition - though well intended - is severely deficient, requesting actions by the Secretaries and the President that are clearly contrary to law. As an NGO, the Coalition lacks jurisdiction to make the request, and the proposal itself disregards no less than 18 land use planning efforts. If carried forward, the Coalition's plan would preempt agreements between San Juan County and the Navajo Nation and circumvent the role and jurisdiction of State and local governments in land use planning. With respect to documentation, the proposal asserts an urgency disproved by governmental reports, and the 1.9 million acre area proposed for the monument incorporates vast areas of public, private and patented properties that enjoy longstanding, valid existing rights.

This survey demonstrates that for purposes of a monument designation, grazing allotments (districts) are a limited-fee, surface title property, and as a result such lands are not owned or controlled by the Federal government. As a consequence, grazing allotments in San Juan County are property having valid existing rights, are subject to State and local jurisdiction, and should be inventoried and managed in the San Juan County Master Plan.

Our finding that grazing allotments do not constitute lands owned or controlled by the Federal government has implications that reach far beyond presidential designation of monuments. Federal land management agencies should be required by Congress, State and local governments to review and revise their resource, land use, and land management programs to accommodate historical statutory definitions and accept grazing allotments as real property with valid existing rights.

# 1.0 Introduction

## *1.1 Background -*

San Juan County is the largest county in Utah, occupying an area of approximately 7,933 square miles (5,077,120 acres). San Juan County is characterized by an interspersed patchwork of grazing districts, wilderness lands, state and national recreation areas, state parks, two national monuments, national conservation areas, and the Manti-La Sal National Forest. For its part, the Manti-La Sal National Forest contains the watershed that the cities of Monticello and Blanding depend upon to meet their entire culinary water needs.

A 1.9 million acre region within San Juan County's jurisdictional boundaries has been proposed for designation as a national monument under the Antiquities Act by the Bears Ears Inter-Tribal Coalition[1] (Coalition), a regional consortium of five Native American tribes. The proposed monument contains approximately 1,411,000 acres of Bureau of Land Management (BLM) lands, 155,000 acres of National Park Service (NPS) holdings, 366,000 acres of US Forest Service (USFS) administrated lands, and 151,000 acres of Utah *School and Institutional Trust Lands Administration* (SITLA) lands.[2] (Exhibit 1)

Government-managed lands within the proposed monument are interspersed with vast areas of private inholdings, including forty-three (43) grazing allotments, no less than 661 appropriated water-right diversion points, the sole operating uranium mill in the United States, multiple oil and gas production areas, and approximately 18,000 acres of patented property. (Exhibit 2)

Right-of-way access within the proposed monument boundary includes a network of State Highways, State-classified "B" and "D" roads, and RS-2477 roads. Of the 3,542 combined road-miles within the proposed monument area, some roads possess in-perpetuity rights-of-way, others have permanent easements or pending easement-applications, and still others maintain rights-of-way predating Utah statehood in January, 1896.[3]

Demographically, San Juan County contains a near-equal distribution of Native American (51%) and Anglo (45%) populations, with the remaining percentage split among other ethnicities. Economically, San Juan County ranks 29th out of 29 Utah counties with a per-capita, annual income of approximately $23,244. Approximately 29% of San Juan County residents reportedly fall below the Federal poverty line.[4]

[1] *Proposal to President Barak Obama for the Creation of Bears Ears National Monument*. The Bears Ears Inter-Tribal Coalition. October 15, 2015.
[2] *List of Federal, State, Private and Tribal Holdings Data*. San Juan County, Utah Surveyor's Office. August 25, 2016.
[3] ibid. Utah County Surveyor.
[4] 2016 Economic Report to the Governor. The Utah Economic Council.

## *1.2 Land Management and Land Use Planning -*

Land use management and planning within San Juan County is characterized by a multi-layered, diverse collection of Federal, State and local land planning interests with each having its own discreet area of responsibility. San Juan County has identified no less than eighteen (18) separate land use, land management, and wildlife management plans within its jurisdiction. (Exhibit 3)

San Juan County maintains a comprehensive, land use Master Plan (MP) and the County is actively engaged in land use planning with Federal and State agencies and the Navajo Nation.[5] The Navajo Nation and San Juan County have an ongoing Memorandum of Agreement (MOA) for joint land use planning and land management throughout the County. The San Juan County/Navajo MOA specifically addresses collaborative management of cultural resources, land use planning of recreational areas, and joint participation in SITLA and Federal land exchanges and transfers[6] (Exhibit 4).

San Juan County is currently revising its land use and management MP. With this revision, San Juan County is considering alternatives for integrating the BLM's 2008 Resource Management Plan (RMP) and planned revisions to the USFS Manti-La Sal National Forest Plan with County planning processes through the "*assure consideration*," "*assist-in-resolving*" and "*attempt consistency*" mandates of the Federal Land Policy and Management Act (FLPMA).[7]

The sheer volume, overlap and layering of multiple land use planning efforts in San Juan County raises questions as to the effectiveness of any one effort. Even though natural systems do not accommodate manmade political boundaries, the United State Federal code - through a collective, statutory body of law - requires Federal agencies to respect, defer to and defend State and local jurisdictional boundaries.

## *1.3 Situation Appraisal; Issue Identification -*

Native American ruins, artifacts and other sites may be located within the jurisdictional boundaries of San Juan County. Governmental reports have referred to objects in the vicinities of Cedar Mesa, Red Knobs, Indian Creek, Alkali Ridge, Montezuma Creek, Long Canyon Point and other areas, with the actual number of sites varying considerably.

[5] San Juan County Master Plan. San Juan County, Utah. March, 2008.
[6] Memorandum of Agreement Between San Juan County, Utah and Navajo Nation. May 5, 2015.
[7] 43 USC §1712(c)(9).

Despite the reported, significant quantity of objects and artifacts in San Juan County, over a six-year period Federal investigators have identified two (2) criminal-level excavations, four (4) incidents of funerary excavations, four (4) thefts of archeological resources, and eleven (11) reports of vandalism.[8] Of these macabre activities, some are thought to be historical in nature, occurring well before discovery and reporting (Exhibit 5).

Discrepancies between claims of "*rampant looting"* made to government agencies by environmental groups and facts documented by local BLM investigators began to emerge in May, 2015, when San Juan County law enforcement wrote a letter to a local newspaper (Exhibit 7). The availability, reliability, and quality of documentation supporting claims is further explored in section 3.1.

In October, 2015, representatives from five (5) regional Native American tribes proposed that the President of the United States (POTUS) withdraw 1.9 million acres[9] of lands within San Juan County's boundaries under the authority of the Antiquities Act of 1906[10] and Title 54 of the National Park Service Preservation Statutes.[11] Of the five tribes comprising the Coalition, only two possess lands within the proposed national monument boundaries for a total of 4,818 acres.[12] The Coalition's proposal to withdraw 37% of the surface area of San Juan County from current uses raises national-level policy, technical, procedural, jurisdictional, property, health and safety, and local-sovereignty related questions. We explore these questions in context of Federal statutory requirements.

In its proposal, the Coalition recommends that the POTUS create a new *Federal Entity* - a quasi-governmental agency - whose existence has no precedent and the authority for which cannot be traced to Federal statutes. The new entity is proposed to be managed by a salaried, eight-member commission - one member from each tribe - and three participants from Federal agencies. No participation from State or local governments is contemplated, either during the designation process or in subsequent operations, land-management, or decision-making.

With respect to funding, the Coalition points to the "interest" of unnamed philanthropic foundations before transitioning into a request that the POTUS *"direct agencies to use their best efforts to provide funding under the Indian Self-Determination Statutes and other authorities for collaborative management at Bears Ears."*[13] The proposal is silent on the Congressional land withdrawal and appropriations process associated with land transactions of the magnitude contemplated by the Coalition, and no budgetary or cost estimates were included in the proposal.

[8] *Briefing Paper. US Department of Interior, Bureau of Land Management*. Office of Law Enforcement and Security, Region 3.
[9] *Proposal to President Barak Obama for the Creation of Bears Ears National Monument*. The Bears Ears Inter-Tribal Coalition. October 15, 2015.
[10] 16 USC§ 431-433.
[11] 54 USC Sec.§§ 300101-320303; (Pub.L. 113-287, S3, December 19, 2014. 128 Stat. 3187.)
[12] Navajo Nation has 18 acres and the Ute Mountain Ute tribe has 4,800 acres in the proposed boundary. SJC, Utah Surveyors Office.
[13] Ibid. *Proposal to President Barak Obama*. Page 30.

Historically, a proposal of the quality of that submitted by the Coalition would not be significant enough to merit Presidential attention. In the context of elevated jurisdictional tensions, prerogative incursions, and even proposed Federal rules that are contrary to Federal statutes, a deeper, more organic problem exists.[14]

### *1.4 Purpose and Approach -*

Our approach examines the Coalition's proposal in the context of ongoing encroachment by Federal land management agencies and the Executive Branch on the prerogatives of State and local governments. In seeking solutions to a complex, emotionally-charged situation, we avoid assigning blame or ascribing intent. Our objective is to survey the Coalition's urgent claim for artifact protection in the historical, jurisdictional, and statutory context of rightful Federal, State, and local land use planning prerogatives.

Following review of the Coalition's proposal we apply the statutory, procedural framework required of Federal agencies during the designation process and that are protective of human health and the environment. Finally, we conclude with solutions that utilize the existing, jurisdictional, San Juan County land use planning and management system.

[14] Comments, Statutory Analysis and Recommendations on BLM's 2.0 Planning Rule. Stillwater Technical Solutions. May, 2016.

# 2.0 Statutory Backdrop

## *2.1 The Federal Land Policy and Management Act -*

Through the 1976 Federal Land Policy and Management Act (FLPMA), Congress consolidated a century of land-management statutes into one comprehensive body of law to be implemented by the Secretaries of the Departments of Interior and Agriculture. FLPMA is the controlling statutory mandate governing Federal land use planning, land withdrawals, range allotment permitting, minerals management, land set-asides, prior existing rights, and protected rights-of-way on or over public lands.

Public lands and antiquities proposed for withdrawal by the POTUS are to be "*reviewed in accordance with the provisions of this* [FLPMA] *Act*"[15] and managed according to the mandates of FLPMA, the Archeological Resources Protection Act,[16] the National Historic Preservation Act (NHPA),[17,18] and Title 54 of the National Park Service Preservation statutes.[19] At the state level, the lead authority for artifacts management is the State Historic Preservation Office (SHPO).

Prior to initiating Major Federal (withdrawal) Action,[20,21] the Secretary(s) are to implement the Environmental Assessment (EA) mandates of the National Environmental Policy Act (NEPA),[22] codified in rule by the Council of Environmental Quality (CEQ).[23] All statutory responsibilities surrounding monument designations are to be undertaken in the context of minimum data quality and scientific standards of the Data Quality Act and Department of Interior policies. The NEPA requirement is more fully applied throughout this survey.

After five years of deliberation and in response to the conclusions of the Public Land Law Review Commission,[24] the 94th Congress changed the definition of what constitutes "public land." This change - central to implementation of the doctrine of multiple use and its list of limited, principal uses - was necessary because Congress determined that most lands and minerals throughout the west had been allocated, and as a result, significant portions of the public lands now exist in split estate ownership.

Following promulgation of FLPMA, it is the property doctrine of split-estates that determines which governmental entity has controlling, jurisdictional authority over surface land. Federal land management agencies are limited to commercial timber and subsurface mineral estate, whereas State and their political subdivisions have

[15] 43 USC §1701(a)(3).
[16] 16 USC §470aa-mm.
[17] Pub. L. 89-665; 80 STAT.915; 16 USC §470.
[18] Executive Order 11593. Protection And Enhancement Of The Cultural Environment. May 13, 1971.
[19] Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3188.
[20] 40 CFR §1501.2.
[21] 40 CFR §1508.18.
[22] 42 USC §§4321-4347.
[23] 40 CFR §§1500-1508.
[24] *One Third of the Nations Land*. A Report to the President and to the Congress by the Public Land Law Review Commission. June, 1970.

jurisdiction over private property interests, including grazing allotments. It is only within National Parks, where private inholdings have been acquired thorough relinquishment, condemnation or purchase - or where the State has ceded its authority - that Federal land management agencies possess exclusive jurisdiction over surface lands.

Over time, Federal agencies have lost sight of their limited, statutory authority to regulate the surface portion of split-estate lands, resulting in encroachments. Encroachments have taken place through a variety of mechanisms, including administrative orders, errant regulations and unchecked policy directives, with a corresponding lack of resistance at the State and local level.

Jurisdictional confusion can be traced to a non-understanding of the origin and longstanding history of the definition of "public lands" in Federal statutes and case law. The relationship of public lands to split estates, reservations, and other land appropriations was defined in the Federal Water Power Act of 1920 and since has been abundantly adjudicated in case law:

> *"most enduringly public lands have been defined as those lands subject to sale and other disposal under the general land laws"*[25]

and,

> *"Public lands" means such lands and interests in lands owned by the United States as are subject to private appropriations and disposal under public land laws. It shall not include "reservations" as hereinafter defined. "Reservations" means national monuments, national parks, national forests, tribal lands embraced within Indian reservations, military reservations, and other lands and interests in land owned by the United States and withdrawn, reserved or withheld from private appropriation and disposal under the public land laws....*[26]

When the 94th Congress revised the definition of "public lands" it had in view that split-estate conditions, reservations for National Monuments and Parks - including grazing allotments - not be included in the definition of what constitutes "public lands."[27] This led to the current FLPMA definition:

[25] Utah Div. Of State Lands v. United States. 482 US 193 (1987).
[26] 41 Stat 1063.
[27] Agricultural Entry of Mineral Lands Act 1914; Stock-Raising Homestead Act 1916; Mineral Leasing Act 1920; Federal Power Act 1920. [See Kinney Coastal Oil v Kieffer, 277 US 488 (1928); Watt v Western Nuclear, 462 US 36 (1983)]

> *The term "public lands" means any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership....*[28]

The addition of "*interest in land*" and removal of *"subject to appropriation and disposal"* language reflected the need for comprehensive land use planning that respects the split estate nature of pre-existing mining claims, land interests, property rights, and land uses that had been granted throughout 200 years of history.

In promulgating FLPMA, the Congress moved Federal land planning closer to State and local jurisdictions, intending co-planning with Federal agencies to be carried out on an equal-footing basis. FLPMA places Department of Interior as a partner for the overall process; e.g., to be reviewer and coordinator of land use plans, including Federal plans. Complications have arisen because county governments have not adequately understood the responsibilities, technical requirements, or limits of Federal control in land use management and planning.

The combination of unrestrained growth of administrative government and a wholesale, shallow understanding of the bright-line limits of Federal, State and local prerogatives has led to confusion in land use planning. This situation can be restored through a clear understanding of history and firm, ground-up assertion of rightful prerogatives.

Recognizing the intermingled, pre-existing status of water rights, easements, grazing allotments, mining claims, timber operations and various private inholdings, the 94th Congress established a hierarchal system that provides for the diverse land use interests around a central philosophy of productivity[29] - not sequestration. To that end, the limited FLPMA doctrine of principal use[30] establishes a first-among-multiple-use hierarchy for land use planning within the grazing districts of San Juan County:

1. *Domestic livestock grazing;*
2. *Fish and wildlife development and utilization;*
3. *Mineral exploration and production;*
4. *Rights-of-way;*
5. *Outdoor recreation; and,*
6. *Timber production.*

The first in the hierarchy of FLPMA principal uses is domestic livestock grazing. Federal courts have determined allotments for livestock grazing to be limited-fee titles that constitute a property right.[31] As a FLPMA-protected, pre-existing

[28] 43 USC §1702 (e).
[29] 43 USC §1702 (c).
[30] 43 USC §1702 (l).
[31] US v. Estate of Hage. No 2:07-CV-01154-RCJ P. 41 D Nev. May 24, 2013.

property right, grazing allotments and range improvements in San Juan County are surface-right entitlements that enjoy legal and regulatory safeguards so long as they are exercised.[32,33]

Because the 43 grazing allotments in San Juan County are limited-fee title, surface-estate entitlements that do not meet the definition of "public lands," those surface allotment lands, absent Federal purchase, condemnation or due process, are excluded from a monument designation as they are not lands fully "*owned or controlled by the Federal Government.*"

From a land management perspective, further investigation is needed to identify and segregate surface timber interests and Federally-owned minerals from water rights, grazing allotments and other private holdings that occur in split estate. This inventory will vastly reduce the management claim of Federal agencies to surface lands in San Juan County and ideally take place during revision of the San Juan County MP.

## *2.2 The Data Quality Act -*

The Data Quality Act (DQA)[34,35] requires administrative agencies to establish and maintain minimum standards and internal policies that afford local government and the public a process through which information can traced, corrected and verified. Information which could inform major Federal actions or executive decisions - such as the proposed Bears Ears National Monument designation - must be of high quality, reliability, transparency and veracity:

> *"The more important the information, the higher the quality standards to which it should be held, for example, in those situations involving influential scientific or statistical information."*[36]

Congress has established a minimum, DQA threshold consisting of four components:

1) Quality;
2) Utility;
3) Objectivity; and,
4) Integrity.

[32] Pub. L. 94-579 Sec. 701 (a).
[33] Pub. L. 94-579 Sec. 701 (h).
[34] Section 515(a) US Treasury and General Government Appropriations Act. Pub. L. 106-554.
[35] H.R. 5658; 66 FR 49718. September 28, 2001.
[36] Ibid. Federal Reg.Vol. 66, No. 189.

The "*Objectivity*" component requires information used in natural resource planning to identify all sources of information, standards for models, data, financial information; information in statistical contexts are to be specifically documented "*so the public can assess for itself whether there may be some reason to question the objectivity of the sources*." Objectivity means information must be clear, complete, and unbiased with sources being identified. To be reviewable, information must first be made available.

The "*Reproducibility*" requirement states that information must be "*capable of being substantially reproduced subject to an acceptable degree of imprecision*." This DQA requirement means that information for a proposed monument, such as inventory of property inholdings and studies for proper care and management - must be available from common and readily-available sources and such information must be replicable. An example of the "reproducibility" standard includes information-sourcing of the scientific basis used to determine the monument boundary.

The "*Utility*" requirement pertains to usefulness. Information from Federal agencies - and by extension the POTUS - "*needs to consider the uses of the information not only from the perspective of the agency, but also from the perspective of the public*." An example of the utility component is that information must be specific for the purpose, not random, unrelated citations or references.

The "*Integrity*" component pertains to security of information such that it is not subject to compromise.

In his Federal Register notification for the proposed P2R Planning Rule, the BLM director proposed diluting and altering existing Federal standards for information dissemination under the Data Quality Act. Specifically, the Director cites the example of Traditional Ecological Knowledge (TEK) - knowledge from a specific location acquired by indigenous and local people who have had direct contact with the environment - as a type of information that constitutes "high quality" information. TEK falls well short of the Federal definition of what constitutes "science" and it does not meet the Quality, Utility, Objectivity, and Integrity standards in DQA.[37]

## *2.3 The Antiquities Act -*

The Antiquities Act (AA) was promulgated by the Congress in 1906 and amended in 1950 to exclude extensions to existing or designations of new national monuments in Wyoming without Congressional authorization.[38] In 2014, the AA was reauthorized by Congress and brought under Title 54[39] code of the National Park Service Preservation statutes.[40] In placing the AA under Title 54, Congress removed any potential for the AA to be considered a stand-alone, executive

[37] *Comments, Statutory Analysis and Recommendations on BLMs Planning 2.0 Rule*. Stillwater Technical Solutions. May, 2016. pps 6.
[38] 54 USC §320301 (d).
[39] 54 USC Sec. §320301.
[40] 128 STAT 3094. Public Law 113-287-December 19,2014. "National Park Service and Related Programs." 54 USC 320301.

prerogative; the AA is now a *corpus juris* part of the National Park Service statutes, and all monument designations are subject to the standards, procedures, human protections, and regulatory processes - *in para materia* - as all other Department of Interior National Park Service programs.

The purpose of the AA is to set aside *objects*, *landmarks*, and *structures* for care and management that have been identified in small, discreet tracts of Federal lands. The scope of protection offered by the AA is limited to objects, items and structures; withdrawal of public lands, natural resources or lands beneath landmarks is to take place in full compliance with FLPMA mandates.[41,42]

The statutory construction and semantics of the AA are methodological in imposing procedural and technical obligations upon the POTUS - and by extension the Secretaries of Interior and Agriculture. The simple AA language presupposes up-front, due diligence has been accomplished *prior* to proclaiming the designation; as example, it is not possible to minimize a parcel size without first understanding the relationship of public lands to State and private inholdings. Likewise, "*proper care and management"* needs cannot adequately be determined without first assessing the occurrence, nature, and best management practices for the object(s) to be protected. Finally, in order to properly exercise their right of relinquishment, inholders have a fundamental right to notification while their property interests have full market value - a right that is impossible to exercise without an accurate, pre-inventory[43] of objects, Federal lands, and State and private holdings.

The specific language of AA clearly precludes designate-then-investigate actions.

In support of the monument designation process and statutorily provided, local land use planning role, we have developed a 6-part test. The test applies the core procedural tenets of the AA that must be undertaken prior to the designation being made, and can be applied to any monument proposal in the United States, its territories, and possessions. While the details of each situation vary, the objective behind the test is to illuminate the principles required of the Secretaries of Interior and Agriculture - and by extension, the POTUS. These statutory requirements balance safeguards of valid exiting rights, inholdings, private property, notification, and local land use planning prerogatives with the cultural and secondary value protections any AA designation might have.

[41] 43 USC §1702(j).
[42] 43 USC §1714(a)-(l).
[43] 43 USC §1701(a)(2)

**The Antiquities Act[44] -**

> (a) *PRESIDENTIAL DECLARATION - The President may, in the President's discretion, declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated on land owned or controlled by the Federal Government to be national monuments.*
>
> (b) *RESERVATION OF LAND - The President may reserve parcels of land as a part of the national monuments. The limits of the parcels shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.*
>
> (c) *RELINQUISHMENT TO FEDERAL GOVERNMENT - When an object is situated on a parcel covered by a bona fide unperfected claim or held in private ownership, the parcel, or so much of the parcel as may be necessary for the proper care and management of the object, may be relinquished to the Federal Government and the Secretary may accept the relinquishment of the parcel on behalf of the Federal Government.*

**Antiquities Act: Procedural Requirements Test -**

a. What credible, reliable, replicable and readily-available scientific studies have been performed to assess the range, occurrence and proper care of objects in the area proposed for designation?

b. Through what means has the Secretary(s) created and published inventories that distinguish public land from inholdings of reserved water right(s), mining or mineral claims, State and private property inholdings, grazing allotments, pre-1976, in-perpetuity easements, and/or rights-of-way?

c. How have parcels of public land been delineated such that the relationship of inholdings can reasonably be understood and the smallest area compatible with proper care and management of the objects responsibly be determined?

d. By what means, measures and timing did the Secretary notify government, corporate and/or private property in-holders of their right to participate in or opt out of the relinquishment process?

e. What local input has been sought to document what constitutes proper management of the objects for the protections being sought?

f. What State and local political subdivision inholdings have been identified that could experience tax, impaired right-of-way, affected water right, safety, or other derogation as a result of a premature or inappropriate designation?[45]

[44] 54 USC Subtitle III: National Preservation Programs. Sec. §320301

## *2.4 The National Environmental Policy Act -*

The National Environmental Policy Act of 1969 (NEPA)[46] and implementing regulations from the Council on Environmental Quality (CEQ)[47] mandate balancing of human and natural environments during decision making by Federal agencies. The policy of the United States, mandated through NEPA, is to assure protection and productivity of the human and natural systems in the context of general human welfare and harmony with existing social, economic, and cultural systems.

> *"it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans."*[48]

and,

> *". . . to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources*[49] *. . ."*

The POTUS, by definition, is not a Federal agency and is exempt from NEPA mandates[50] during the routine exercise of his office. For their part, the Secretaries of Interior and Agriculture are *not* exempt from NEPA requirements when carrying out their responsibilities under Title 54,[51] and this includes monument designations.

A simple-to-ask but complex-to-answer question is whether the POTUS, by virtue of his office, has the Constitutional or Congressional latitude to override or negate the statutory mandates required of the Secretaries of Federal agencies……put another way, can the POTUS circumvent specific activities that Congress mandated Federal agencies to implement?

We believe the POTUS *is* constrained by the statutory mandates governing the Federal agencies who act on his authority and in his stead. Once a statutory bright line has been breached, there remains no objective limits by which local government, Congress or the courts can measure his actions, decisions or behavior.

---

[45] Pub.L. 94-579 Sec. 701 (a).
[46] 42 USC. §§4321 - 4347.
[47] 40 CFR §§1500-1508.
[48] 42 USC §4331(a).
[49] 42 USC §4331(b).
[50] 40 CFR §1508.12.
[51] 54 USC Sec. §300101 et.seq.

Should the POTUS fail to comply with procedural mandates binding subordinate Secretaries, such an example lends tacit approval for subordinates to disregard laws, which in turn leads to the degradation at all levels of government.

As the planning process for the Manti-La Sal National Forest proceeds - and if the Coalition's proposal gains consideration - the procedural requirements of NEPA apply to the Secretaries of Interior and Agriculture at the earliest possible opportunity.[52] As result, we recommend San Juan County consider requesting Co-Lead Agency status during the EA/EIS and include the process and results, as appropriate, in revision of the MP.

[52] 40 CFR §1501.2.

# 3.0 Discussion

## *3.1 Proposal by The Bears Ears Inter-Tribal Coalition -*

### 3.1.1 Jurisdiction

On October 15, 2015, representatives from the Hopi Tribal Council, Navajo Nation, Ute Indian Tribe Business Committee, Ute Mountain Ute Tribal Council, and Pueblo of Zuni tribes submitted to President Obama and the Departments of Interior and Agriculture a proposal[53] to withdraw 1.9 million acres of land currently within the jurisdictional boundaries of San Juan County.

The proposal was clearly prepared with a heart of genuine concern for the history and safeguarding of the objects and artifacts contained within discreet areas of the proposed Bears Ears Monument area. STS does not question the spirit or authenticity of the concerns exhibited in that proposal; however, the purpose of our analysis is to apply Federal statutory requirements that bind the Secretaries of Interior and Agriculture - and therefore the POTUS - to the procedural processes and jurisdictional deference in land use planning.

In requesting adoption of its collaborative management concept, the Coalition proposes an additional, quasi-governmental layer of land use planning that would preempt at *least* 19 existing land use plans - including ten plans of four Federal agencies. The Coalition's proposal would preempt an existing Memorandum of Agreement (MOA) between the Navajo Nation and San Juan County whose express purpose is to include objects of historical value in the land use and planning process. Further, the proposal provides no role for statutorily mandated participation from existing political subdivisions of the State of Utah, San Juan County, or other qualified local government entities.

### 3.1.2 Damage to Antiquities

The factual basis for the Coalition's "*more than a dozen serious looting cases were reported between May, 2014 and April 2015*" was not included or referenced in the proposal. The assertion of "rampant looting" contrasts greatly with reports from local law enforcement (Exhibit 8) and a US Department of Interior briefing paper on looting and pillaging activities (Exhibit 5).

When the cases documented by law enforcement are weighed against the varying, reported quantity of sites, the magnitude of the Coalition's urgency claim pales, particularly against the backdrop of foreseeable, adverse impacts to the human environment that could result from reactionary-based decision-making. Indeed, the negative experiences documented by Garfield County should lead Federal agencies to exercise caution and full procedural compliance to ensure adequate human protections (Exhibit 8).

[53] *Proposal to President Barak Obama for the Creation of Bears Ears National Monument*. The Bears Ears Inter-Tribal Coalition. October 15, 2015.

With respect to the monument boundary proposed by the Coalition, neither the map by Grand Canyon Trust nor the proposal itself provides data, replicable details, or calculations as to how the boundary limits were determined or how the proposed 1.9 million acres could possibly meet the smallest-possible-area and land-controlled-by-Federal-government requirements for monument designations. In glaring contrast, we conclude the interspersed grazing allotments, SITLA lands, water rights, and valid, pre-existing rights-of-way pose significant additional complexities to the designation process - one that must be examined through scientific and procedural means.

3.1.3 Legislative Considerations

Significant land use legislative activities have been taking place at both the Utah State and national levels. In 2015, Utah passed H.B. 393, a statute that created energy zones within San Juan County and amended the Utah resource management plan. At the national level, Congressman Rob Bishop has introduced into the House Natural Resources Subcommittee H.R. 5780, the Utah Public Lands Initiative (PLI) and that legislation is progressing through the House of Representatives.

H.R. 5780, if passed, would establish eleven new national conservation areas (NCAs), six special management areas, designate forty-one new wilderness areas, add land to Arches National Park, create a new national monument, and establish a new national recreation area.

The product of a large, multi-group effort, the PLI is astonishingly detailed in scope, offering much to many stakeholders responsible for its development. For their part, environmental groups and the Department of Interior oppose specific language in the PLI that would transfer authority for energy permitting to the State, limit BLM's ability to manage some grazing activities, and grant RS 2477 roads and rights-of-way. Also drawing ire are provisions that allow limited motorized access in wilderness areas and limit BLM's ability to close roads, trails, and corridors.

San Juan County, through its Lands Council, has contributed positively to development of the PLI (Exhibit 6). Specific contributions to the PLI include designation of two NCAs, several wilderness areas, and identification of productive energy zones consistent with newly enacted State statutes.

The San Juan County Council and Commission has expressed particular interest in the transfer of the McCracken mesa mineral rights from the Federal government to the Navajo Nation Trust Fund, continuation of livestock grazing allotments during future land transfers, inclusion of setbacks (positive buffer zones) from rights-of-way, transfer of infrastructure and other interests.

Other initiatives identified by the San Juan County Commission include interests that would revise how mineral royalties are allocated within the State, protection of cultural sites such as the White Mesa and the Allen County Burial Grounds, and allocation of some SITLA land to the Southern San Juan Paiute Tribe. These

important, local, cultural items must not be lost in the fervor of legislative negotiations, language adjustments or changes that accommodate special interest groups.

In our brief exposure to the history of San Juan County's Native Americans, we observed several economic injustices and multi-generational, cultural injuries - wounds we believe would be exacerbated if the Coalition's proposal results in a national monument.

We do believe San Juan County should convene a subcommittee within its management planning process to collect, assess, recommend and oversee cultural protections consistent with the purpose and objectives of land use planning.

## *3.2 Valid Existing Rights -*

### 3.2.1 Grazing Allotments

The *Agricultural Entry of Mineral Land Act of 1914*,[54] the *Mineral Leasing Act of 1920*, and the *Stock-Raising Homestead Act of 1916* created a split-estate condition that segregated mineral rights from the surface-estate on public lands. The legislative philosophy behind these acts, carried forward in the Congressional record and codified in FLPMA, granted the surface-fee title to agriculture and ranching, while reserving "merchantable timber" and the mineral estate to the United States.[55,56]

The intent of Congress in severing "*Limited Surface fee title for Agriculture and Ranching*" while reserving to the United States the mineral estate and commercial timber was to recognize, through allocation of limited surface ownership interests, ranching and livestock grazing as having a longstanding history, priority, and value in American culture.

Grazing allotments are a limited-fee, surface title property interest that enjoys substantive and procedural property rights.[57] In areas where grazing allotments occur as surface estate, such as throughout San Juan County, those grazing allotments constitute valid, pre-existing, property rights not under the ownership or control of Federal agencies or the United States. As a result, grazing rights may not be encumbered or revoked without procedural or due-process actions, adjudications, or compensation.[58]

If a monument is to be proposed,[59] surface-estate grazing allotments must first be inventoried and the ownership characteristics of each allotment determined. If, as part of procedural due diligence, the POTUS elects to proceed with monument designation, owners of grazing allotments are to be notified of their opportunity to relinquish as would be the case with any other property right.

[54] 37 Stat 267, 38 Stat 609, 38 Stat 712.
[55] Kinney Coastal Oil v. Kieffer, 277 US 488 (1928).
[56] Watt v. Western Nuclear, 462 US 36 (1983).
[57] US v. Estate of Hage, No 2:07-CV-01154-RCJ P. 41 D Nev. May 24, 2013.
[58] 43 USC §1702 (f); 43 USC §1769 (a).
[59] USC Sec.§32030.

The prolific confusion surrounding the history of grazing districts and the property rights of grazing allotments lends to the need for San Juan County to establish the occurrence and scope of grazing-allotment holdings throughout the county, including within the Manti-La Sal National Forest. We recommend inclusion of a grazing allotment inventory in the San Juan County Land Use and Management Plan as well as notification of Federal and State agencies of County policies, mapping, and management ordinances, such that those entities may attempt consistency through inclusion of grazing allotment in their planning process.

3.2.2 SITLA Lands

The Utah *School and Institutional Trust Lands Administration* (SITLA) is an independent, revenue-generating State agency established to manage lands granted to Utah by Congress. SITLA manages 3.4 million acres of state trust lands, and an additional 1 million acres of mineral estate. Taxable activities on SITLA lands support twelve state institutions and include real estate development and sales; oil, gas, and mineral lease rents and royalties; renewable energy projects and surface-estate sales, leases, and easements.

There are approximately 151,000 acres of revenue-generating, SITLA lands interspersed throughout the monument area proposed by the Coalition (Exhibits 1 and 2; Map 3). SITLA parcels - being State owned - do not constitute "*land owned or controlled by the Federal Government,*" and cannot be legitimately withdrawn for a monument without an inventory, notification-for-relinquishment, due-process or tax compensation review.[60]

In requesting the POTUS withdraw 1.9 million acres of lands containing 151,000 acres of interspersed SITLA inholdings, the Coalition is indirectly asking the Secretaries of Interior and Agriculture to violate Federal procedural land use and human-protection statutes without the benefit of study, notification, due process, or compensation.

Because monuments - over time - have been demonstrated to eliminate revenue-producing activities, the impacts to human health, the human environment and the state economy must - prior to *proposing* a monument - be investigated through the NEPA Environmental Assessment (EA) or Environmental Impact Statement (EIS) process. (It seems unconscionable to us that any Federal agency would take the position that NEPA does not apply, particularly in the context of SITLA, tax-related impacts on the State economy.)

The Coalition's "*major objective to keep most of the* [1.9 million acres] *of the Bears Ears roadless and pristine*"[61] is contrary to established law as it advocates the POTUS - through the Secretaries of Interior and Agriculture - to arbitrarily encumber or close legitimate access corridors, including 79 miles of easement-holding, SITLA roadways. Granting the Coalition's broad, unsubstantiated request

[60] 43 USC §1701(a)(13).

[61] *Proposal to President Barak Obama for the Creation of Bears Ears National Monument*. The Bears Ears Inter-Tribal Coalition. October 15, 2015.p. 35.

for a 1.9 million acre Bears Ears monument would result in clear derogation[62] of Utah State authority by terminating - over time - valid SITLA leases, lands, and rights-of-way.

3.2.3 Implied Reservation of Water

Located within the Manti-La Sal National Forest is the surface water collection, storage and distribution system for the Cities of Monticello and Blanding. With the exception of a few intermittent wells, both cities are *entirely* dependent upon the watershed of the Manti-La Sal National Forest.

Water captured in impoundments within the Manti-La Sal National Forest is delivered through a series of conveyances, pipelines and tunnels; water delivery and conveyance infrastructure that resides within easements and rights-of-way have been set aside for that purpose. [63]

Within the area proposed for the Bears Ears Monument, the United States has limited, appropriated water rights. Water reserved to the United States in the Manti-La Sal National Forest and the BLM Resource Areas includes set asides for firefighting purposes, culinary use at administrative sites, reservations for a few head of pack stock, and limited-use appropriations at discreet sites as determined by the State of Utah.

Historically, surface and ground water rights in San Juan County were severed from the public lands and water appropriation prerogatives are now under the jurisdiction of the State of Utah.[64] In US v. New Mexico (1978) the SCOTUS ruled ranchers in national forests own stock watering rights;[65] in other related case law, ranchers have been determined to own stock watering rights and improvements located on Grazing Allotments.[66]

Under the Implied Reservation of Water Doctrine, the *Multiple Use and Sustained Yield Act of 1960,* and rulings from the Supreme Court of the United States (SCOTUS), the Federal government does not have the prerogative to appropriate water from national forests for recreation, range, fish or environmental uses outside of the State water appropriation framework.

In U.S. v. New Mexico, the SCOTUS found it is the intent of Congress to reserve enough water to meet specific uses and no more; that the Federal government is to utilize the State water appropriations process as others, and even pay to purchase water rights under state systems, including monuments.[67]

[62] Sec.701 Pub.L.94-579 (g)(6).
[63] Personal interview: Blanding City Manger Jeremy Redd and City Engineer Terry Ekker, PE. August 8, 2016.
[64] California v. United States, 438 US 645 (1978).
[65] United States v. New Mexico, 438 US 696 (1978).
[66] Fallini v. Hodel, 725 F. Supp 1113 (D. Nev 1989) affm 963 F2d 275 (9th Cir 1992).
[67] 438 U.S. 696, 702.

Superimposition of a monument over the Manti-La Sal National Forest, as contemplated by Coalition and drawn by *Grand Canyon Trust* environmental group,[68] would have foreseeable, indirect and long-term adverse effects on Monticello and Blanding's water conveyance system and water rights by inappropriately superseding state water appropriations,[69] derogation of ditch and conveyance rights-of-way,[70,71] and preemption of state jurisdiction[72,73] over water appropriations and programs.

Because Blanding's rights-of-way and Manti-La Sal National Forest watershed conveyance systems do not constitute "*land owned or controlled by the Federal government*," those systems are only eligible for Federal acquisition through relinquishment, procedural actions, due process and/or adjudication.

3.2.4 Rights-of-Way

Ongoing and unencumbered right-of-way access is essential to inholder property rights, civic duties of law enforcement, and the day-to-day operational aspects of managing livestock grazing allotments. Pre-FLPMA, in-perpetuity easements, prescriptive RS 2477 roads, ditches, water conduits, utility routes, and first-responder corridors across public lands constitute valid, pre-existing, rights not under the ownership or control of Federal agencies or the United States. [74,75,76]

Pre-FLPMA right-of-way corridors are real property interests and regulation of those corridors across Federal land resides within the purview and prerogative of State and local jurisdictions. In circumstances where rights-of-way are to be relinquished to the United States, such reversionary actions are subject to normal land transaction, adjudicatory, or compensatory processes.

Federal agencies have statutory authority to issue term-limited, *revocable* FLPMA Title V rights-of-way to control mining activities, commercial timber activities, transportation, mineral transport, communication and similar utilities. We believe it is important, as part of local land use planning, to survey, distinguish, and document rights-of-way in local land use and management plans. As part of the right-of-way process, we recommend San Juan County insist its right-of-way prerogatives be included in Federal land plans through the FLPMA consistency doctrine.

[68] *Proposal to President Barak Obama for the Creation of Bears Ears National Monument*. The Bears Ears Inter-Tribal Coalition. October 15, 2015. pg 43.
[69] United States v. Krall, 174 US 385 (1899).
[70] Pub.L.94-579(a).
[71] San Jose L.&W. Co. v. San Jose Ranch, 189 US 177 (1903).
[72] Sec.701 Pub.L.94-579 (g)(6).
[73] Sec.701 Pub.L.94-579 (g)(7).
[74] Curtin v. Benson, 222 US 78 (1911).
[75] Colorado v. Toll, 268 US 228 (1925).
[76] United States v. 9,947.71 Acres, 220 F Supp 328 (1963).

3.2.5 Uranium

Uranium is a strategic mineral that has both civilian and military uses. In civilian applications, uranium can be processed to facilitate generation of electricity in nuclear power plants; in military applications, uranium has a productive use as a high-density, projectile penetrator.

The sole, remaining mill capable of producing conventional uranium is owned by Energy Fuels, Inc. and is located on Highway 191, between Bluff and Blanding - well within boundary proposed by the Coalition for a monument.

Because of the strategic importance of uranium to the United States and the economic contribution of productive, life-wage industrial activities to San Juan County, the potential impact of plant closure on the human environment would need to be reviewed thorough the NEPA EA/EIS process if the Coalitions monument proposal were to gain acceptance.

## *3.3 Other Considerations -*

3.3.1 Human Health, Safety and Welfare -

The 10th Amendment to the Constitution and State law vests local sheriffs as the final authority for local law enforcement, including ensuring the health, safety and welfare of citizenry under their charge. We approached two county sheriffs - one having recent experience with a monument and the other from San Juan County - to gain their views on the Coalition's desire to close access routes and rights-of-way corridors.

Sheriff Rick Eldridge of San Juan County expressed considerable concern that the combination of more visitors and reduced access resulting from road closures would have detrimental impact on his ability to perform search and rescue activities (Exhibit 8). Sheriff Eldridge then recounted a rescue event where a National Park Service employee - in the midst of an actual rescue effort – displayed more concern for protecting plants and dirt than with timely evacuation of a severely injured woman. (In our opinion, someone has a skewed sense of priorities).

This view was corroborated and extended by Garfield County Sheriff James Perkins, who is responsible for law enforcement over the Grand Staircase-Escalante National Monument. Sheriff Perkins minced no words in recounting his experience that national monuments lead to civil unrest, economic impacts, employment disparities, degradation of infrastructure, and higher costs due to increasing search and rescue efforts.

In his correspondence testifying to the social and economic consequence of monument designations, Sheriff Perkins recounts his department's experience with increasing alcohol and drug use, domestic violence, increased juvenile delinquency, and a 66% drop in high school enrollment (Exhibit 8).

It is the statutory policy of the United States for Federal agencies to use all practicable means in land use planning to ensure Federal decisions do not degrade, risk, or have unintended consequences:

> *(b) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may….-*
> *(3) attain the widest range of beneficial uses of the environment <u>without degradation, risk to health or safety, or other undesirable and unintended consequences</u>;*[77]

In light of the Sheriff Perkins' testimony of impacts to human health, cultural and social systems from the Grand Staircase-Escalante National Monument, if the Coalition's proposal gains consideration, performance of an Environmental Assessment (EA) or Environmental Impact Statement (EIS) for the Bears Ears is not only mandatory but now necessary.

3.3.2 <u>NPS Backlog; Interagency Cultural Issues</u>

The Coalition's proposal for creation of a 1.9 million acre monument in San Juan County, along with their attendant request for funding, led to the question if the National Park Service has the funding to create, operate or maintain a monument of that size and complexity. Investigative work on this question unearthed a more disquieting and serious discovery, the question as to whether NPS has a culture which is protective of the quality of artifacts and sites found in San Juan County.

The National Park Service has been accumulating a staggering and increasing deferred maintenance backlog for years. In 2014, NPS reported an ongoing national backlog of deferred maintenance of $11,493,168,812 - including $278,094,606 for Utah alone (Exhibit 8).

For FY 2017, the Obama Administration has requested $3.101 billion in discretionary appropriations for NPS, an increase of $250.2 million (8.8%) over FY 2016 funding of $2.851 billion. In addition to the discretionary funding increase, the Administration proposed $1.238 billion in *mandatory* appropriations for NPS, a growth of 135.6% over the FY 2016 funding of $525.4 million.

[77] 42 USC §4331 (b)(3).

We were astonished to find that a 2,526 acre monument under the protection of NPS - Effigy Mounds - was the subject of a serious, wholesale and long-term breakdown in NPS chain-of-command that resulted in over a decade of criminal mismanagement. Even the US Attorney General's office, upon investigation, refused to prosecute for concern that the "*weak and inappropriate initial response by the Agency*"[78] would lead to non-conviction (Exhibit 8).

The combination of increased spending, tangled bureaucracy, and serious mismanagement of a modest sized, 2,526 acre monument lends serious question as to the ability of NPS, BLM or Department of Agriculture to protect the sites, artifacts and interests found in the Bears Ears region.

If the Departments of Interior and Agriculture are unable to provide even the basic level of infrastructure protection and maintenance for resources entrusted to their care, how could San Juan County - or the Coalition expect that they are in any position to protect antiquities within the boundaries of the proposed Bears Ears National Monument?

[78] Serious Mismanagement Report. Effigy Mounds National Monument. David Barland-Liles, Chief Investigator. April, 2014.

# 4.0 Conclusions

The request by the Coalition for the POTUS to designate 1.9 million acres of a sovereign, political subdivision of the State of Utah raises a significant question as to the limit of the POTUS's discretionary authority under Title 54 of the US Code. If the POTUS has authority to designate a monument of any size, shape, or area - for any reason - then what is to stop POTUS from withdrawing large swaths, regions, or even entire States under the cover of the Antiquities Act?

We believe the congressional mandate granting the POTUS authority to designate monuments are neither unrestrained nor unlimited, and that in its FLPMA Title I Policy statement, Congress addressed that topic. By subordinating executive withdrawals to review in accordance with FLPMA statutes, Congress ensured a uniform land use and land management policy across the executive branch and the entire administrative government.

Following review of the Coalitions proposal in the context of FLPMA, NEPA, DQA, Federal statutes, and relevant case law, we conclude:

- It is the Policy of the United States that land withdrawals by the POTUS under the Antiquities Act are subject to review in accordance with the provisions of the Federal Land Policy and Management Act.
- By placing the Antiquities Act under Title 54 of the United States Code, the Congress has created a nexus that now requires the Secretaries of Interior and Agriculture to perform procedural due-diligence under the National Environmental Policy Act and the Federal Land Policy and the Management Act. NEPA is not optional.
- The Coalition is Non-Government Organization that does not possess government land use planning jurisdictional prerogatives.
- The Coalition proposes to circumvent State and local land use planning prerogatives by advocating a relationship with Federal agencies that neither the POTUS nor the Secretaries of Interior or Agriculture have the authority to grant.
- The Coalition's proposal advocates pre-emption of no less than 18 established Federal and State land use planning efforts, including an agreement between San Juan County and the Navajo Nation.
- Only two of the five Native American signatories to the Coalition's proposal possess land within the boundary, for a total land area of 4,818 acres.

- The ratio of land owned by two members of the Coalition to land requested for the monument is 0.0025%.
- The 1.9 million acre parcel was arbitrarily determined and contains vast, intermingled and un-inventoried inholdings of private lands, water-right diversion points, state tax generating lands, pre-existing rights-of-way, and patented properties rendering it impossible for the POTUS to meet the Antiquities Act condition that lands must be owned or controlled by United States.
- The basis for the looting and pillaging claim purported by the Coalition cannot be substantiated and is contradicted by internal Bureau of Land Management reports.
- The proposal by the Coalition does not contain data, scientific information or references that allow local government, property inholders or Native Americans to replicate how the 1.9 million acre parcel was concluded to be the smallest possible area.
- There is no evidence the Coalition or the Secretaries of Interior and Agriculture have undertaken to understand the implications, impacts or ramifications that designation of a national monument would have on valid existing rights in San Juan County.
- There is no evidence the Coalition or the Secretaries of Interior and Agriculture have conducted an inventory of inholdings such that notifications can be made.
- Valid existing rights known to occur within the tract proposed by the Coalition include:
    a. 151,000 acres of SITLA lands accessed by 79 miles of inperpetuity easements;
    b. 43 grazing allotments;
    c. 18,000 acres of patented property;
    d. No less than 661 state-appropriated water diversion points;
    e. 3,542 miles of roadway;
    f. 161 miles of State highway;
    g. 949 miles of Utah Class “B” Roads;
    h. 2,401 miles of Utah Class “D” Roads; and,
    i. 1,730 acres of State Parks, Recreation and other sovereign state lands.

- The POTUS and Secretaries of Interior and Agriculture do not have authority to appropriate water rights, diminish local prerogatives, encumber pre 1976 rights-of-way, or indirectly take patented properties or grazing allotments without due process, adjudication and/or compensatory procedures.
- Existing San Juan County land use planning processes, the Heritage Council, and Utah State archeological programs are the appropriate mechanisms to facilitate investigation, planning, and derivation of any necessary protections of structures, artifacts, and cultural items of interest in the County.
- Title II, Section 202(c)(9) of the Federal Land Policy and Management Act gives first-among-equals authority to local governments in land use planning by requiring Federal Agencies to *assure consideration*," "*assist-in-resolving*" and "*attempt consistency*" in planning efforts. The structure of this language is no accident, placing federal agencies, their plans, and planning-efforts in the role of reconciliation.
- Conflicts, tensions and struggles between Federal land planning agencies and State/local governments can be traced to non-understanding/application of historic, organic, statutory law governing land use planning and prerogatives.
- Application of the historical definition of "public lands" would appropriately transition jurisdictional oversight of vast areas of surface, San Juan County lands holding surface grazing allotments (grazing districts) to State and local oversight. Programs facilitating this shift should be explored.

# 5.0 Recommendations

We recommend San Juan County consider the following actions and programs in response to the conclusions in this survey:

1. Conduct a county-wide inventory of valid, existing, Federal, State and County split-estate holdings in the context historical definition of public lands. This inventory should include easements, grazing allotments,[79] mining claims, rights-of-way, commercial timber interests and various private inholdings;

2. Prepare a comprehensive map of Federal, State and county wide split-estate holdings to facilitate the Coordination process with Federal, land management agencies, and include the map in revision of the San Juan County MP;

3. Cultivate corroborative relationships with State and county governments to facilitate information exchange, participate in regional negotiations with Federal land management agencies, procure funding, and further county-based policies. While utilization of existing organizations may be beneficial, we recommend creation of a non-risk adverse start-up whose mission focuses on historical application of federal statutory mandates in land use planning;

3. Establish a regionally-funded, web-based archive, database and information center. The purpose of the website would be to archive split-estate information, track land use activities/decision-making and centralize communications for local government.

4. Develop an Implementation Plan (IP). The IP would be a living, road-map style document to be used member governments. The IP would document organizational specifics, vision, purpose and mission statements, and contain development, funding and strategic plans.

[79] Incorporation of the ranching, farming and Native American communities would be highly beneficial toward obtaining historical maps, contracts and grazing allotment information.

# Table of Authorities

## Statutes

128 STAT 3094. Public Law 113-287 ..... 9
16 USC §470aa-mm. ..... 5
16 USC§ 431-433. ..... 3
37 Stat 267 ..... 16
38 Stat 609 ..... 16
38 Stat 712 ..... 16
41 Stat 1063. ..... 6
42 USC §§4321-4347 ..... 5
42 USC §4331 (b)(3) ..... 21
42 USC §4331(a) ..... 12
42 USC §4331(b) ..... 12
42 USC. §§4321 - 4347 ..... 12
43 USC §1701(a)(13) ..... 17
43 USC §1701(a)(2) ..... 10
43 USC §1701(a)(3). ..... 5
43 USC §1702 (c). ..... 7
43 USC §1702 (e). ..... 6
43 USC §1702 (f) ..... 16
43 USC §1702 (l) ..... 7
43 USC §1702(j). ..... 10
43 USC §1712(c)(9). ..... 2
43 USC §1714(a)-(l) ..... 10
43 USC §1769 (a) ..... 16
54 USC §320301 ..... 9
54 USC Sec. §300101 ..... 12
54 USC Sec.§§ 300101-320303; (Pub.L. 113-287, S3, December 19, 2014. 128 Stat. 3187.) ..... 3
54 USC Subtitle III: National Preservation Programs. Sec. §320301 ..... 11
Agricultural Entry of Mineral Lands Act 1914 ..... 6
Federal Power Act 1920 ..... 6
Mineral Leasing Act 1920 ..... 6
Pub. L. 89-665; 80 STAT.915; 16 USC §470. ..... 5
Pub. L. 94-579 Sec. 701 ..... 8
Pub.L.94-579(a) ..... 19
Sec.701 Pub.L.94-579 (g) ..... 18
Sec.701 Pub.L.94-579 (g)(6) ..... 18
Section 515(a) US Treasury and General Government Appropriations Act. Pub. L. 106-554 ..... 8
Stock-Raising Homestead Act 1916 ..... 6
USC Sec.§32030 ..... 16

## Supreme Court of the United States Cases

438 U.S. United States v. New Mexico 438 U.S. 696, 702 (1978) ..... 18
California v. United States, 438 US 645 (1978) ..... 18
Colorado v. Toll, 268 US 228 (1925) ..... 19
Curtin v. Benson, 222 US 78 (1911) ..... 19
Kinney Coastal Oil v. Kieffer, 277 US 488 (1928) ..... 6, 16
San Jose L.&W. Co. v. San Jose Ranch, 189 US 177 (1903) ..... 19
United States v. Krall, 174 US 385 (1899) ..... 19
United States v. New Mexico, 438 US 696 (1978) ..... 18
Utah Div. Of State Lands v. United States. 482 US 193 (1987). ..... 6
Watt v. Western Nuclear, 462 US 36 (1983) ..... 6, 16

## Federal Cases

Fallini v. Hodel, 725 F. Supp 1113 (D. Nev 1989) affm 963 F2d 275 (9th Cir 1992) ..... 18
United States v. 9,947.71 Acres, 220 F Supp 328 (1963) ..... 19
US v. Estate of Hage, No 2:07-CV-01154-RCJ P. 41 D Nev. May 24, 2013 ..... 7, 16

## Regulations

40 CFR §§1500-1508 ..... 5, 12
40 CFR §1501.2 ..... 5, 12
40 CFR §1508.12 ..... 12
40 CFR §1508.18 ..... 5
Executive Order 11593. Protection And Enhancement Of The Cultural Environment. May 13, 1971. ..... 5
Executive Order 12630 ..... 23
Federal Reg.Vol. 66, No. 189 ..... 8
H.R. 5658; 66 FR 49718. September 28, 2001 ..... 7
Pub. L. 113–287, §3, Dec. 19, 2014, 128 Stat. 3188. ..... 5
Pub.L. 94-579 Sec. 701 (a). ..... 11

## Other Authorities

2016 Economic Report to the Governor. The Utah Economic Council. ..... 1
Bears Ears Inter-Tribal Coalition ..... 1
*Briefing Paper. US Department of Interior, Bureau of Land Management*. Office of Law Enforcement and Security, Region 3. ..... 3
Memorandum of Agreement Between San Juan County, Utah and Navajo Nation. May 5, 2015. ..... 2
Personal interview: Blanding City Manger Jeremy Redd and City Engineer Terry Ekker, PE. August 8, 2016 ..... 17
*Proposal to President Barak Obama for the Creation of Bears Ears National Monument*. The Bears Ears Inter-Tribal Coalition. October 15, 2015 ..... 13
*Proposal to President Barak Obama for the Creation of Bears Ears National Monument*. The Bears Ears Inter-Tribal Coalition. October 15, 2015 ..... 3
San Juan County Master Plan. San Juan County, Utah. March, 2008. ..... 2
*School and Institutional Trust Lands Administration* (SITLA) ..... 1
Serious Mismanagement Report. Effigy Mounds National Monument. David Barland-Liles, Chief Investigator. April, 2014 ..... 21
Statutory Analysis and Recommendations on BLM's 2.0 Planning Rule. Stillwater Technical Solutions. May, 2016. ..... 4

## Treatises

*One Third of the Nations Land*. A Report to the President and to the Congress by the Public Land Law Review Commission. June, 1970. ..... 5

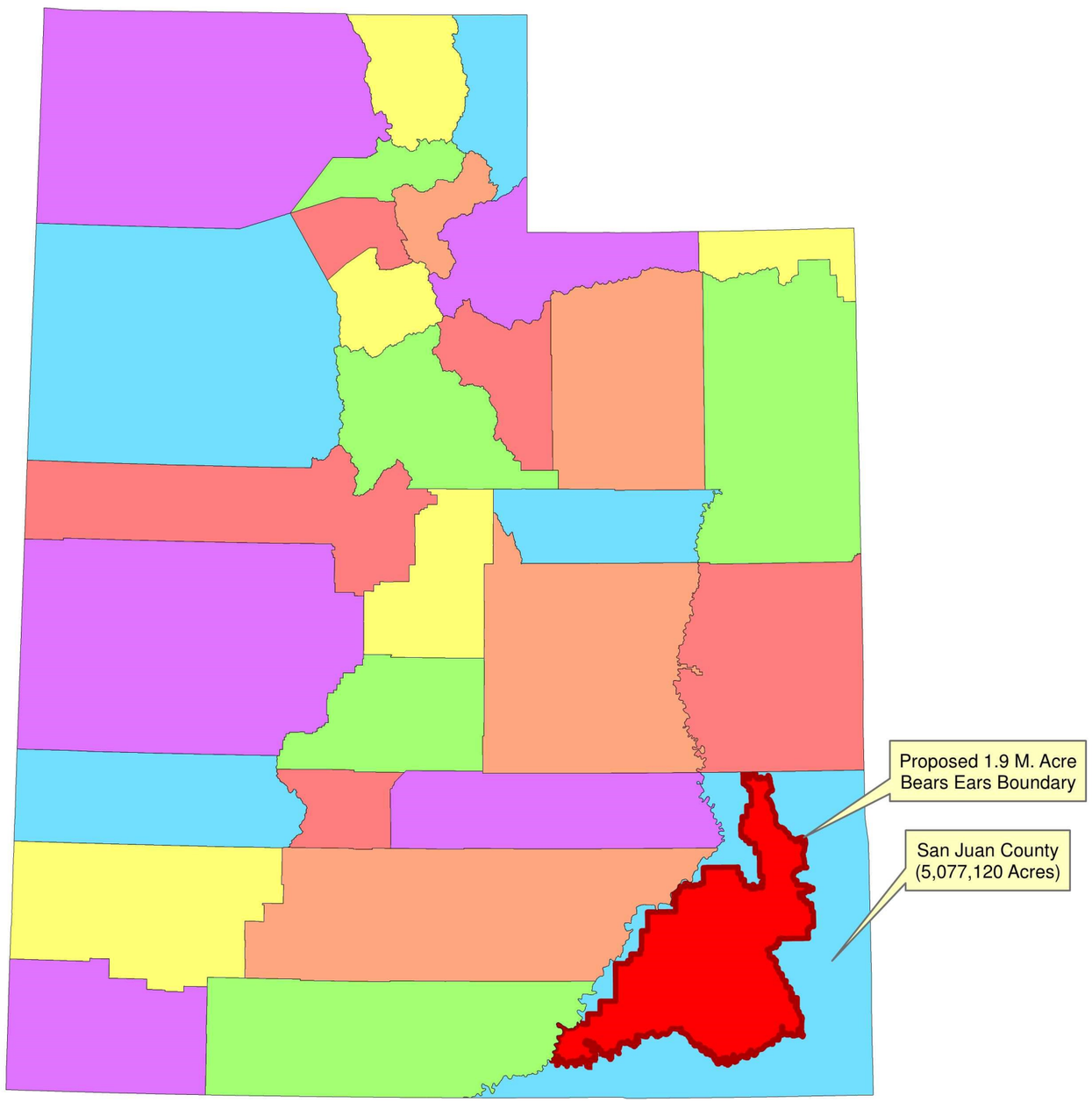
# EXHIBIT 1

- Map 1: Regional Location Map
- Map 2: Federal & Native American Lands Map
- Map 3: Federal Lands; Ste and Private Inholdings Map

FOR COMMITTEE USE ONLY

# Map 1
## Regional Location Map
## San Juan County, Utah

N

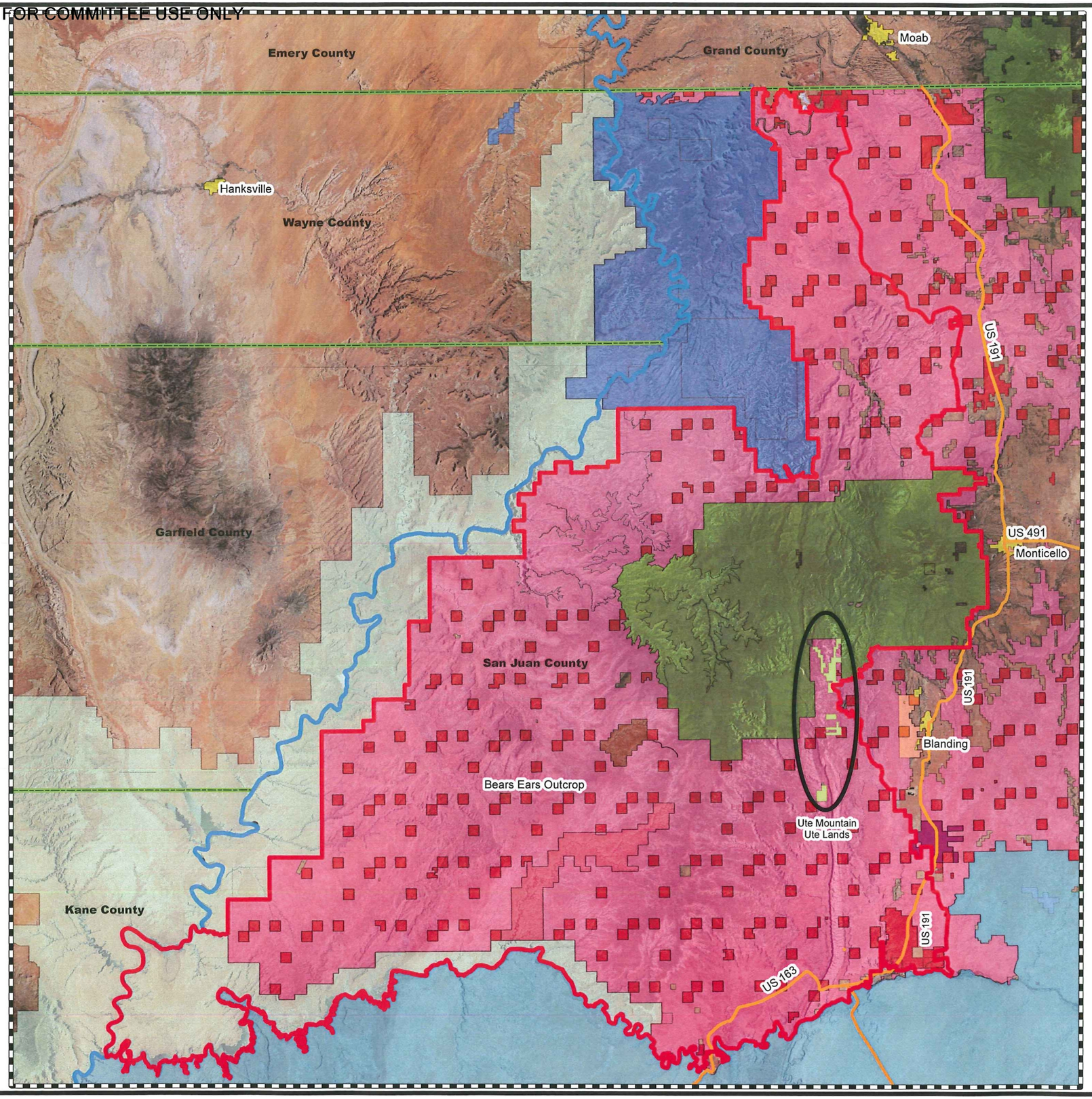



Stillwater Technical Solutions

*"Complex Problems Solved Well"*

FOR COMMITTEE USE ONLY

# Map 2
# Federal and Native American Lands
# San Juan County, Utah




**Legend**

N

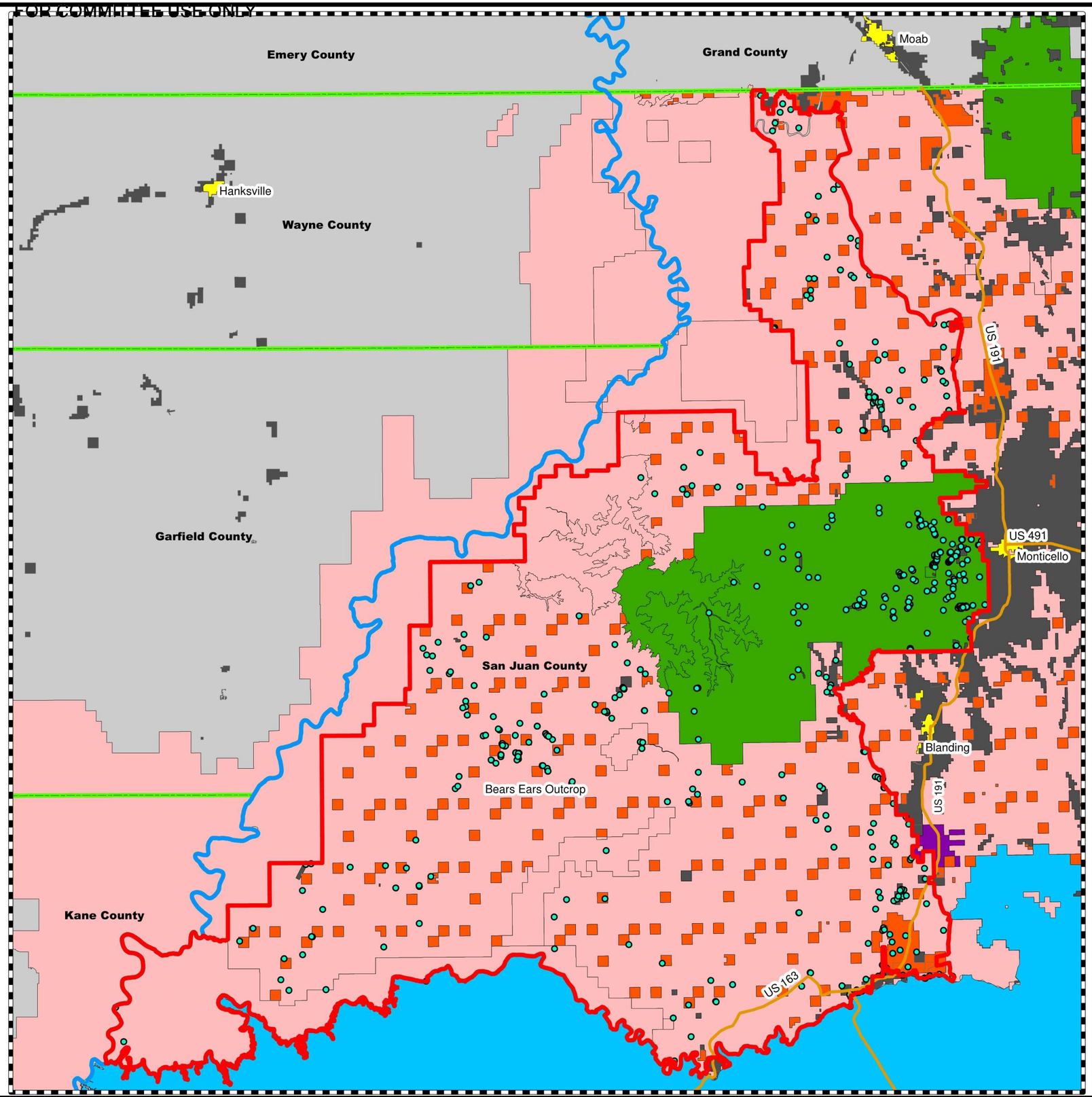
- Proposed Bears Ears Monument Boundary
- Colorado River
- US Highways
- County Lines
- Navajo Indian Nation
- Ute Mountain Ute Lands
- White Mesa Ute Reservation
- Natural Bridges NM
- BLM Holdings
- Grand Gulch
- Glen Canyon NRA
- Canyonlands NP
- Manti-La Sal National Forest
- SITLA (State)
- Municipal Boundaries

| Holdings within Proposed Boundary | |
|---|---|
| BLM: | 1,411,000 Acres |
| NPS: | 155,000 Acres |
| USFS: | 366,000 Acres |

| Native American | |
|---|---|
| Ute Mountain Ute Lands: | 4,800 Acres |
| Navajo Nation: | 18 Acres |
| Hopi: | 0 Acres |
| Southern Ute: | 0 Acres |
| Ute: | 0 Acres |
| Uinta Ute: | 0 Acres |
| Zuni: | 0 Acres |

FOR COMMITTEE USE ONLY

# Map 3
# Federal Lands;
# State and Private in Holdings
# San Juan County, Utah




**Legend**

N

- Proposed Bears Ears Monument Boundary
- Colorado River
- US Highways
- County Lines
- Water Point of Diversion Sites
- Federally Managed Lands and Grazing Allotments §
- Navajo Indian Nation
- White Mesa Ute Reservation
- Manti-La Sal National Forest
- SITLA (State)
- Municipal Boundaries
- Private Land

| Holdings within Proposed Boundary | |
|---|---|
| BLM: | 1,411,000 Acres |
| NPS: | 155,000 Acres |
| USFS: | 366,000 Acres |
| SITLA: | 151,000 Acres |
| Grazing Allotments: | 43 |
| Water Diversions: | 661 |
| Roadways: | 19,000 Acres |
| State Parks: | 1,730 Acres |

§ Federal Lands with surface Grazing Allotments are indistinguishable without mapping and research of ownership rights.

# EXHIBIT 2

- List of Federal, State & Private Inholdings

The following data was compiled and examined from existing San Juan County and State of Utah Geographic Information Data bases.
It consists of various data categories as they pertain to the proposed Bears Ears Inter-Tribal Coalition Monument boundary designation in San Juan County, Utah.
Data is inclusive to that proposed boundary area and relates to boundary, cadastre, energy, farming, transportation, utilities and water resources.

**Federal Holdings Data:**

- The Bureau of Land Management has holdings approximating **1,411,000 acres** within the boundary.
- The National Park Service has holdings approximating **155,000 acres** within the boundary.
- The United States Forest Service has holdings approximating **366,000 acres** within the boundary

**State of Utah Property Holdings Data:**

- The State of Utah Institutional Trust lands Administration has title to approximately **151,000 acres** within the boundary.
- The Utah Department of Transportation holds easements and rights of way to all of the highway system within the boundary.
- The State in addition has approximately **1,730 acres** in Sovereign land holdings and State Parks and Recreation areas.

**Private Property Holdings Data:**

- There are approximately **18,000 acres** of private property holdings within the boundary.
- Owners vary from private citizens to corporations to governmental agencies.

**Tribal Government Holdings Data:**

- The Ute Mountain Ute Tribe holds title or trust to approximately **4,800 acres.**
- The Navajo Tribe has holdings of approximately **18 acres** near the community of Bluff that are within the boundary area.
- There are no records of Hopi Tribe holdings within the boundary area.
- There are no records of Southern Ute Tribe holdings within the boundary area.
- There are no records of Ute Tribe holdings within the boundary area.
- There are no records of Uinta Ute Tribe holdings within the boundary area.
- There are no records of Zuni Tribe holdings within the boundary area.

**Grazing Allotment Data:**

- A total of **43** named grazing allotments under 3 land managers occur within the boundary area.
- The 3 land managers are the Bureau of Land Management. United States Forest Service and the Utah State Institutional Trust Lands Administration.

**Water Rights Data:**

- There are **661** water right locations* under various status designations found within the boundary.
  *Water right data obtained from Utah Division of Water Rights: http://www.waterrights.utah.gov/

**Power Transmission Data:**

- There are approximately **34 miles** of major electrical power transmission lines located within the boundary

**Road Data:**

- There are approximately **3,542 miles of combined roads** in 3,243 segments within the boundary.

Of which:

- There are approximately **949 miles of *Class "B"* roads*** in 418 segments.
  * Class "B" roads are defined in: (Utah Code 72-3-103)

- There are approximately **2401 miles of *Class "D"* roads*** in 2,815 segments.
  * Class "D" roads are defined in: (Utah Code 72-3-105)

- There are approximately **161 miles of** *Utah State Highway* **roads*** in 7 segments.
  * Utah State Highway roads are defined in: (Utah Code 72-3-102) and (Utah Code 72-4)

- There are approximately **31 miles of** *United States Federal Highway roads** in 2 segments.
  * Utah State Highway roads are defined in: (United States Code Title 23)

Of the **949 miles** of **Class "B"** roads within the boundary:

- There are approximately **79 miles** in 119 segments that cross **S**tate **I**nstitutional **T**rust **L**ands **A**dministration lands.

- All have existing or active application for recorded easements.
- Funding for the acquisition of **1.8 remaining miles** of SITLA "B" road easements will be in place in October of 2016.

Of the **2,401 miles** of **Class "D"** roads within the boundary:

- There are approximately **157 miles** in 371 segments that cross **S**tate **I**nstitutional **T**rust **L**ands **A**dministration lands.
- All have active application for easements.
- Funding for the acquisition of these SITLA "D" road easements will be in place in October of 2016.

San Juan County holds recorded Right of Ways, Easements or Title-V ROW's on **15 miles** of Class "B" and "D" roads.

In addition San Juan County claims RS 2477 rights or prescriptive rights to **the remaining 3099 miles of Class "B" and "D" roads** within the boundary that do not already have an existing recorded easement or right of way.

Road and easement widths vary. A rough estimate using an average 45 feet width would put the area occupied by the combined roads within the boundary area at approximately **19,000 acres.**

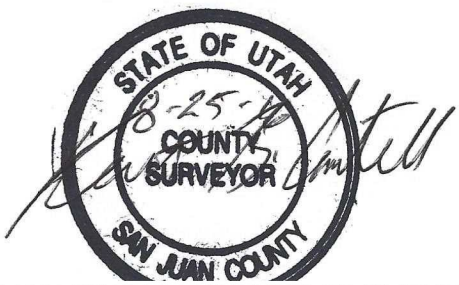
***Surveyor's Certificate:***

*I Kent B. Cantrell do hereby certify that I am a Professional Land Surveyor as prescribed by the laws of the State of Utah and that I hold Utah License number 6437505-2201. I further certify that the information contained herein represents a data compilation made by me in the discharge of my duties as the San Juan County, Utah Surveyor and was compiled using data that to the best of my knowledge is true and correct.*

Date: August 25, 2016

Kent B. Cantrell

Kent B. Cantrell
Utah License Number: 6437505-2201



# EXHIBIT 3

- Partial List of Land Use Plans in San Juan County

9-2-1016

**PARTIAL LIST OF LAND USE PLANS IN SAN JUAN COUNTY, UTAH**

**STATE OF UTAH PLANS**
Regional plans of the Utah Department of Transportation (UDOT)
State of Utah plans relating to water quality and management, nonpoint-source pollution, watershed management, and air quality
Utah's State Comprehensive Outdoor Recreation Plan (SCORP)
Utah's Bighorn Sheep Statewide Management Plan
San Juan Elk Management Plan
San Juan Deer Management Plan 2015

**COUNTY LAND-USE PLANS**
San Juan County, Utah: San Juan County Master Plan (2008)
Grand County, Utah: Grand County General Plan Update (2004)

**FEDERAL PLANS**
Canyonlands National Park General Management Plan (1974)
Canyonlands National Park Backcountry Management Plan (1984, 1995)
Canyonlands National Park Natural Resource Management Plan (1994)

Manti-La Sal National Forest Land and Resource Management Plan (1986)

Glen Canyon National Recreation Area General Management Plan 1979
Strategic Plans for Glen Canyon National Recreation Area and Rainbow Bridge National Monument (2005, 2007)

Natural Bridges National Monument General Management Plan 1997

Hovenweep National Monument General Management Plan 2011

BLM Monticello Field Office Resource Management Plan 2008

BLM Moab Field Office Resource Management Plan 2008

# EXHIBIT 4

- Memorandum of Agreement between
San Juan County and the Navajo Nation

FOR COMMITTEE USE ONLY

# MEMORANDUM OF AGREEMENT

**Between**

**SAN JUAN COUNTY, UTAH**

**(Hereafter "THE COUNTY")**

as represented by the San Juan County Commissioners

And

**NAVAJO NATION**

**(Hereafter "THE NAVAJO")**

as represented by the President, Navajo Nation

(collectively "the Parties")

## WHEREAS:

A. The Navajo have deep connections to their ancestral lands and continue to exercise their sustenance, social, ceremonial and spiritual traditions across San Juan County;

B. Likewise many residents of San Juan County, many from early pioneer days, have similarly strong attachments to the land and their way of life;

C. The mountains, mesas and red rock canyons of San Juan County are landscapes of national and global significance for their archaeological, cultural, recreational, scenic, wildlife and wilderness values;

D. Other natural resources of significance to the County include: minerals, vegetation, timber, water resources, etc;

E. These landscapes have been the subject of debate and uncertainty over their use and management;

F. San Juan County is a political subdivision of the State of Utah legally responsible for all planning decisions made in the County on behalf of its residents;

G. San Juan County recognizes the interest that the Navajo Nation, as a Government with jurisdiction on the Navajo Portion of San Juan County, has on behalf of the Utah Navajo;

H. The Parties acknowledge that they have strong mutual interests in promoting sustainable management of public lands, and in the wellbeing of current and future San Juan County residents.

THEREFORE THE PARTIES AGREE AS FOLLOWS:

## 1 Objectives and Desired Outcomes

1.1 The Parties agree to work together in the spirit of mutual respect and cooperation to recognize and consider how to effectively manage the outstanding natural, cultural and recreational resources on state and federal lands in San Juan County, as well as the socio-economic conditions for the enhancement of the quality of life for all San Juan County residents.

1.2 To promote the vision in section 1.1, the Parties wish to collaborate to further the following specific outcomes:

1.2.a Enhanced management of cultural and natural resources of importance to the Navajo, the County, and the general public;

1.2.b Enhanced opportunities for economic development on lands within San Juan County;

1.2.c Reduced conflict and increased certainty over land and resource management, including wilderness and access issues on public lands;

1.2.d Improved communication and collaboration between the Navajo and the County in the management of federal and state lands within the County;

1.2.e Enhanced access to financial resources to support long-term achievement of the above objectives and desired outcomes.

## 2 Scope of Collaboration

2.1 The Parties will periodically meet as needed to coordinate and collaborate in furtherance of the above objectives and on current issues and land planning efforts within or affecting the County. Each party will support these meetings with attendance appropriate to the agenda for each meeting. Issues may include:

2.1a Development of options for federal policy and Congressional land use legislation to enhance conservation and sustainable development of San Juan County public lands;

2.1.b Review of County, state, federal and other planning efforts;

2.1.c Discussion of possible SITLA/BLM land exchanges;

2.1.d Collaborative management arrangements to improve communication and coordination with federal and state agencies; and,

2.1.d Opportunities to collaborate on community development projects within San Juan County and on the Navajo Reservation in Utah.

## 3 General Provisions

3.1 Other than as expressly provided in this Memorandum of Agreement and any agreement reached pursuant to it, this Memorandum of Agreement does not create, recognize, define, deny, limit or amend any of the legal rights and responsibilities of the Parties.

3.2 This Memorandum of Agreement may be amended or renewed by written agreement of the Parties.

3.3 This Memorandum of Agreement will remain in effect indefinitely or until terminated by either or both of the Parties by written notice to the other, and such notice shall state the reason(s) for termination. Subject to available appropriations, both Parties shall honor funding commitments made prior to the date of termination.

IN WITNESS WHEREOF the Parties have executed this Memorandum of Agreement on the 5TH day of MAY, 2015.

SIGNED on behalf of the Navajo Nation

Ben Shelly
President
Navajo Nation

SIGNED on the behalf of the San Juan County Commission

Phil Lyman
Chairman, Board of Commissioners

Rebecca Benally
Vice Chair, Board of Commissioners

Bruce Adams
Commissioner

# EXHIBIT 5

- Briefing Paper: Department of Interior
BLM Office of Law Enforcement &Security

# U.S. Department of the Interior
# Bureau of Land Management

Office of Law Enforcement and Security
Region 3 – Utah/Nevada

# BRIEFING PAPER

**Cedar Mesa Law Enforcement Strategy**

**SUBJECT:**
Law Enforcement's overview, ongoing law enforcement efforts and future strategy to combat the illegal excavation and desecration of cultural resources in and around Cedar Mesa in San Juan County, Utah.

**BACKGROUND:**
The Monticello Field Office manages approximately 1.8 million acres of public land located in San Juan County and a small portion of Grand County. Cedar Mesa comprises 407,000 acres within the boundaries of the Monticello FO and contains three WSAs, an ACEC and a SRMA. BLM Law Enforcement Rangers are tasked with handling a multitude of law enforcement issues in Cedar Mesa to include wood cutting, special recreation permit compliance checks/violations, off highway vehicle restrictions and the protection of the thousands of cultural sites located within Cedar Mesa. It is a priority among BLM law enforcement, from the Special Agent in Charge to the Field Staff Law Enforcement Rangers, to proactively patrol Cedar Mesa in order to deter and detect crimes related to the aforementioned issues. The following is a summary of the coordinated efforts BLM law enforcement is making in order to provide for greater protection of the significant cultural resources found on Cedar Mesa.

**LAW ENFORCEMENT PATROLS:**
At present, there is one (1) uniformed law enforcement ranger stationed in the Monticello Field Office and one (1) vacant law enforcement position, which we anticipate to be encumbered within the next 120 days. BLM Rangers proactively patrol public land on Cedar Mesa; however, they often end up responding to reports of vandalism or damage to cultural sites, which were not deterred by their proactive patrols. During the period from 2011 through present, rangers conducted over 400 patrols of cultural sites throughout the field office, to include Cedar Mesa. Of this, there were four (4) incidents of human remains/funerary objects being found; four (4) documented thefts of archaeological resources and eleven (11) reports of vandalism to cultural sites.

Currently BLM LE in Utah has identified two (2) criminal cases involving the excavation and/or removal of archaeological resources, which occurred at Red Knobs (immediately adjacent to Cedar Mesa) and Long Canyon Point (east of Hwy 191 between Blanding and Monticello). The criminal activity and illegal excavation at Red Knobs appears to be ongoing. This case is an open and active investigation being worked by BLM Rangers and Agents. Currently, there are no known suspects

or leads in the Long Point case; however, the investigation is open and the site is being monitored on a regular basis.

Canyon Country Supervisory Ranger Lloyd will develop a comprehensive patrol strategy for Cedar Mesa as well as nearby Indian Creek, Alkali Ridge, and Montezuma Creek, including conducting future surge patrols. The surge patrols will include overnight patrols of Grand Gulch, with efforts focused on contacting and educating the public to reinforce BLM's commitment to maintain, preserve, and protect our cultural resources for current and future generations.

Although patrols of Cedar Mesa are deemed important, there are other high use areas which also contain a vast number of cultural sites in danger of being vandalized. Indian Creek, Alkali Ridge, and Montezuma Creek are popular areas for off road enthusiasts and contain high use recreational areas as well as a great number of wood cutting permits. These areas have vast cultural sites which also have been vulnerable to the illegal excavation and theft of archeological resources. Rangers in the Canyon Country District will need to continue to patrol these areas in an attempt to deter and preserve our treasured cultural past on public lands managed by the BLM.

**REMOTE MONITORING EQUIPMENT:**

The Friends of Cedar Mesa group has donated ten (10) cameras to the BLM Monticello Field Office Archaeology program in order to assist in the monitoring of cultural sites on Cedar Mesa. It is the position of the Region 3 OLES that these cameras will not be used for law enforcement purposes. However, the archaeology program can use them as they see fit. This recommendation is being made for the following reasons:

1.) The installation and monitoring of these cameras is labor and time intensive. Protection of cultural resources is a priority for OLES and the Canyon Country law enforcement staff but a realistic number of cultural sites to be monitored utilizing these cameras would be four (4) to five (5). OLES has requested Canyon Country Supervisory Ranger Lloyd order three (3) high resolution cameras (capable of reading license plates on vehicles). Lloyd will also purchase six (6) trail cameras to be used if necessary. OLES will provide funding for these purchases. Canyon Country Rangers will develop a local strategy to monitor the cameras and replace batteries and SD cards on a regular basis. Due to evidence and chain of custody protocols, archaeologists and site stewards are not allowed to recover photographs from these cameras and turn them over to law enforcement to be used in a criminal investigation.
2.) Should BLM law enforcement ever need to investigate Friends of Cedar Mesa or any of its members in relation to crimes occurring on public land, the donation of these cameras may be viewed negatively and the public may perceive this as favoritism to the group.

**COMMUNITY OUTREACH**

Rangers will be available to speak with special interest groups on the importance of protecting cultural resources. These groups include the Boy Scouts of America, Great Old Broads for Wilderness, San Juan Public Entry and Access Rights (SPEAR), various tribal groups and local school groups in southeastern Utah.

**TIP LINE and REWARD MONEY**

Friends of Cedar Mesa is currently working with the OLES in order to establish a looting tip line with protocols by which rewards can be offered for information leading to the conviction of those who vandalize and/or loot cultural sites located on public land in and around Cedar Mesa. Executive Director Josh Ewing and an OLES special agent are currently finalizing those protocols.

The OLES will host the looting tip line and screen all incoming calls for legitimacy and potential criminal violations. In the event a tip leads to federal criminal prosecution, reward money will be provided to the reporting party by Friends of Cedar Mesa. No BLM funds will be utilized for this program and the OLES will not instruct Friends of Cedar Mesa how to distribute reward payments. The rewards will be dispersed at the sole discretion of the Friends of Cedar Mesa. As stated above, the OLES is evaluating potential conflict of interest perceptions related to this program.

**SUMMARY**

In southeastern Utah, there are generations of families who have looted cultural sites and removed precious archaeological resources from public land. For many of these individuals, these activities were part of a typical weekend outing. Difficulty in detecting and enforcing violations of ARPA, and a lack of education, led many to believe there was nothing illegal about their actions. However, in recent years, the BLM has taken an increased initiative in educating the public on the importance of the cultural resources located on public land and how these precious artifacts from the past should be left in place for all to enjoy.

The Utah law enforcement program is committed to working with BLM management staff and the community in order to protect the cultural resources located on public land. Cedar Mesa contains thousands of archaeological sites that provide a glimpse into the area's unique past. These resources should be protected for future generations in accordance with the BLM's mission. However, given the vast expanse of the area inhabited by the Ancestral Puebloans and the limited resources available to patrol this region, it is a difficult and sometimes impossible task to patrol and monitor all of these sites. The path forward, as outlined above, will require a layered approach involving law enforcement and community education. The law enforcement program is committed to utilizing all available resources, strategically planning future surge patrols, coordinating with local law enforcement, and working with the cultural staff to minimize future looting.

# EXHIBIT 6

- San Juan County Lands Bill Items for Public Lands Initiative Legislation

August 31, 2015

# SAN JUAN COUNTY UTAH LANDS BILL PROPOSAL

San Juan County has endorsed a lands bill proposal that includes the June 15, 2015, proposal developed by the County Lands Council with the addition of other items of importance to the County.

## LANDS COUNCIL PROPOSAL

The Lands Council Proposal includes designation of 2 National Conservation Areas (NCAs), several wilderness areas and designation of an Energy Zone. Designations are as shown below: (all acres are not additive due to overlap of designations)

| | | |
|---|---|---|
| NCAs (including Wilderness) | | 703,047 acres * |
| Cedar Mesa | 557,880 acres | |
| Indian Creek | 145,167 acres | |
| Wilderness within NCAs | | 294,545 acres |
| Wilderness outside NCAs | | 242,351 acres |
| Total Wilderness proposed | | 538,896 acres |
| Grand Total Designations (NCAs and Wilderness outside of NCAs) | | 945,398 acres |
| Indian Creek Recreation Area | | 10,470 acres |

Energy Zone: Area of high energy and or mineral development potential where permitting for exploration and development of energy and minerals would be expedited. (The Utah Legislature designated Energy and Mineral Zones in San Juan County by H.B. 393 signed March 23, 2015).

* Acreages predominantly include BLM administered lands but also include areas within Glen Canyon National Recreation Area (66,180 ac.) and Manti-LaSal National Forest (16,270 ac.)

## ADDITIONAL ITEMS

- Expand the meaning of "cooperating agency" to mean invited participation of the State of Utah, San Juan County, the Navajo Nation and the Ute Mountain Ute Tribe in all Federal agency decisions subject to NEPA compliance
- Implement co-management (Federal, State, County and Tribes) of Cedar Mesa NCA
- Federal recognition and prioritization to San Juan County Energy Zone

- Adoption of Federal Agency Travel Plans with the addition of other roads/trails requested by San Juan County.
- Recognition of San Juan County RS2477 claims on County "B" roads
- Recognition of the importance of motorized access on roads/trails to the County's economy and lifestyle such that road/trail closure would be the action of last resort when access/resource conflicts or damage cannot be mitigated in any other way
- Release of all WSAs and wilderness character areas not designated as wilderness from further consideration for wilderness designation
- Exclusion of San Juan County from Presidential authority to designate national monuments under the Antiquities Act
- Transfer of mineral rights currently held by the Federal government on the McCracken Extension of the Navajo Reservation to the Utah Navajo Trust Fund
- Transfer title of the Cal Black Airport and selected adjoining lands to San Juan County
- Transfer title of the Bluff Airport to San Juan County
- Transfer title to certain selected lands south and southeast of Bluff along the north bank of the San Juan River to San Juan County
- Transfer title to San Juan County of lands in a corridor(s) along the historic Hole-In-The-Rock Trail and current conventional access known as the Hole-In-The-Rock Trail (HITRT) in San Juan County
- Transfer title of lands occupied by Monticello Municipal Water Storage and Treatment Plant to Monticello City
- Issue an R&PP lease to Blanding City for approximately 8000 acres currently within the annexation area west of Blanding
- Transfer title of the Blanding Shooting Range to San Juan County
- NPS recognize Lockhart Basin North Road within Park or exclude road from Park
- Continuation of livestock grazing on federal and state lands that may be transferred (land ownership) or placed under special designations such as National Conservation Area or Wilderness Area.
- Designate sufficient setback of wilderness boundaries from recognized roads to provide for multiple use activities (vegetation harvest, camping, parking etc.)
- No buffer zones around National Conservation or Wilderness Areas.

# EXHIBIT 7

- Sheriff Eldridge May, 2015 News Article of Record
- August 26, 2016 letter from SJC Sheriff Rick Eldridge
- September 13, 2016 Letter from Garfield Sheriff James Perkins

## Thank you to friends and neighbors

Dear Editor:

I would like to thank all our friends and neighbors for bringing food and condolences after the passing of my sister, Eloise Walker Herron. The family card of thanks acknowledged the Second Ward Relief Society, but it was also the Third Ward Relief Society that brought food for the family dinner. We are very fortunate to live in such a special place where everyone pitches in to help and show compassion.

Jeanette Walker Christensen

## Ongoing problem of skewing the facts

Dear Editor:

In May of 2015, I was contacted by the BLM's investigation office concerning reports of looting within San Juan County which had been relayed to Washington D.C. The investigator stated that an environmental special interest group had contacted Washington D.C. reporting that there were nearly 20 cultural sites that were currently being looted and investigated by BLM Rangers. In turn, Washington contacted the BLM Investigation Office in Utah, frantic, wanting to verify the claim in San Juan County. After verifying the cases with local BLM Rangers, a report was generated and sent back to Washington with a much different set of facts. The BLM Investigator stated that the information given by the environmental special interest group to Washington was grossly inaccurate.

The factual report stated that between 2011 and May of 2015, BLM law enforcement in San Juan County Utah had identified two (2) criminal cases involving the excavation and/or removal of archaeological resources in San Juan County. I recently contacted the BLM and as of today, amongst the tens of thousands of cultural sites in our county, there are still only two sites that are being investigated for looting since 2011. Not twenty (20).

That being said, two (2) criminal cases involving the looting of archaeological resources on public land are two too many and I would hope that looting goes down to zero. But here's my point: most people are unaware of the alarming and ongoing problem of environmental special interest groups skewing the facts to push their agenda. This misrepresentation of the truth appears to paint San Juan County as being full of looters, which is simply not true!

Sheriff Rick Eldredge
San Juan County

## "What we need is a radical departure"

Dear Editor:

Having noticed my Ron Paul for President 2008 and Ron Paul for President 2012 bumper stickers an otherwise highly intelligent friend quite hopefully asked if I wouldn't be voting for Trump in 2016. This is akin to asking if, since I can't have Su-

FOR COMMITTEE USE ONLY

San Juan County Sheriff

08/26/2016

Mr. Kendall Laws
San Juan County, Utah Prosecuting Attorney
117 South Main Street
Monticello, UT 84535

Opinion Letter - Safety Aspects for Designation of The Bear's Ears National Monument

Dear Mr. Laws,

I write in my capacity as Sheriff of San Juan County, Utah to offer an opinion on the impact that designation of the Bears Ears National Monument would have on public safety, human health, and first-responder access. It is a well-established fact, monuments that have been designated by federal agencies move toward decreasing maintenance, reducing access, and ultimately closing roads and trails.

Experience of County governments has also taught that once land withdrawals have been made, access constrictions imposed by federal agencies lead to termination of right-of-ways and ultimately extinguishment of private in-holdings for want of access. Such road closures were mentioned by the Bear's Ears Intertribal Coalition in their request to President Obama, and so we in San Juan County understand that at least one objective is to relocate people from the land.

As Sheriff of San Juan County, I am statutorily responsible for search-and-rescue efforts within this county. Because the State of Utah is proprietary in nature, all federally-managed lands fall within the purview of my jurisdiction and sphere of authority.

The 1.9 Million acres proposed for designation of Bears Ears contain vast, rural and extremely rugged terrain. Although some roads have been established, much of the terrain remains inaccessible except by foot or horseback. The monument designation would bring additional people to the region and the combination of increased visitors and fewer road/trails will unavoidably lead to a greater public safety risk – it's just simple math: the more people hiking and the fewer routes enabling access, the greater the risk to individual health and safety.

In San Juan County, the majority of our departmental search and rescue responses take place on federally-managed lands, so I will recount one of those incidents as an example. In 2013 our search-and-rescue team was dispatched to the Needles District of San Juan County at the request of the National Park Service (NPS). As it turns out, a female hiker had injured her back and was not able to make the trip out of the park. The hiker, in extreme pain and requiring immediate medical attention, was in a deeply inaccessible area several miles from normal routes. Due to gravity of the situation and with the knowledge that the trip could present grave personal risk to the individual; I dispatched a helicopter to expedite the evacuation process. Upon arrival, an on-scene National Park Service employee began to argue with our team about the location of a landing zone. I had instructed the pilot to execute a landing in the safest possible manner, both for him and access to the hiker; for his part, the NPS employee contended the helicopter needed to land on a remote rock outcrop to avoid the disturbance of the local flora and fauna.

Notwithstanding the misplaced sense of priority, I remain saddened by the glaring lack of respect for human health and safety.

Sheriff Rick Eldredge
P.O. Box 788 * 297 South Main Street * Monticello, UT 84535
(435) 587-2237 * (435) 587-2013 Fax

It is clear to me that closure of legitimate access routes will not only inhibit search and rescue activities, but it will also reduce my department's ability to levy response actions to private property and many other easily foreseeable scenarios.

While it is difficult to measure the extent of impact that reduced access might ultimately have, I can say that even the loss of one human life is too many.

Sheriff Rick Eldredge

San Juan County, Utah

FOR COMMITTEE USE ONLY

# Garfield County Sheriff's Office

James D. Perkins Jr.
Sheriff

September 13, 2016

Mr. Kendall Laws
San Juan County Attorney
117 South Main St.
Monticello, UT 84535

Dear Mr. Laws:

In response to a request by Mr. Norman McLeod requesting information regarding my experience with large tracts of land that have been taken out of the public domain by federal reservation. Garfield County has vast experience with these areas. I believe we are the only county in the country that contains portions of three national parks within its boundaries. In addition we manage 40% of the Dixie National Forest and a significant portion of the Glen Canyon National Recreation Area. Pertinent to this request I have jurisdictional responsibility for approximately 40% of the Grand Staircase Escalante National Monument. The monument was established by presidential proclamation in 1996 and I have been the County Sheriff for 10 years of its 20 year life. I'm very aware of the impacts the monument has caused in Garfield County and I offer and provide this correspondence to give you a general idea of what you can anticipate.

I intend to focus these remarks on the Grand Staircase Escalante National Monument, but I believe they are also applicable to Glen Canyon National Recreation Area, Canyonlands National Park and Capital Reef National Park. All of these areas are large remote designations which attract tourists and recreationists simply by using the name national monument, national recreation area, or national Park. I believe the staircase exhibits characteristics that are similar to those identified in the proposed Bears Ears National Monument.

First and foremost I want to express my concern regarding creation of national monuments in remote areas of southern Utah. The creation of the national monument in Garfield County created a civil unrest and dissatisfaction among our local residents that

375 North 700 West
P.O. Box 370
Panguitch, Utah 84759
(465) 676-2678

[redacted]

I have never before experienced. Not only were local residents upset, angry and on the verge of rebellion because of the designation of the monument, they also continue to feel expanded civil unrest because of planning actions that threaten their custom culture and heritage. Livestock grazing has been threatened, and this greatly upsets multigenerational ranchers. Access has been limited, and this greatly upsets tourists, families and people who have cared for the land for generations. Infrastructure maintenance on fences , water lines, ponds, roads and other facilities has been hampered which frustrates those citizens that help developed those same facilities and are now forced to watch them fall into disrepair.

[redacted]

The monument has also created a whole new series of environmental documents which seem to be of great interest to those that live outside of the area. Our residents feel like they are not heard and the federal agency is catering to individuals who never have been to Garfield County and who will never be in Garfield County. This exacerbates their frustration and causes unrest between the local citizens and federal employees. [redacted] The civil unrest may not be able to be quantitatively measured, but I can assure you as the chief law enforcement officer I have had to resolve numerous incidents that fall back to this very problem.

[redacted]

I can also site direct impacts associated with my responsibilities. From January 2016 to the present my Search and Rescue crews have expended approximately 426 hours in addition to the volunteer man-hours which impacts my residents, my citizens and employees. My department has expended an additional 50 hours of flight time for Utah Department of Transportation Search and Rescue helicopters and medical service helicopters to rescue individuals from the monument. These numbers apply only to that portion of the Grand Staircase Escalante National Monument in Garfield County. Similar numbers are likely to have been accrued in Kane County. This is no small burden to be carried by a Sheriff's Department that is funded by less than 5000 permanent residents and has a service area greater than the size of Connecticut. Inasmuch as all of our Search and Rescue forces are volunteer, it also places a significant burden on those kind souls that are willing to give up their time and means in order to help others. It causes me to authorize purchase of thousands of dollars' worth of equipment and more importantly, puts my staff and volunteers at risk as they often work in the dark in steep canyons and in dangerous weather. [redacted]

Unfortunately we have received little if any assistance from the monument and from the federal government in dealing with these issues. Token amount, to offset the initial costs from monument designation. However those federal funds soon dried up and we are now left to manage all the problems created by the monument on our own. [redacted]

Perhaps greater impact on our County and our law enforcement services relates to indirect impacts. Shortly after creation of the monument the local economy shifted from natural resource-based activities to one-dimensional tourism. The tourism dollars do not raise families. They are lower wages; they are seasonal wages; and they often bring individuals into our area that have no long-term commitment to our morals, values, and [redacted]

safety. As a result high school enrollment in communities adjacent to the monument dropped significantly over 20 years. In Escalante, a community that borders the monument, enrollment dropped from 150 in 1996 to approximately 50 in 2016. The indirect impacts from unemployment and difficulties in earning a living are felt by my department. We've noticed an increase in alcohol and drug use. We've noticed an increase in domestic violence. We've noticed an increase in juvenile delinquency. Theseissues are never discussed and are only noticed after a monument has its negative impacts. The coincidence of timing is undeniable.

Previously I briefly mentioned the reduction of public access. That indirectly complicates my job as the Sherriff. More and more individuals seek remote experiences and in orderto do my job I have to spread my deputies out to more remote locations. There have been times when we have been spread so thin that we have not been able to cover allof our responsibilities given our large land base, our limited population, are limited tax base because 93% of the ground in our County is federally owned and the increasingnumber of visitors attracted to the monument we have found it increasingly difficult tomeet basic services.

I have often wondered what Garfield County would look like if the monument had been declared but had not locked up our vast oil and gas, coal and other natural resources. Over my 30 years of law enforcement experience I have found that the more remote an area is the more likely people are to violate basic principles of law and order and safety.

Another major issue is people who visit a national monument expect certain services and often enter into areas and activities for which they are totally unprepared. We have experienced numerous injuries and deaths as a result of individuals lured to this area by the mystique of the national monument without recognizing that they are at the mercy of the elements.

Given sufficient time, I could provide numerous details and specifics regarding the issues I have raised. I could also raise other issues that at times seemed equally important. In summary just let me say I have experienced very few if any benefits as a result of monument designation. I would be happy to answer any questions you have concerning this correspondence. Please contact me at (435) 616-3054 if you need to do so.

Sincerely,

Sheriff James D. Perkins Jr.

# EXHIBIT 8

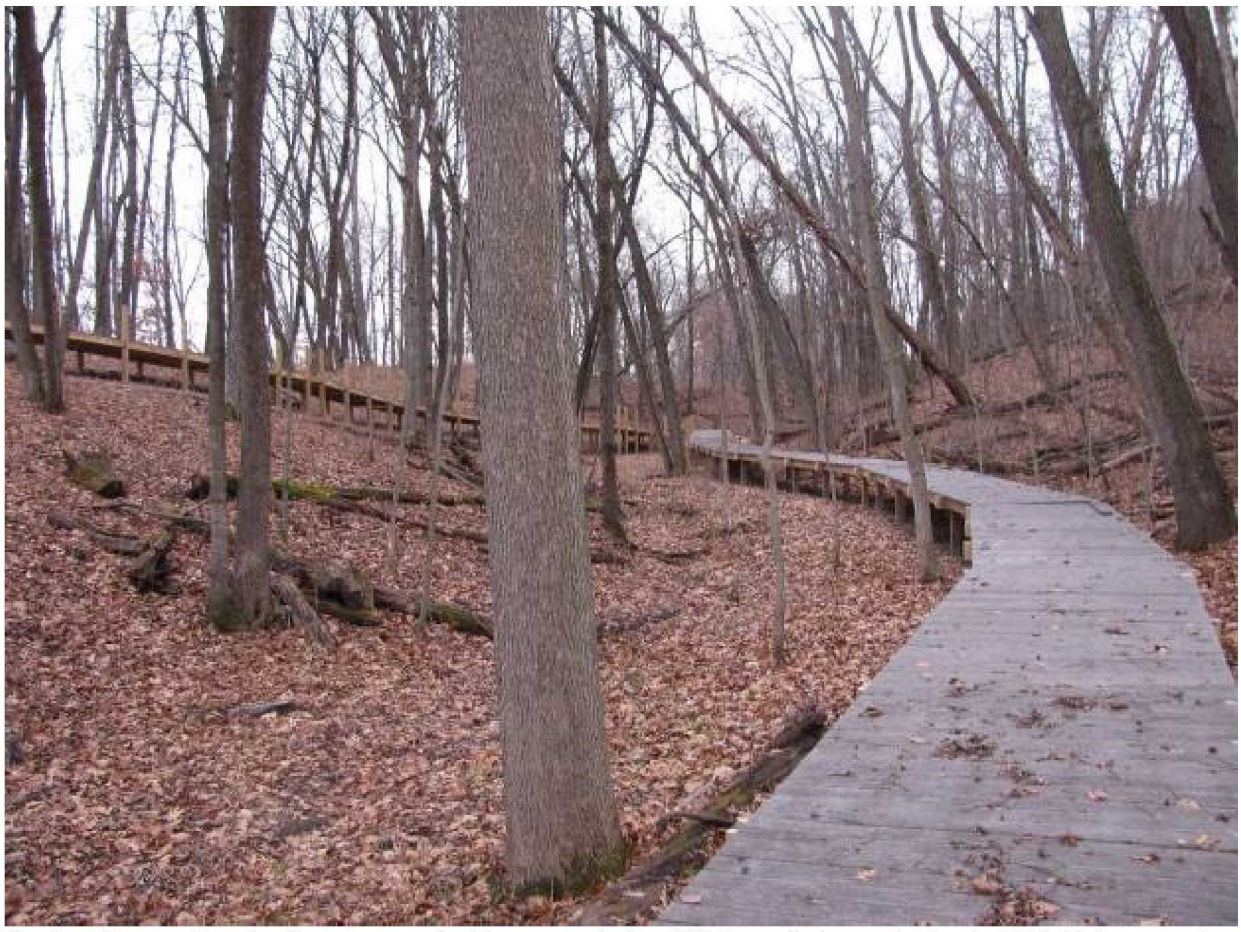
- Demonstration of Cultural & Fiscal Problems in National Park Service

- Effigy Mounds Monument: Serious Mismanagement Report
- 2017 Congressional Research Report on Escalating NPS Expenditures

FOR COMMITTEE USE ONLY

SERIOUS MISMANAGEMENT REPORT

EFFIGY MOUNDS NATIONAL MONUMENT



Nazekaw Terrace Boardwalk, constructed without completing SHPO or tribal consultation in 2008-09 (construction terminated by the NPS in 2009, boardwalk removed in 2010). NPS Photo.

# SERIOUS MISMANAGEMENT REPORT
# EFFIGY MOUNDS NATIONAL MONUMENT 1999-2010

**David Barland-Liles**
**Team Leader / Chief Investigator**
**NPS – Special Agent**

**Bob Palmer**
**Chief Ranger – EFMO (2012 – Present)**

**Jim Nepstad**
**Superintendent – EFMO (2011 – Present)**

**Caven Clark PhD**
**Archeologist - BUFF**

FOR COMMITTEE USE ONLY

SERIOUS MISMANAGEMENT REPORT

# EFFIGY MOUNDS NATIONAL MONUMENT

April 2014


Preface 3

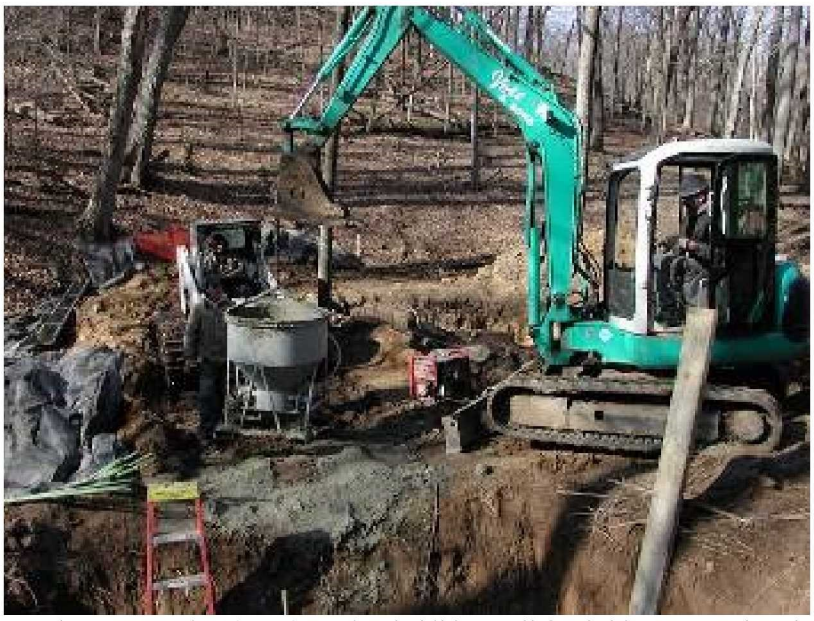
Incident Overview 4

Findings 8

Matters For Consideration 13

Conclusion 15


The team members of this Serious Mismanagement Report were originally assembled as subject matter experts by the investigating Special Agent during the criminal investigation. The criminal investigation used portions of the findings of a 2009 Operations Evaluation of EFMO created by the Midwest Regional Office as a starting point. Methodical searches of available EFMO records were eventually carried out by Midwest Region Cultural Resources staff and the Superintendent who replaced the Principal.



Hanging Rock Bridge under construction (2004). A simple hiking trail footbridge was replaced with a five ton vehicle bridge. A quarter-mile long access road was blazed through mature forest to accommodate construction equipment used at the site. Despite the fact that extensive ground disturbance would be taking place in an archeological park, this work was done in the absence of any NHPA, ARPA, or NEPA compliance. NPS Photo.

## Preface

The purpose of this Serious Mismanagement Report (SMR) is to present pertinent data and facts related to violations of the National Historic Preservation Act, the Archeological Resources Protection Act, and the National Environmental Policy Act by employees of Effigy Mounds National Monument (EFMO).

The SMR Team respectfully presents these facts in an effort to inform concerned National Park Service employees of the causes and contributing factors of these incidents so they may assist the agency in preventing similar occurrences. **As with a Serious Accident Report, the intent is not to defame individuals or assign blame, but rather to provide an opportunity for employees across the NPS to reflect on the lessons learned from these unfortunate actions**.

Consequently, this SMR avoids the use of names and avoids any discussion of administrative actions that may or may not have resulted from these events.

This SMR includes numerous position titles. It is important to note current NPS employees in those positions are most likely not associated with the events of this report.

**Effigy Mounds National Monument – Est. October 25, 1949**
Effigy Mounds National Monument was established in 1949 by Presidential Proclamation (President Truman) to preserve excellent examples of nationally significant archeological resources which include earthen American Indian mound groups. At least 206 visible mounds are within the monument. Of these, 31 are in the shape of animals or birds, representing a cultural phenomenon unique to the Upper Midwest. Some of these mounds were built as early as 500 BCE. The monument is sacred to the descendants of the mound builders. Currently, there are nearly twenty tribes who have either a cultural or treaty association with EFMO.

The 2,526 acres of the monument are located in northeast Iowa adjacent to the Mississippi River. EFMO is one of two NPS units in Iowa.

Nazekaw Terrace Boardwalk construction terminus (linear mounds visible in left background). NPS Photo.

**Background**

In 1999 the Principal became Superintendent of Effigy Mounds National Monument after successfully completing the Midwest Region's Superintendent Development Program. Prior to becoming Superintendent at EFMO, the Principal had been on a relatively fast track within the NPS, having accepted their first permanent position in 1991. Only three years after becoming a permanent employee, the Principal was appointed as Acting Superintendent at Martin Van Buren National Historic Site (in 1994), and only three years after that became Superintendent at Perry's Victory and International Peace Memorial (in 1997). Throughout the Principal's career, they attended multiple training events focusing on the Section 106 review process. Additionally, the Principal served as the Section 106 Coordinator at Martin Van Buren NHS, and through the years had numerous cultural resource professionals providing – often at the Principal's request - detailed written summaries of the steps involved in the Section 106 review process.

Despite all this, during the Principal's tenure (1999–2010), park staff failed to comply with the National Historic Preservation Act (NHPA) and/or the National Environmental Policy Act (NEPA) on at least 78 projects using $3,368,704 in federal funds. In 2009, during an Operations Evaluation at the park, a Midwest Regional Office team of subject matter experts learned of a boardwalk under construction to a mound group that had been rerouted and extended without proper NHPA and NEPA compliance. Many other non-compliant projects were also discovered.

In August of 2010, the Department of the Interior Office of Inspector General (OIG) received a complaint from a concerned citizen. The citizen alleged incidents of waste, fraud, and abuse by EFMO employees related to the non-compliant projects and an alleged cover-up by regional officials.

At the direction of the OIG, a criminal investigation was conducted by the Investigative Services Branch (ISB) of the National Park Service. At the conclusion of the investigation, ISB requested

consideration for prosecution by the U.S. Attorney's Office of the Principal and the EFMO Chief of Maintenance for violations of the Archeological Resources Protection Act (ARPA). Due to the constraints imposed by the statute of limitations the investigation focused on two construction projects; the Nazekaw Terrace Boardwalk (2009) and the North Unit Maintenance Shed (2007). An archeological damage assessment revealed the two projects resulted in $188,128 of damage (Archeological Value + Cost of Restoration and Repair) to park resources.

Storage shed constructed in 2007 without NHPA and NEPA compliance and without archeological clearance. Later studies revealed that it may have disturbed a remnant mound. NPS Photo.

In October of 2012, after intense review, the U.S. Attorney's Office reluctantly declined to prosecute primarily due to a belief that it would be difficult to overcome potential jury sympathy for the defendants. Prosecutors perceived an inability on the part of senior NPS officials to recognize that violations of NHPA may in fact be violations of ARPA in a park such as EFMO. In the opinion of the U.S. Attorney's Office, this led to a weak and inappropriate initial response by the Agency, which treated it as an administrative matter rather than a criminal matter. Prosecutors felt the Agency's failure to take swift, appropriate action fatally encumbered the criminal case, creating a threshold of doubt that the U.S. Attorney's Office did not believe could be overcome in a jury trial.

The declination enabled the NPS to perform an internal investigation.

Reservoir waterline project (2005). Although an Assessment of Effects form was completed and approved by regional office officials, it was based on the premise that disturbance would be limited to the original trench. The majority of the lawn area in this photo was severely impacted during later stages of this project. NPS Photo.

Although the criminal investigation focused on two projects, dozens of projects requiring extensive ground disturbances occurred at EFMO from 1999-2009. Associated with these projects were major project review deficiencies and in many cases a complete lack of compliance. Photos and descriptions of some of these projects are included within this report in an effort to broaden the reader's perspective of the totality of circumstances.

**The National Historic Preservation Act (NHPA - 1966) – 16 U.S.C. § 470 *et seq*.**
This act is considered the most comprehensive preservation legislation in the United States. The act created the State Historic Preservation Offices, the National Register of Historic Places and National Historic Landmarks. The act requires all federal agencies to evaluate the impacts of federally funded or permitted projects on historic properties. This evaluation process is known as *Section 106 Review*, named for the section in the NHPA that outlines how this process is to occur. In addition to the requirement to evaluate the impacts of federal actions, NHPA further stipulates that federal agencies are to actively preserve historic properties (Section 110).

**Programmatic Agreement Among the National Park Service (U.S. Department of the Interior), The Advisory Council On Historic Preservation, and the National Conference of State Historic Preservation Officers (July 17, 1995 and November 14, 2008).**
These programmatic agreements specify how the NPS established and formalized policies and operating procedures (NPS/DO-28) designed to ensure compliance with the NHPA.

Both the 1995 and 2008 programmatic agreements delegate Superintendents as the responsible agency officials as defined in 36 CFR Part 800.1(c)(1)(i) for the purposes of Section 106 compliance. Superintendents are to assign Section 106 Coordinators, and are further responsible for ensuring staff are adequately trained to carry out their responsibilities.

**The Archeological Resources Protection Act (ARPA – 1979) – 16 U.S.C. §§ 470aa.**
ARPA prohibits the unauthorized excavation, removal, damage, alteration, or defacement of archeological resources. In addition to other segments of the public, ARPA explicitly specifies that "…any officer, employee, agent, department, or instrumentality of the United States…" is subject to the prohibitions of the Act.

**The National Environmental Policy Act (NEPA – 1969) - 42 U.S.C. § 4321**
Just as NHPA requires federal agencies to carefully consider the potential effects of federal undertakings on historic properties, NEPA requires federal managers to take the potential environmental impacts of undertakings into consideration as well – again, in advance of initiating work on those undertakings.

**The National Park Service Organic Act (1916)**
*The Service thus established shall promote and regulate the use of the Federal areas known as national parks, monuments, and reservations hereinafter specified by such means and measures as conform to the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.*

Reservoir waterline project (2005). The lower portions of this project took place on the Nazekaw Terrace, a site known to have had more than 60 burial and ceremonial mounds in the past. NPS Photo.

Three Mounds repatriation/reburial preparation (2004). Archeologists and SHPO were not properly consulted about the use of this location; an existing burial mound adjacent to the visitor center. Excavation of the mound was performed by maintenance personnel. NPS Photo.

## FINDINGS

This section presents the Investigation Team's findings. The most rudimentary elements that contributed to this period of serious mismanagement are identified. These findings are supported by discussions with co-workers, supervisors, witnesses and subject matter experts. Motivational determinations for these activities are inferred based upon the available witness and subject testimony which may have been impacted by minimized levels of cooperation or appreciation of potential culpability.

## DIRECT CAUSE

Permanent archeological damage was caused by NPS employees within Effigy Mounds National Monument as a result of ground disturbing projects affecting historic properties and archeological sites in violation of the National Historic Preservation Act, The Archeological Resources Protection Act, The NPS Organic Act, NPS Directors Orders, policies, and programmatic agreements.

## CONTRIBUTING FACTORS

**1. Willful Blindness:** The Principal has asserted a lack of understanding of the level of wrong doing related to these actions. Statements made by the Principal clearly illustrate a lack of basic knowledge related to Section 106 Compliance and ARPA despite years of training and professional exposure. Statements made also describe a complete reliance upon the assumed expertise of a selected few, despite blatant contrary indicators, coupled with a willful lack of associated oversight. As the federal land manager, the Principal was the legal approving authority of all actions and was expected to have, and should have had knowledge of the laws

established to protect those resources. The Principal failed to learn or become aware of the laws designed to protect places like EFMO, and approved projects that damaged and/or destroyed cultural resources without taking those resources into consideration. In 2003, EFMO's Senior Law Enforcement Officer carefully outlined his concerns about non-compliant projects in a detailed 5-page memo, which the Principal chose to ignore. Remaining "blind" to the requirements of the law, despite repeated training and repeated warnings from staff, can lead to behavior that results in criminal recklessness and negligence.

**2. Lack of Oversight:**

**EFMO:**

- **Marginalization of EFMO employees by the Principal removed internal program oversight:**
    - **Cultural Resource Specialist/Archeologist:** Prior to the arrival of the Principal, EFMO's Cultural Resources Specialist/Archeologist began accepting Section 106 compliance duties. This was reversed shortly after the Principal's arrival and the employee's skills and abilities were devalued and restricted to curatorial duties. Terminating funding of this position and transferring it to other divisions was openly discussed with the employee. Citing a poor work environment enhanced by these factors the employee left EFMO for another NPS assignment. The position was not refilled, despite the dominance of cultural resources within the park.
    - **Chief of Natural Resources:** The contributions of this position and division were systematically reduced in importance by the Principal regarding the operation of EFMO and meaningful management team inclusion. Differing opinions were treated like acts of insubordination by the Principal.
    - **Chief Ranger (non-commissioned):** The contributions of this position and division were systematically reduced in importance by the Principal regarding the operation of EFMO and meaningful management team inclusion. Subsequent declining morale affected proper work/life balance forcing this talented and committed employee, at great personal cost, to leave the NPS while seeking a better quality of family/work life.
    - **Senior Law Enforcement Ranger:** This position was systematically devalued by the Principal. Furloughs were maximized, employee expertise was ignored, necessary equipment was not provided, "security patrols" of EFMO were performed by maintenance employees, and at times defensive equipment was not permitted to be worn. The Principal stated to a colleague a fear of this employee's authority to confront friends, family, neighbors, acquaintances and employees if/when they violated laws within EFMO. This employee was trapped within a corrupt chain of command and was forced to seek out-of-park assignments, greatly disrupting normal family life, to remain professionally and financially viable. Ironically, this employee's education

(MA in Archeology) and expertise related to cultural resources are highly valued by the Department of the Interior as a nationwide educator/trainer, scholar, and Native American Graves Protection and Repatriation Act civil penalties investigator.
    - **Administrative Officer:** Perspective and expertise from this employee related to budget allocation, proper project development, and the requirement to maintain an administrative record were ignored by the Principal.
- **Chief of Maintenance/Section 106 Compliance Coordinator:** An inherent conflict of interest emerges when responsibility for both project compliance and project completion is vested in one employee.
- **Management misalignment from the mission of the NPS and the purpose of EFMO:** Despite long NPS careers, excellent training, and a professed desire to be stewards of EFMO, management team contributors were unable or unwilling to recognize the divergence of their personal goals from the mission of the NPS and the rule of law. The management team contributors also had an inexcusable lack of understanding of the fundamental importance of the archeological resource they were assigned to protect, along with its complexity, pervasiveness, landscape qualities, and history, which enabled them to discount concerns and justify gross physical and ethical violations of a site held sacred by many.

**Regional Office:**

- **Supporting unit operations without adequate oversight:** The Midwest Regional Office has an infrastructure designed to provide support services to sixty NPS units with little emphasis on oversight in some program areas. Land managers are trusted to lawfully perform their duties and are often directed to create their own performance standards and draft their own performance reviews. There was no meaningful mechanism to detect violations of policy or law. In this instance Regional program managers were routinely misinformed by EFMO with cavalier confidence. Sometimes the regional office was even *informed* of non-compliance, as occurred when the Principal wrote in a 2005 Operations Formulation System (OFS) request that the park needed a base increase for cultural resource management purposes because Section 106 compliance "…has been ignored at EFMO due to lack of staff." When oversight was finally provided, a decade of dysfunction was uncovered.

- **Cultural Resource Section 106 Reviewers:** These employees perform this critical function as a collateral duty and are often removed from each other and the NPS units they serve. Regional Cultural Resource Section 106 reviewers were slow to adopt the Planning, Environment, and Public Comment System (PEPC) to facilitate their reviews. This enabled potentially deceptive NPS managers to avoid transparency, since no one at the regional level could see the sum total of a park's Section 106 efforts (or lack thereof). The end result was sharply reduced opportunities for

objective and informed perspectives on the potential impacts of projects upon historic resources.

- **Inability to react appropriately to mismanagement warning signs:** Numerous EFMO employees on multiple occasions, both formally and informally, attempted to find a sympathetic reception from regional officials to evidence of mismanagement by the Principal – all without success. When efforts with immediate supervisors failed, employees resorted to parallel chains of command without success. Blatant clues of mismanagement presented to regional officials by the Principal and EFMO employees were not noticed, misinterpreted, or inappropriately reacted to.

- **Rewarding progress instead of preservation:** Projects and alleged improvements to NPS infrastructure are tangible and easily reference an obtained goal. Choosing to *not* build within NPS units in order to preserve the qualities articulated within the unit's enabling legislation are often unnoticed, unappreciated and unrewarded by NPS officials.

**3. Perceived Conflicting Priorities:**

- **Budget Allocation:** From 1999 to 2009 the annual operational budget for EFMO steadily increased from $588,000 to $1,117,000 (the latter figure is $864,413 in constant 1999 dollars). Allocations increased for the maintenance division in unison with base funding increases (1999 - $121,000, 2009 - $366,000 ($284,220 in constant 1999 dollars)). Allocation for the cultural resources division dramatically decreased, peaking in 2001 at $29,000 and reducing to an annual average of just under $3,000 for the remaining eight years. EFMO also received generous ($4,366,000) specific project funds during this period. It is clear that while the cultural resources program was being dismantled due to a professed lack of funding, the maintenance program was rapidly growing, acquiring approximately 60% of EFMO's base funding increases.

- **Project Completion vs. Compliance:** Seasonal work forces, the federal fiscal cycle and special project funds availability may encourage managers to seek shortcuts related to compliance. Excess year-end funds can contribute to non-compliance as they did with EFMO's North Unit Storage Shed, because by definition they need to be spent quickly. EFMO repeatedly received project funds for "shovel-ready" projects that had not been reviewed by the compliance system.

- **Americans with Disabilities Act (ADA) vs. Cultural Resource Preservation:** One of the Principal's personal goals was to dramatically increase access to mound groups for wheelchair-bound visitors. This resulted in several projects including weaving a boardwalk, requiring 216 excavations, onto the landscape of an archeological site

(13AM82) and dominating an ancient sacred location with a modern structure. Tens of thousands of additional linear feet of boardwalk were referred to as preferred alternatives within the unit's 2009 Draft General Management Plan. Section 106 consultation is an excellent tool designed to assist managers with overcoming potential legislative and user group conflicts. Tribal members associated with EFMO stated the Principal led them to believe the ADA *requires* the NPS to provide accessibility via boardwalks at the expense of cultural resource integrity.

- **Protection of Equipment vs. Protection of the Resource:** EFMO purchased several pieces of expensive equipment including backhoes, tractors, and riding lawnmowers but lacked sufficient facilities to protect them from inclement weather. Their solution was to build a shed within an archeological site (13AM189) which required 22 excavations. This shed structure dominated a sacred landscape in view of linear mounds and an associated hiking trail. The location of this project site was justified by claiming it was "previously disturbed." Ground penetrating radar later revealed the shed was built upon a remnant mound. Proper consultation could have steered EFMO toward a more suitable location for this structure, or a better space utilization plan for existing facilities.

- **Employee Efficiency vs. Resource Preservation and Visitor Experience:** Despite a long history of maintaining the park with very little use of motorized vehicles, park staff became increasingly reliant on the use of tractors, ATV's and UTV's to get to work sites they formerly would have walked to. Over time, simple hiking trails widened to the width of roads, and rustic footbridges were replaced with 5 ton vehicle bridges. Gradually, the park's charming and rustic hiking trails were converted to maintenance roads that visitors were allowed to hike along. While employee efficiency increased as a result of this effort, resources were damaged and the visitor experience of the park was seriously degraded.

## MATTERS FOR CONSIDERATION

**Span of Control:** The Midwest Region Deputy Regional Director is responsible for the supervision of over fifty Superintendents. A sign of this overwhelming burden is the routine use of what amounts to self-evaluations for Superintendents. While this is the only way it can reasonably be accomplished given the magnitude of the task, it nonetheless forces senior regional management to believe what they are being told by the Superintendent is true. The end result is a lack of objective oversight, meaningless performance benchmarks, and a skewed vision of park conditions that may sharply diverge from reality.

**Warning Signs:** As expressed by the U.S. Attorney, regional officials lacked the ability or willingness to comprehensively analyze incidents warning of endemic mismanagement during the Principal's tenure at the park. Some of the signs missed include: valued employees leaving the NPS for other agencies or leaving the park/region for new positions; complaints and evidence of division marginalization; signs of extreme cronyism; a Chief of Maintenance assigned as a Section 106 Coordinator; a cultural resources management review team that rarely hears from a park despite $4.3 million in project funding; concerns expressed from an alienated State Historic Preservation Office; memorandums detailing incidents of violations; OFS requests with *admissions* of non-compliance; and language within a Draft General Management Plan concerning nebulous and ill-advised future boardwalk construction projects that would dominate sacred landscapes. Regional law enforcement officials and cultural resource experts were also unable to recognize a connection between violations of the NHPA and ARPA.

**Checks and Balances:** Regional funding approval of EFMO projects required no assurances related to the proper completion of compliance.

**Use of Inappropriate Administrative Tools:** The use of the Operations Evaluation by the Midwest Regional Office was too broad for fully investigating the alleged violations. The most germane component of the evaluation is buried (pg. 40 of 52) within analysis of *all* of EFMO's operational and administrative functions. Although the Regional Chief Ranger was an Operations Evaluation Team Member, inexplicably the need for a NPS instigated criminal investigation never materialized which resulted in an under-informed and weak response. An objective fact finding cadre of law enforcement professionals and subject matter experts should have followed in the wake of the Operations Evaluation.

**Advisory Council on Historic Preservation (ACHP):** Continued Section 106 compliance failures by the NPS could result in the termination of the nationwide programmatic agreement by the ACHP, which would devastate current project development and completion procedures service-wide.

**Paraprofessional Archeologists:** The Midwest Archeological Center developed this innovative program with the intention of educating field employees so they could assist with the oversight of projects affecting historic properties. This program was abused by EFMO employees, who

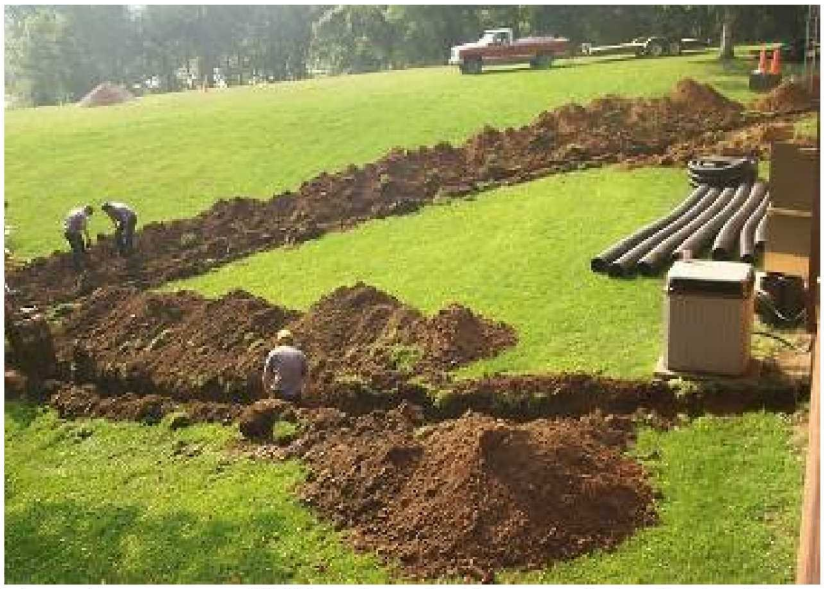
used the paraprofessional designation as a means of circumventing proper archeological site investigations.

**Misapplication of the "previously disturbed" concept:** The EFMO management team consistently self-proclaimed compliance exemption due to previous disturbances caused by historic farming practices or the construction of the monument's infrastructure. For instance, multiple projects adjacent to EFMO's headquarters were completed without Section 106 review because the area had been farmed. It was common knowledge amongst the management team and general park staff that the headquarters location was the site of a mound group of approximately 60 burial and ceremonial mounds. Geophysical studies later determined that while the mounds were not visible on the surface, they still exist and are in need of preservation and protection. Although the above-ground manifestations of these mounds had been mostly obliterated by 20th century agricultural and landscaping practices, geophysical studies have proven recognizable remnants of many of these mounds remain intact below the plow zone, potentially including burials. The protection of these mounds is the primary reason for the monument's existence. A history of previous disturbance at any given site cannot and should not be used to justify further disturbance without careful consideration and consultation.

Maintenance road constructed in the absence of any Section 106 review. An unused and reforested historic farming trail was converted into an access road which connected the maintenance facilities with hiking trails in the North Unit. An over-reliance on the use of vehicles led to the road's construction and the widening of "hiking trails," which in effect became roads for park staff. NPS Photo.

**Conclusion:** The explication of events, actions, and decisions contained in this report are not, we believe, unique to EFMO in that time and place, or with that constellation of actors. The challenges of effective use of Section 106 review for its intended purpose exist in many parks for many reasons, not all of them by intent or design. We understand improvements are being made for more critical review of parks' participation in the compliance process at all levels. For instance, the awarding of project money is now linked to compliance completion, and accountability for overseeing proper compliance is more strongly articulated in supervisory performance standards. While these are positive and appropriate steps, it is still possible to subvert the process in the interest of "economizing" and "streamlining".

The wake-up call this SMR provides should be the impetus for critical evaluation by all employees at all levels involved with the compliance review process. Traditionally viewed as an obstacle or bottleneck, Section 106 offers the opportunity (legal requirement notwithstanding) to take stock of the potential impacts of a proposed project, and to carefully consider whether or not it meets the needs of the park, the stakeholders, and the public in a manner most suited to the agency mission and principles.



Park headquarters drainage improvements (2000) performed without completing Section 106 review. Geophysical evidence now shows many mound remnants – potentially with intact burials – in the headquarters vicinity. NPS photo.

FOR COMMITTEE USE ONLY

# National Park Service: FY2017 Appropriations and Recent Trends

**Laura B. Comay**
Analyst in Natural Resources Policy

August 2, 2016

**Congressional Research Service**
7-5700
www.crs.gov
R42757

**CRS REPORT**
Prepared for Members and
Committees of Congress

FOR COMMITTEE USE ONLY



# Summary

The National Park Service (NPS) receives appropriations in the annual Interior, Environment, and Related Agencies appropriations bill. For FY2017, the Obama Administration requested $3.101 billion in discretionary appropriations for NPS, an increase of $250.2 million (8.8%) over the enacted FY2016 amount of $2.851 billion. In addition to the discretionary funding, the Administration proposed $1.238 billion in mandatory appropriations for NPS, a growth of 135.6% over NPS mandatory funding in FY2016 ($525.4 million). Some of the mandatory appropriations would require changes in authorizing law. The discretionary and mandatory requests brought the Administration's total request for NPS for FY2017 to $4.339 billion, an increase of $962.5 million (or 28.5%) over the FY2016 total of $3.376 billion. NPS stated that much of the increased funding would be used to address the agency's backlog of deferred maintenance, in connection with NPS's centennial anniversary this year and its expected future infrastructure needs.

On July 14, 2016, the House passed H.R. 5538, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2017. The House bill recommended discretionary appropriations of $2.930 billion for NPS, an increase of $78.8 million (2.8%) over the FY2016 enacted amount but a decrease of $171.4 million from the agency request.

On June 16, 2016, the Senate Appropriations Committee reported its version of the bill, S. 3068. The Senate committee bill recommended $2.914 billion in discretionary funds for NPS, an increase of $62.7 million (2.2%) over the FY2015 appropriation and a decrease of $187.5 million from the NPS request.

This report discusses NPS's FY2017 appropriations and examines trends in the agency's discretionary appropriations over the past decade (FY2007-FY2016). NPS appropriations varied during that time period and increased overall in real terms. The enacted discretionary appropriation for FY2016 represented an increase of 24.0% in nominal dollars and 7.5% in inflation-adjusted dollars compared with a decade earlier (FY2007).

For most of this time, the NPS discretionary appropriation included five accounts. The largest by far is the Operation of the National Park System (ONPS) account, which supports the activities, programs, and services that form the day-to-day operations of the park system. The majority of ONPS funds are provided directly to managers of individual park units. This account grew over the decade by 11.6% in inflation-adjusted dollars. Another account, for federal and state land acquisition funding under the Land and Water Conservation Fund (LWCF), grew by 135.3% in inflation-adjusted dollars. The other three accounts showed declines over the decade ranging from 8.4% to 43.7% in inflation-adjusted dollars. A sixth account, the Centennial Challenge account, was funded only in certain years.

The funding changes took place in the context of relative stability in the size of the National Park System, which grew slightly (by 0.4%) from 84.3 million to 84.6 million acres over the past 10 years. NPS staffing levels fluctuated around 20,000 and grew overall. Visits to the parks also increased over the decade, peaking at approximately 307 million visits in 2015.



00074272-BLM-BATCH014-DOC0046-REC-20240 Page 77 of 85

| State | Park | Deferred Maintenance |
|---|---|---|
| | Big Bend National Park (BIBE) | $ 87,753,585 |
| | Big Thicket National Preserve (BITH) | $ 3,312,840 |
| | Chamizal National Memorial (CHAM) | $ 852,377 |
| | Fort Davis National Historic Site (FODA) | $ 1,139,056 |
| | Guadalupe Mountains National Park (GUMO) | $ 5,532,425 |
| | Lake Meredith National Recreation Area (LAMR) | $ 13,461,361 |
| | Lyndon B Johnson National Historic Park (LYJO) | $ 3,484,143 |
| | Padre Island National Seashore (PAIS) | $ 17,487,463 |
| | Palo Alto Battlefield National Historic Site (PAAL) | $ 834,457 |
| | San Antonio Missions National Historical Park (SAAN) | $ 8,003,853 |
| | **Total ►** | **$ 148,748,484** |
| UT - Utah | Arches National Park (ARCH) | $ 32,965,042 |
| | Bryce Canyon National Park (BRCA) | $ 37,671,477 |
| | Canyonlands National Park (CANY) | $ 40,030,662 |
| | Capitol Reef National Park (CARE) | $ 4,221,050 |
| | Cedar Breaks National Monument (CEBR) | $ 5,507,965 |
| | Dinosaur National Monument (DINO) | $ 12,261,940 |
| | Glen Canyon National Recreation Area (GLCA) | $ 65,115,023 |
| | Golden Spike National Historic Site (GOSP) | $ 3,331,147 |
| | Hovenweep National Monument (HOVE) | $ 1,803,354 |
| | Natural Bridges National Monument (NABR) | $ 8,591,055 |
| | Parashant National Monument (PARA) | $ 1,165,041 |
| | Timpanogos Cave National Monument (TICA) | $ 3,319,003 |
| | Zion National Park (ZION) | $ 62,111,847 |
| | **Total ►** | **$ 278,094,606** |
| VA - Virginia | Appomattox Court House National Historical Park (APCO) | $ 2,460,895 |
| | Assateague Island NS (ASIS) | $ 5,566,317 |
| | Blue Ridge Parkway (BLRI) | $ 231,003,500 |
| | Booker T Washington National Monument (BOWA) | $ 1,137,192 |
| | Cedar Creek and Belle Grove NHP (CEBE) | $ 698,217 |
| | Colonial National Historical Park (COLO) | $ 168,330,159 |
| | Cumberland Gap National Historical Park (CUGA) | $ 2,527,509 |
| | Fort Monroe National Historic Park (FOMR) | $ 1,470,028 |
| | Fredericksburg and Spotsylvania Battlefields Mem NMP (FRSP) | $ 11,231,568 |
| | George Washington Birthplace National Monument (GEWA) | $ 444,539 |
| | George Washington Memorial Parkway (GWMP) | $ 92,693,793 |
| | Harpers Ferry National Historical Park (HAFE) | $ 261,009 |
| | Maggie L Walker National Historic Site (MAWA) | $ 73,739 |
| | Manassas National Battlefield Park (MANA) | $ 3,809,713 |
| | Petersburg National Battlefield (PETE) | $ 8,754,049 |
| | Prince William Forest Park (PRWI) | $ 16,698,420 |
| | Richmond National Battlefield Park (RICH) | $ 13,509,632 |

Figures in the table above represent a snapshot of the NPS Facility Management Software System (FMSS) data as of the end of the fiscal year.

| State | Park | Deferred Maintenance |
|---|---|---|
| | Shenandoah National Park (SHEN) | $ 93,411,478 |
| | Wolf Trap National Park for the Performing Arts (WOTR) | $ 11,411,742 |
| | **Total ►** | **$ 665,493,499** |
| VT - Vermont | Marsh-Billings-Rockefeller National Historic Park (MABI) | $ 1,860,396 |
| | **Total ►** | **$ 1,860,396** |
| WA - Washington | Ebeys Landing National Historic Reserve (EBLA) | $ 6,038,608 |
| | Fort Vancouver National Historic Site (FOVA) | $ 21,363,446 |
| | Klondike Gold Rush National Historical Park (KLGO) | $ - |
| | Lake Roosevelt National Recreation Area (LARO) | $ 28,679,818 |
| | Mount Rainier National Park (MORA) | $ 298,372,137 |
| | Nez Perce National Historic Park (NEPE) | $ - |
| | North Cascades National Park (NOCA) | $ 14,825,749 |
| | Olympic National Park (OLYM) | $ 133,246,385 |
| | San Juan Island National Historical Park (SAJH) | $ 4,176,037 |
| | Whitman Mission National Historic Site (WHMI) | $ 493,372 |
| | **Total ►** | **$ 507,195,553** |
| WI - Wisconsin | Apostle Islands National Lakeshore (APIS) | $ 7,991,772 |
| | Saint Croix National Scenic Riverway (SACN) | $ 1,245,286 |
| | **Total ►** | **$ 9,237,058** |
| WV - West Virginia | Appalachian National Scenic Trail (APPA) | $ 16,408,894 |
| | Bluestone National Scenic River (BLUE) | $ 60,247 |
| | Gauley River National Recreation Area (GARI) | $ 1,878,773 |
| | Harper's Ferry Center (HAFC) | $ 12,350,553 |
| | Harpers Ferry National Historical Park (HAFE) | $ 13,348,293 |
| | Historic Preservation Training Center (HPTC) | $ 374,082 |
| | New River Gorge National River (NERI) | $ 15,757,232 |
| | Stephen T. Mather Training Center (STMA) | $ 2,926,463 |
| | **Total ►** | **$ 63,104,538** |
| WY - Wyoming | Bighorn Canyon National Recreation Area (BICA) | $ 5,178,349 |
| | Devils Tower National Monument (DETO) | $ 3,959,288 |
| | Fort Laramie National Historic Site (FOLA) | $ 3,260,185 |
| | Fossil Butte National Monument (FOBU) | $ 4,113,238 |
| | Grand Teton National Park (GRTE) | $ 201,840,685 |
| | John D Rockefeller Jr Memorial Parkway (JODR) | $ 14,427,654 |
| | Yellowstone National Park (YELL) | $ 633,635,140 |
| | **Total ►** | **$ 866,414,539** |

## Territories:

| State | Park | Deferred Maintenance |
|---|---|---|
| AS - American Samoa | National Park of American Samoa (NPSA) | $ 894,829 |
| | **Total ►** | **$ 894,829** |

Figures in the table above represent a snapshot of the NPS Facility Management Software System (FMSS) data as of the end of the fiscal year.

| State | Park | Deferred Maintenance |
|---|---|---|
| GM - Guam | War in the Pacific National Historic Park (WAPA) | $ 4,789,427 |
| | **Total ►** | **$ 4,789,427** |
| MP - Northern Mariana Islands | American Memorial Park (AMME) | $ 9,356,686 |
| | **Total ►** | **$ 9,356,686** |
| PR - Puerto Rico | San Juan National Historic Site (SAJU) | $ 327,488,706 |
| | **Total ►** | **$ 327,488,706** |
| VI - Virgin Islands | Buck Island Reef National Monument (BUIS) | $ 233,106 |
| | Christiansted National Historic Site (CHRI) | $ 3,531,798 |
| | Salt River Bay National Hist and Ecological Preserve (SARI) | $ 434,046 |
| | Virgin Islands National Park (VIIS) | $ 15,153,520 |
| | **Total ►** | **$ 19,352,470** |

## National Total:

| | Deferred Maintenance |
|---|---|
| **Total ►** | **$ 11,493,168,812** |

**Deferred Maintenance** - The cost of maintenance that was not performed when it should have been or was scheduled to be and which, therefore, is put off or delayed.

*There are 33 official NPS units which do not appear in the table above because of the hierarchy of these units as organized in the Facility Management Software System. For the purposes of this report, the inventory associated with these 33 parks (left column) are included as a sub-set of the larger parks (right column).

| | |
|---|---|
| Arlington House (ARHO) | George Washington Memorial Parkway (GWMP) |
| Cape Krusenstern National Monument (CAKR) | Western Arctic National Parklands (WEAR) |
| Carter G. Woodson Home National Historic Site (CAWO) | National Capital Parks-East (NACE) |
| Clara Barton National Historic Site (CLBA) | George Washington Memorial Parkway (GWMP) |
| Constitution Gardens (COGA) | National Mall & Memorial Parks (NAMA) |
| Fort Caroline National Memorial (FOCA) | Timucuan Ecological and Historic Preserve (TIMU) |
| Fort Matanzas National Monument (FOMA) | Castillo de San Marcos National Monument (CASA) |
| Fort Raleigh National Historic Site (FORA) | Canyon de Chelly National Monument (CACH) |
| Fort Washington Park (FOWA) | National Capital Parks-East (NACE) |
| Franklin D. Roosevelt Memorial (FDRM) | National Mall & Memorial Parks (NAMA) |
| Frederick Douglass National Historic Site (FRDO) | National Capital Parks-East (NACE) |
| Greenbelt Park (GREE) | National Capital Parks-East (NACE) |
| Hohokam Pima National Monument (PIMA) | Casa Grande Ruins National Monument (CAGR) |
| Kobuk Valley National Park (KOVA) | Western Artic National Parklands (WEAR) |
| Korean War Veterans Memorial (KWVM) | National Mall & Memorial Parks (NAMA) |
| Lincoln Memorial (LINC) | National Mall & Memorial Parks (NAMA) |
| Lyndon Baines Johnson Memorial Grove on the Potomac (LYBA) | George Washington Memorial Parkway (GWMP) |
| Martin Luther King, Jr. Memorial (MLKM) | National Mall & Memorial Parks (NAMA) |
| Mary McLeod Bethune Council House National Historic Site (MAMC) | National Capital Parks-East (NACE) |
| Natchez Trace National Scenic Trail (NATT) | Natchez Trace Parkway (NATR) |
| National Capital Parks (NACC) | National Mall & Memorial Parks (NAMA) |
| Noatak National Preserve (NOAT) | Western Artic National Parklands (WEAR) |
| Pennsylvania Avenue National Historic Site (PAAV) | National Mall & Memorial Parks (NAMA) |
| Piscataway Park (PISC) | National Capital Parks-East (NACE) |
| Potomac Heritage National Scenic Trail (POHE) | George Washington Memorial Parkway (GWMP) |
| Rio Grande Wild and Scenic River (RIGR) | Big Bend National Park (BIBE) |
| Theodore Roosevelt Island (THIS) | George Washington Memorial Parkway (GWMP) |
| Thomas Jefferson Memorial (THJE) | National Mall & Memorial Parks (NAMA) |
| Tupelo National Battlefield (TUPE) | Natchez Trace Parkway (NATR) |
| Vietnam Veterans Memorial (VIVE) | National Mall & Memorial Parks (NAMA) |
| Washington Monument (WAMO) | National Mall & Memorial Parks (NAMA) |
| World War II Memorial (WWII) | National Mall & Memorial Parks (NAMA) |
| Wright Brothers National Memorial (WRBR) | Cape Hatteras National Seashore (CAHA) |

Figures in the table above represent a snapshot of the NPS Facility Management Software System (FMSS) data as of the end of the fiscal year.

# EXHIBIT 9

- San Juan County Resolution

**RESOLUTION NO. 2016-08**

**A RESOLUTION OF SAN JUAN COUNTY, UTAH:**

**DEFICIENCIES OF A PROPOSAL BY A NON-GOVERNMENTAL ORGANIZATION FOR ESTABLISHMENT OF A NATIONAL MONUMENT IN SAN JUAN COUNTY; NOTIFICATION OF COUNTY PREROGATIVES AND INTENT FOR LAND USE PLANNING**

WHEREAS, we, the Commission of San Juan County, Utah, are locally-elected government officials responsible for the security, health, welfare, taxation, customs, culture, economic stability, and land-use planning for the county;

WHEREAS, San Juan County is a sovereign political subdivision of the State of Utah that contains Federal, State, and county managed lands;

WHEREAS, the Bears-Ears Inter-Tribal Coalition (hereafter the Coalition), a Non-Governmental Organization having no governmental jurisdiction over San Juan County land-use planning activities, has made a proposal to the President of the United States and the Secretaries of Interior and Agriculture requesting the establishment of a national monument under Title 54 of the National Park Service Preservation Statutes, Title 43 of the Federal Land Policy and Management Act, and other statutes;

WHEREAS, the proposal by the Coalition advocates pre-emption of no less than 18 established Federal, State and local land use and planning efforts, including an agreement between San Juan County and the Navajo Nation;

WHEREAS, the Coalition's assertion of "rampant looting" of artifacts conflicts with reports from local and Federal law enforcement, the boundary proposed by the Coalition is arbitrary, and the proposal is deficient of the Quality, Utility, Objectivity and Integrity standards required of Federal Agencies for decision-making;

WHEREAS, the 1.9 million acre area proposed for a national monument contains 151,000 acres of revenue-generating, School and Institutional Trust Lands Administration lands owned by the State of Utah that are valid existing property interests not meeting the definition of "public lands;"

WHEREAS, the area proposed for a national monument contains 43 grazing allotments that are limited-fee title, surface-estate lands that are valid existing property interests not meeting the definition of "public lands;"

WHEREAS the area proposed for a national monument contains no less than 661 state-appropriated water-right diversion points that are valid existing property interests not meeting the definition of "public lands;"

WHEREAS the area proposed for a national monument contains approximately 18,000 acres of patented property that are valid existing property interests not meeting the definition of "public lands;"

WHEREAS, pre-1976 in perpetuity easements, prescriptive RS 2477 roadways, ditches, water conduits, utility routes, and first-responder rights-of-way across public lands do not meet the statutory, historical definition of "public lands" and are valid, pre-existing property interests not under ownership or control of Federal Agencies;

WHEREAS, the Manti-La Sal National Forest contains the entire watershed, water storage and water-transfer infrastructure that the cities of Blanding and Monticello are entirely dependent upon for their culinary water needs;

WHEREAS, the United States has no authority to appropriate water rights from, in, or to the Manti-Sal National Forest, such authority being vested with the State of Utah;

WHEREAS, ongoing and unencumbered right-of-way access is essential to the exercise of property interests, rights, civic duties for law enforcement and day-to-day operational aspects of livestock grazing allotments;

WHEREAS, the 1.9 million acre tract, having been demonstrated to contain vast private interests and areas of valid existing inholdings;

THE AFOREMENTIONED FACTS BEING PRESENTED, QUESTIONS HAVING BEEN RAISED, OR CONCLUSIONS HAVING BEEN MADE, THE GOVERNING BODY OF THE COUNTY OF SAN JUAN CONCLUDES AND AFFIRMS:

I. The 43 surface grazing allotments occurring as split estate throughout the area proposed for a national monument do not meet the definition of "public lands," those lands being under the jurisdiction of State of Utah and San Juan County.

II. The Antiquities Act gives the POTUS authority to withdrawal only Federally-owned or controlled public lands for national monuments; the presence, location and/or extent of public lands, if any, within the 1.9 million acre boundary proposed by the Coalition has not been inventoried by the POTUS, the Departments of Interior or Agriculture.

III. The Coalition's proposal would preempt State and local jurisdictions and a Memorandum of Agreement with the Navajo Nation for land use planning;

IV. The Coalition's proposal violates protocols, has minimal basis in statutory law, and requests actions neither the POTUS nor the Secretaries of Interior or Agriculture have authority to grant;

V. The Coalition's proposal effectively requests the POTUS and Secretaries of Interior or Agriculture to re-appropriate water rights, take public and private rights-of-way, encumber or extinguish grazing allotments, and take State-owned tax revenue lands - all without procedural due-diligence, inholder notification, or opportunity for adjudication or compensation.

VI. Title II, Section 202(c)(9) of the Federal Land Policy and Management Act affirms San Juan County as having a first-among-equals authority in land use planning, requiring the Secretaries of Interior and Agriculture to attempt consistency with the land-use plans and planning efforts of San Juan County.

VII. Establishment of a national monument, as proposed by the Coalition, has not been sufficiently investigated, has not been demonstrated as warranted, and, as proposed, will have foreseeable, negative consequences and impacts to the human environment.

THEREFORE, BE IT RESOLVED THAT THE GOVERNING BODY OF THE COUNTY OF SAN JUAN, UTAH HEREBY PROPOSES AND DIRECTS:

1) Revise and update San Juan County Land Use Master Plan, review, consider and incorporate, as appropriate, all County-wide State and Federal land-use plans and planning efforts;

2) Lead the updating of a San Juan County Master Plan using the FLPMA doctrine of Coordination and a historical understanding of the definition of "public lands;"

3) Survey, distinguish and publish in the updated County Master Plan, Federally-owned minerals and timber from valid existing surface rights, grazing allotments, water rights;

4) Furnish advice to the Secretaries of Interior and Agriculture on timber harvesting, allocation and permitting in the Manti-La Sal National Forest such as will balance the environment and economic interests of all citizens and populations of San Juan County.

5) Review – using established San Juan County Heritage Council or other County programs – the concerns of the Coalition for veracity and potential inclusion in the land-use planning process.

FOR COMMITTEE USE ONLY

ADOPTED AND APPROVED by the Governing Body this 4th day of October 2016.

Phil Lyman Chair, San Juan County Commissioner

Bruce Adams, San Juan County Commissioner

Rebecca Benally, San Juan County Commissioner

ATTEST:

John David Nielson, San Juan County Clerk

(seal)

**Conversation Contents**

**Access Fund and Bears Ears**

**Attachments:**

/76. Access Fund and Bears Ears/1.1 Access Fund Bears Ears Letter to Sec Jewell and Vilsack.pdf
/76. Access Fund and Bears Ears/2.1 Access Fund Bears Ears Letter to Sec Jewell and Vilsack.pdf
/76. Access Fund and Bears Ears/3.1 Access Fund Bears Ears Letter to Sec Jewell and Vilsack.pdf
/76. Access Fund and Bears Ears/4.1 Access Fund Bears Ears Letter to Sec Jewell and Vilsack.pdf

## Brady Robinson <brady@accessfund.org>

| | |
|---|---|
| **From:** | Brady Robinson <brady@accessfund.org> |
| **Sent:** | Fri Oct 07 2016 15:46:51 GMT-0600 (MDT) |
| **To:** | Christina Goldfuss - (b) (6), <Robert.Bonnie@osec.usda.gov>, <nkornze@blm.gov>, <jon_jarvis@nps.gov>, <ttidwell@fs.fed.us>, Alfred Lomahquahu <ALomahquahu@hopi.nsn.us>, Regina Lopez <rwhiteskunk@utemountain.org> |
| **Subject:** | Access Fund and Bears Ears |
| **Attachments:** | Access Fund Bears Ears Letter to Sec Jewell and Vilsack.pdf |

Dear Secretary Jewell and Secretary Vilsack,

We have had several meetings with members and supporters of the Inter-Tribal Coalition and Native American leaders over the past year and have found many areas of commonality. The climbing and Native American communities both want strong protections for the Bears Ears region. We are committed to advancing a deeper understanding between the climbing community and Native American leadership.

Access Fund supports long-term protections for the Bears Ears region by the end of 2016. We believe the declaration of a National Monument at Bears Ears would provide realistic, long-term protections for key lands which are of very high significance to the climbing and Native American communities. We also support meaningful involvement by the Inter-Tribal Coalition in the management, and development of management plans, for Bears Ears.

Attached is our letter that goes into greater detail.

Best regards,

**Brady Robinson**
Executive Director | Access Fund
direct 303-656-9581 | main 303-545-6772
Facebook | Instagram | Twitter

## Neil Kornze <nkornze@blm.gov>

| | |
|---|---|
| **From:** | Neil Kornze <nkornze@blm.gov> |
| **Sent:** | Sun Oct 09 2016 09:11:23 GMT-0600 (MDT) |
| **To:** | liz_pardue@ios.doi.gov |
| **Subject:** | Fwd: Access Fund and Bears Ears |
| **Attachments:** | Access Fund Bears Ears Letter to Sec Jewell and Vilsack.pdf |

Begin forwarded message:

**From:** Brady Robinson <brady@accessfund.org>
**Date:** October 7, 2016 at 5:46:51 PM EDT
**To:** Christina Goldfuss - (b) (6), <Robert.Bonnie@osec.usda.gov>, <nkornze@blm.gov>, <jon_jarvis@nps.gov>, <ttidwell@fs.fed.us>, Alfred Lomahquahu <ALomahquahu@hopi.nsn.us>, Regina Lopez <rwhiteskunk@utemountain.org>
**Cc:** Phil Powers <ppowers@americanalpineclub.org>, Adam Cramer <adam@outdooralliance.org>
**Subject: Access Fund and Bears Ears**

Dear Secretary Jewell and Secretary Vilsack,

We have had several meetings with members and supporters of the Inter-Tribal Coalition and Native American leaders over the past year and have found many areas of commonality. The climbing and Native American communities both want strong protections for the Bears Ears region. We are committed to advancing a deeper understanding between the climbing community and Native American leadership.

Access Fund supports long-term protections for the Bears Ears region by the end of 2016. We believe the declaration of a National Monument at Bears Ears would provide realistic, long-term protections for key lands which are of very high significance to the climbing and Native American communities. We also support meaningful involvement by the Inte

FOR COMMITTEE USE ONLY

Attached is our letter that goes into greater detail.

Best regards,

**Brady Robinson**
Executive Director | Access Fund
direct 303-656-9581 | main 303-545-6772
Facebook | Instagram | Twitter

## Microsoft Outlook <MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@doi.net>

| | |
|---|---|
| **From:** | Microsoft Outlook <MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@doi.net> |
| **Sent:** | Sun Oct 09 2016 09:11:35 GMT-0600 (MDT) |
| **To:** | <nkornze@blm.gov> |
| **Subject:** | Undeliverable: Fwd: Access Fund and Bears Ears |
| **Attachments:** | Access Fund Bears Ears Letter to Sec Jewell and Vilsack.pdf |

**Delivery has failed to these recipients or groups:**

liz_pardue@ios.doi.gov
The e-mail address you entered couldn't be found. Please check the recipient's e-mail address and try to resend the message. If the problem continues, please contact your helpdesk.

**Diagnostic information for administrators:**

Generating server: IINRESEX02.doi.net

<p>liz_pardue@ios.doi.gov
#550 5.1.1 RESOLVER.ADR.RecipNotFound; not found ##

Original message headers:

```
Received: from gsmtp5.doi.gov (10.10.28.15) by iinresex02.doi.net
 (10.85.57.135) with Microsoft SMTP Server (TLS) id 14.3.301.0; Sun, 9 Oct
 2016 11:11:35 -0400
Received: from mail-oi0-f72.google.com (209.85.218.72) by gsmtp5.doi.gov
 (137.227.28.15) with Microsoft SMTP Server (TLS) id 14.3.301.0; Sun, 9 Oct
 2016 11:11:25 -0400
Received: by mail-oi0-f72.google.com with SMTP id e200so81945070oig.4
        for <liz_pardue@ios.doi.gov>; Sun, 09 Oct 2016 08:11:29 -0700 (PDT)
X-Gm-Message-State: AA6/9RnpA88kDqkVRMsAdJC1US7t6kJFXAewTQXa7rPYhutn/INcsAKHsuA+Yhq+eF0jTg3Up4M1f5KZMgDd5UwjsOj0tm0c9cAJsEnTMOqd0rEdZ
X-Received: by 10.202.245.144 with SMTP id t138mr20191445oih.162.1476025889165;
        Sun, 09 Oct 2016 08:11:29 -0700 (PDT)
X-Received: by 10.202.245.144 with SMTP id t138mr20191414oih.162.1476025888542;
        Sun, 09 Oct 2016 08:11:28 -0700 (PDT)
Return-Path: <nkornze@blm.gov>
Received: from mail-oi0-f72.google.com (mail-oi0-f72.google.com.
 [209.85.218.72])        by mx.google.com with ESMTPS id
 o204si6164251oib.40.2016.10.09.08.11.28        for <liz_pardue@ios.doi.gov>
        (version=TLS1_2 cipher=ECDHE-RSA-AES128-GCM-SHA256 bits=128/128);
        Sun, 09 Oct 2016 08:11:28 -0700 (PDT)
Received-SPF: pass (google.com: domain of nkornze@blm.gov designates 209.85.218.72 as permitted sender) client-ip=209.85.218.72;
Authentication-Results: mx.google.com;
       spf=pass (google.com: domain of nkornze@blm.gov designates 209.85.218.72 as permitted sender) smtp.mailfrom=nkornze@blm.gov
Received: by mail-oi0-f72.google.com with SMTP id w11so146408602oia.6
        for <liz_pardue@ios.doi.gov>; Sun, 09 Oct 2016 08:11:28 -0700 (PDT)
X-Received: by 10.157.37.232 with SMTP id q95mr15420562ota.221.1476025887567;
        Sun, 09 Oct 2016 08:11:27 -0700 (PDT)
X-Received: by 10.157.37.232 with SMTP id q95mr15420517ota.221.1476025886201;
 Sun, 09 Oct 2016 08:11:26 -0700 (PDT)
From: Neil Kornze <nkornze@blm.gov>
MIME-Version: 1.0 (1.0)
References: <CAP3168SyZ-4c+na_e2FYwuVeNpU+hrHYq8o+4Pve=sOWpU3g1g@mail.gmail.com>
Date: Sun, 9 Oct 2016 11:11:23 -0400
Message-ID: <-4449644508316309728@unknownmsgid>
Subject: Fwd: Access Fund and Bears Ears
To: <liz_pardue@ios.doi.gov>
Content-Type: multipart/mixed; boundary="001a113dffb8a2e184053e700e39"
X-FailoverRoute: 1
X-Gm-Spam: 0
X-Gm-Phishy: 0
```

Begin forwarded message:

FOR COMMITTEE USE ONLY

**From:** Brady Robinson <brady@accessfund.org>
**Date:** October 7, 2016 at 5:46:51 PM EDT
**To:** Christina Goldfuss - (b) (6) <Robert.Bonnie@osec.usda.gov>, <nkornze@blm.gov>, <jon_jarvis@nps.gov>, <ttidwell@fs.fed.us>, Alfred Lomahquahu <ALomahquahu@hopi.nsn.us>, Regina Lopez <rwhiteskunk@utemountain.org>
**Cc:** Phil Powers <ppowers@americanalpineclub.org>, Adam Cramer <adam@outdooralliance.org>
**Subject: Access Fund and Bears Ears**

Dear Secretary Jewell and Secretary Vilsack,

We have had several meetings with members and supporters of the Inter-Tribal Coalition and Native American leaders over the past year and have found many areas of commonality. The climbing and Native American communities both want strong protections for the Bears Ears region. We are committed to advancing a deeper understanding between the climbing community and Native American leadership.

Access Fund supports long-term protections for the Bears Ears region by the end of 2016. We believe the declaration of a National Monument at Bears Ears would provide realistic, long-term protections for key lands which are of very high significance to the climbing and Native American communities. We also support meaningful involvement by the Inter-Tribal Coalition in the management, and development of management plans, for Bears Ears.

Attached is our letter that goes into greater detail.

Best regards,

**Brady Robinson**
Executive Director | Access Fund
direct 303-656-9581 | main 303-545-6772
Facebook | Instagram | Twitter

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

| | |
|---|---|
| **From:** | "Kornze, Neil" <nkornze@blm.gov> |
| **Sent:** | Sun Oct 09 2016 09:49:32 GMT-0600 (MDT) |
| **To:** | "Laura (Liz) Pardue" <lpardue@blm.gov> |
| **Subject:** | Fwd: Access Fund and Bears Ears |
| **Attachments:** | Access Fund Bears Ears Letter to Sec Jewell and Vilsack.pdf |

---------- Forwarded message ----------
From: **Brady Robinson** <brady@accessfund.org>
Date: Fri, Oct 7, 2016 at 5:46 PM
Subject: Access Fund and Bears Ears
To: Christina Goldfuss - (b) (6), Robert.Bonnie@osec.usda.gov, nkornze@blm.gov, jon_jarvis@nps.gov, ttidwell@fs.fed.us, Alfred Lomahquahu <ALomahquahu@hopi.nsn.us>, Regina Lopez <rwhiteskunk@utemountain.org>
Cc: Phil Powers <ppowers@americanalpineclub.org>, Adam Cramer <adam@outdooralliance.org>

Dear Secretary Jewell and Secretary Vilsack,

We have had several meetings with members and supporters of the Inter-Tribal Coalition and Native American leaders over the past year and have found many areas of commonality. The climbing and Native American communities both want strong protections for the Bears Ears region. We are committed to advancing a deeper understanding between the climbing community and Native American leadership.

Access Fund supports long-term protections for the Bears Ears region by the end of 2016. We believe the declaration of a National Monument at Bears Ears would provide realistic, long-term protections for key lands which are of very high significance to the climbing and Native American communities. We also support meaningful involvement by the Inter-Tribal Coalition in the management, and development of management plans, for Bears Ears.

Attached is our letter that goes into greater detail.

Best regards,

**Brady Robinson**
Executive Director | Access Fund
direct 303-656-9581 | main 303-545-6772
Facebook | Instagram | Twitter

FOR COMMITTEE USE ONLY

October 7, 2016

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

Secretary Tom Vilsack
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Secretary Jewell and Secretary Vilsack,

The Access Fund, the national climbing advocacy non-profit organization, respectfully submits an update on our work to protect recreation, cultural and natural resources in eastern Utah, and to develop a longstanding, positive relationship between the Native American and climbing communities. For climbers, eastern Utah contains some of the most iconic, unique and high quality climbing opportunities in the world, including areas like Indian Creek, Castle Valley, Fisher Towers, San Rafael Swell, Valley of the Gods, Arch Canyon, Lockhart Basin, Comb Ridge, and thousands of other climbing sites.

Over the past 3 years, we have spent countless hours considering potential paths forward to protect and enhance these world-class resources, and we have critically evaluated options for protecting climbing access in eastern Utah while honoring our Native American partners and conserving the environment locally and regionally. We recently conducted a survey of over 1,000 climbers nationwide who travel regularly to this region, and they told us in no uncertain terms that they value wild experiences, vast landscapes, undeveloped viewsheds, clean air, solitude, and cultural heritage. We want to protect southeast Utah for future generations because we know firsthand how valuable the area is to climbers and all Americans.

Senior Access Fund staff, alongside climbing guides, local climbing advocates and community leaders, met with Inter-Tribal Coalition representatives and Native American leaders in Moab, UT (Sep. 1st, 2016) and White Mesa, UT (Sep. 2nd, 2016). The climbing community shared its vision for eastern Utah, described best climbing practices and listened to the concerns of the Native American representatives and spiritual leaders. Although many questions about climbing management on sacred lands remain open-ended, we optimistically report that the climbing and Native American communities both want strong protections for this region and we committed to sharing knowledge, perceptions and concerns regarding the best way to manage this unique landscape.

These meetings taught us that both Access Fund and Native American leaders need more time to consider administrative and spiritual evaluation processes that could help develop a sustainable, balanced climbing management framework for the Bears Ears region. However, Access Fund and Inter-Tribal representatives are committed to advancing a deeper understanding between our two communities. We support meaningful Native American participation in land management decision making, and we oppose plans that can result in the large-scale development, disposal or transfer of our public lands to the states.

It is clear that a legislative solution in Utah is currently unlikely given the divided political climate, the many improvements still needed in H.R. 5780, and the limited timeframe left in the One Hundred-Fourteenth Congress. Therefore, Access Fund supports long-term protections for the Bears Ears region by the end of 2016. We believe that the declaration of a National Monument at Bears Ears would provide realistic, long-term protections for key lands in San Juan County, Utah which are of very high significance to the climbing and Native American communities. In so doing, we support robust and meaningful involvement by the Inter-Tribal Coalition in the management, and development of management plans, for Bears Ears.

Access Fund will continue to represent the climbing community and work toward viable conservation for eastern Utah. If the Obama administration uses the Antiquities Act to designate a Bears Ears National Monument, we urge that the world-class rock climbing resources located within the Bears Ears proposal boundaries, as well as human-powered recreation in general, be acknowledged in the presidential proclamation that establishes the national monument. Having this acknowledgment in the proclamation is essential to ensure that recreation opportunities are appropriately protected as a management plan for the monument is developed.

Sincerely,

Brady Robinson
Executive Director
Access Fund

cc:

Robert Bonnie, Undersecretary, U.S. Department of Agriculture
Christy Goldfuss, Managing Director, Council on Environmental Quality
Thomas Tidwell, Chief, United States Forest Service
Neil Kornze, Director, Bureau of Land Management
Jon Jarvis, Director, National Park Service
Alfred Lomahquahu, Co-Chair, Bears Ears Inter-Tribal Coalition
Regina Lopez-Whiteskunk, Co-Chair, Bears Ears Inter-Tribal Coalition
Adam Cramer, Executive Director, Outdoor Alliance
Phil Powers, CEO, American Alpine Club

FOR COMMITTEE USE ONLY

October 7, 2016

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

Secretary Tom Vilsack
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Secretary Jewell and Secretary Vilsack,

The Access Fund, the national climbing advocacy non-profit organization, respectfully submits an update on our work to protect recreation, cultural and natural resources in eastern Utah, and to develop a longstanding, positive relationship between the Native American and climbing communities. For climbers, eastern Utah contains some of the most iconic, unique and high quality climbing opportunities in the world, including areas like Indian Creek, Castle Valley, Fisher Towers, San Rafael Swell, Valley of the Gods, Arch Canyon, Lockhart Basin, Comb Ridge, and thousands of other climbing sites.

Over the past 3 years, we have spent countless hours considering potential paths forward to protect and enhance these world-class resources, and we have critically evaluated options for protecting climbing access in eastern Utah while honoring our Native American partners and conserving the environment locally and regionally. We recently conducted a survey of over 1,000 climbers nationwide who travel regularly to this region, and they told us in no uncertain terms that they value wild experiences, vast landscapes, undeveloped viewsheds, clean air, solitude, and cultural heritage. We want to protect southeast Utah for future generations because we know firsthand how valuable the area is to climbers and all Americans.

Senior Access Fund staff, alongside climbing guides, local climbing advocates and community leaders, met with Inter-Tribal Coalition representatives and Native American leaders in Moab, UT (Sep. 1st, 2016) and White Mesa, UT (Sep. 2nd, 2016). The climbing community shared its vision for eastern Utah, described best climbing practices and listened to the concerns of the Native American representatives and spiritual leaders. Although many questions about climbing management on sacred lands remain open-ended, we optimistically report that the climbing and Native American communities both want strong protections for this region and we committed to sharing knowledge, perceptions and concerns regarding the best way to manage this unique landscape.

These meetings taught us that both Access Fund and Native American leaders need more time to consider administrative and spiritual evaluation processes that could help develop a sustainable, balanced climbing management framework for the Bears Ears region. However, Access Fund and Inter-Tribal representatives are committed to advancing a deeper understanding between our two communities. We support meaningful Native American participation in land management decision making, and we oppose plans that can result in the large-scale development, disposal or transfer of our public lands to the states.

It is clear that a legislative solution in Utah is currently unlikely given the divided political climate, the many improvements still needed in H.R. 5780, and the limited timeframe left in the One Hundred-Fourteenth Congress. Therefore, Access Fund supports long-term protections for the Bears Ears region by the end of 2016. We believe that the declaration of a National Monument at Bears Ears would provide realistic, long-term protections for key lands in San Juan County, Utah which are of very high significance to the climbing and Native American communities. In so doing, we support robust and meaningful involvement by the Inter-Tribal Coalition in the management, and development of management plans, for Bears Ears.

Access Fund will continue to represent the climbing community and work toward viable conservation for eastern Utah. If the Obama administration uses the Antiquities Act to designate a Bears Ears National Monument, we urge that the world-class rock climbing resources located within the Bears Ears proposal boundaries, as well as human-powered recreation in general, be acknowledged in the presidential proclamation that establishes the national monument. Having this acknowledgment in the proclamation is essential to ensure that recreation opportunities are appropriately protected as a management plan for the monument is developed.

Sincerely,

Brady Robinson
Executive Director
Access Fund

cc:

Robert Bonnie, Undersecretary, U.S. Department of Agriculture
Christy Goldfuss, Managing Director, Council on Environmental Quality
Thomas Tidwell, Chief, United States Forest Service
Neil Kornze, Director, Bureau of Land Management
Jon Jarvis, Director, National Park Service
Alfred Lomahquahu, Co-Chair, Bears Ears Inter-Tribal Coalition
Regina Lopez-Whiteskunk, Co-Chair, Bears Ears Inter-Tribal Coalition
Adam Cramer, Executive Director, Outdoor Alliance
Phil Powers, CEO, American Alpine Club

FOR COMMITTEE USE ONLY

October 7, 2016

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

Secretary Tom Vilsack
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Secretary Jewell and Secretary Vilsack,

The Access Fund, the national climbing advocacy non-profit organization, respectfully submits an update on our work to protect recreation, cultural and natural resources in eastern Utah, and to develop a longstanding, positive relationship between the Native American and climbing communities. For climbers, eastern Utah contains some of the most iconic, unique and high quality climbing opportunities in the world, including areas like Indian Creek, Castle Valley, Fisher Towers, San Rafael Swell, Valley of the Gods, Arch Canyon, Lockhart Basin, Comb Ridge, and thousands of other climbing sites.

Over the past 3 years, we have spent countless hours considering potential paths forward to protect and enhance these world-class resources, and we have critically evaluated options for protecting climbing access in eastern Utah while honoring our Native American partners and conserving the environment locally and regionally. We recently conducted a survey of over 1,000 climbers nationwide who travel regularly to this region, and they told us in no uncertain terms that they value wild experiences, vast landscapes, undeveloped viewsheds, clean air, solitude, and cultural heritage. We want to protect southeast Utah for future generations because we know firsthand how valuable the area is to climbers and all Americans.

Senior Access Fund staff, alongside climbing guides, local climbing advocates and community leaders, met with Inter-Tribal Coalition representatives and Native American leaders in Moab, UT (Sep. 1st, 2016) and White Mesa, UT (Sep. 2nd, 2016). The climbing community shared its vision for eastern Utah, described best climbing practices and listened to the concerns of the Native American representatives and spiritual leaders. Although many questions about climbing management on sacred lands remain open-ended, we optimistically report that the climbing and Native American communities both want strong protections for this region and we committed to sharing knowledge, perceptions and concerns regarding the best way to manage this unique landscape.

These meetings taught us that both Access Fund and Native American leaders need more time to consider administrative and spiritual evaluation processes that could help develop a sustainable, balanced climbing management framework for the Bears Ears region. However, Access Fund and Inter-Tribal representatives are committed to advancing a deeper understanding between our two communities. We support meaningful Native American participation in land management decision making, and we oppose plans that can result in the large-scale development, disposal or transfer of our public lands to the states.

It is clear that a legislative solution in Utah is currently unlikely given the divided political climate, the many improvements still needed in H.R. 5780, and the limited timeframe left in the One Hundred-Fourteenth Congress. Therefore, Access Fund supports long-term protections for the Bears Ears region by the end of 2016. We believe that the declaration of a National Monument at Bears Ears would provide realistic, long-term protections for key lands in San Juan County, Utah which are of very high significance to the climbing and Native American communities. In so doing, we support robust and meaningful involvement by the Inter-Tribal Coalition in the management, and development of management plans, for Bears Ears.

Access Fund will continue to represent the climbing community and work toward viable conservation for eastern Utah. If the Obama administration uses the Antiquities Act to designate a Bears Ears National Monument, we urge that the world-class rock climbing resources located within the Bears Ears proposal boundaries, as well as human-powered recreation in general, be acknowledged in the presidential proclamation that establishes the national monument. Having this acknowledgment in the proclamation is essential to ensure that recreation opportunities are appropriately protected as a management plan for the monument is developed.

Sincerely,

Brady Robinson
Executive Director
Access Fund

cc:

Robert Bonnie, Undersecretary, U.S. Department of Agriculture
Christy Goldfuss, Managing Director, Council on Environmental Quality
Thomas Tidwell, Chief, United States Forest Service
Neil Kornze, Director, Bureau of Land Management
Jon Jarvis, Director, National Park Service
Alfred Lomahquahu, Co-Chair, Bears Ears Inter-Tribal Coalition
Regina Lopez-Whiteskunk, Co-Chair, Bears Ears Inter-Tribal Coalition
Adam Cramer, Executive Director, Outdoor Alliance
Phil Powers, CEO, American Alpine Club

FOR COMMITTEE USE ONLY

October 7, 2016

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

Secretary Tom Vilsack
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Secretary Jewell and Secretary Vilsack,

The Access Fund, the national climbing advocacy non-profit organization, respectfully submits an update on our work to protect recreation, cultural and natural resources in eastern Utah, and to develop a longstanding, positive relationship between the Native American and climbing communities. For climbers, eastern Utah contains some of the most iconic, unique and high quality climbing opportunities in the world, including areas like Indian Creek, Castle Valley, Fisher Towers, San Rafael Swell, Valley of the Gods, Arch Canyon, Lockhart Basin, Comb Ridge, and thousands of other climbing sites.

Over the past 3 years, we have spent countless hours considering potential paths forward to protect and enhance these world-class resources, and we have critically evaluated options for protecting climbing access in eastern Utah while honoring our Native American partners and conserving the environment locally and regionally. We recently conducted a survey of over 1,000 climbers nationwide who travel regularly to this region, and they told us in no uncertain terms that they value wild experiences, vast landscapes, undeveloped viewsheds, clean air, solitude, and cultural heritage. We want to protect southeast Utah for future generations because we know firsthand how valuable the area is to climbers and all Americans.

Senior Access Fund staff, alongside climbing guides, local climbing advocates and community leaders, met with Inter-Tribal Coalition representatives and Native American leaders in Moab, UT (Sep. 1st, 2016) and White Mesa, UT (Sep. 2nd, 2016). The climbing community shared its vision for eastern Utah, described best climbing practices and listened to the concerns of the Native American representatives and spiritual leaders. Although many questions about climbing management on sacred lands remain open-ended, we optimistically report that the climbing and Native American communities both want strong protections for this region and we committed to sharing knowledge, perceptions and concerns regarding the best way to manage this unique landscape.

These meetings taught us that both Access Fund and Native American leaders need more time to consider administrative and spiritual evaluation processes that could help develop a sustainable, balanced climbing management framework for the Bears Ears region. However, Access Fund and Inter-Tribal representatives are committed to advancing a deeper understanding between our two communities. We support meaningful Native American participation in land management decision making, and we oppose plans that can result in the large-scale development, disposal or transfer of our public lands to the states.

It is clear that a legislative solution in Utah is currently unlikely given the divided political climate, the many improvements still needed in H.R. 5780, and the limited timeframe left in the One Hundred-Fourteenth Congress. Therefore, Access Fund supports long-term protections for the Bears Ears region by the end of 2016. We believe that the declaration of a National Monument at Bears Ears would provide realistic, long-term protections for key lands in San Juan County, Utah which are of very high significance to the climbing and Native American communities. In so doing, we support robust and meaningful involvement by the Inter-Tribal Coalition in the management, and development of management plans, for Bears Ears.

Access Fund will continue to represent the climbing community and work toward viable conservation for eastern Utah. If the Obama administration uses the Antiquities Act to designate a Bears Ears National Monument, we urge that the world-class rock climbing resources located within the Bears Ears proposal boundaries, as well as human-powered recreation in general, be acknowledged in the presidential proclamation that establishes the national monument. Having this acknowledgment in the proclamation is essential to ensure that recreation opportunities are appropriately protected as a management plan for the monument is developed.

Sincerely,

Brady Robinson
Executive Director
Access Fund

cc:

Robert Bonnie, Undersecretary, U.S. Department of Agriculture
Christy Goldfuss, Managing Director, Council on Environmental Quality
Thomas Tidwell, Chief, United States Forest Service
Neil Kornze, Director, Bureau of Land Management
Jon Jarvis, Director, National Park Service
Alfred Lomahquahu, Co-Chair, Bears Ears Inter-Tribal Coalition
Regina Lopez-Whiteskunk, Co-Chair, Bears Ears Inter-Tribal Coalition
Adam Cramer, Executive Director, Outdoor Alliance
Phil Powers, CEO, American Alpine Club

FOR COMMITTEE USE ONLY

# Conversation Contents

**Bears Ears Inter-Tribal Coalition & Climbing community**

**Attachments:**

/77. Bears Ears Inter-Tribal Coalition & Climbing community/1.1 BEC-climbing ltr to Sec Jewell.pdf

## Natasha Hale <bearsearspress@gmail.com>

| | |
|---|---|
| **From:** | Natasha Hale <bearsearspress@gmail.com> |
| **Sent:** | Fri Oct 07 2016 11:02:05 GMT-0600 (MDT) |
| **To:** | <nicole_buffa@ios.doi.gov> |
| **Subject:** | Bears Ears Inter-Tribal Coalition & Climbing community |
| **Attachments:** | BEC-climbing ltr to Sec Jewell.pdf |

Dear Secretary Jewell;

We have been meeting with leaders of the climbing community over the past year and have consistently been taken by the commonality of interest between the climbers and the Coalition. We have found them to be people whose values we respect, a group that we are comfortable working with in a productive and collegial way.

Attached is a letter that details our conversations with the climbing community.

Kind regards,

Bears Ears Inter-Tribal Coalition

## Nicole Buffa <nicole_buffa@ios.doi.gov>

| | |
|---|---|
| **From:** | Nicole Buffa <nicole_buffa@ios.doi.gov> |
| **Sent:** | Fri Oct 07 2016 12:00:48 GMT-0600 (MDT) |

FOR COMMITTEE USE ONLY

**To:** Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>

[redacted]

**CC:** "Robert.Bonnie@osec.usda.gov" <Robert.Bonnie@osec.usda.gov>, "Leslie.Jones@osec.usda.gov" <Leslie.Jones@osec.usda.gov>, "lawrence_roberts@ios.doi.gov" <lawrence_roberts@ios.doi.gov>, "nkornze@blm.gov" <nkornze@blm.gov>, "jon_jarvis@nps.gov" <jon_jarvis@nps.gov>

**Subject:** Re: Bears Ears Inter-Tribal Coalition & Climbing community

[redacted]

On Oct 7, 2016, at 12:03 PM, Natasha Hale <bearsearspress@gmail.com> wrote:

Dear Secretary Jewell;

We have been meeting with leaders of the climbing community over the past year and have consistently been taken by the commonality of interest between the climbers and the Coalition. We have found them to be people whose values we respect, a group that we are comfortable working with in a productive and collegial way.

Attached is a letter that details our conversations with the climbing community.

Kind regards,

Bears Ears Inter-Tribal Coalition

<BEC-climbing ltr to Sec Jewell.pdf>

FOR COMMITTEE USE ONLY

# BEARS EARS INTER-TRIBAL COALITION

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

October 7, 2016

Secretary Jewell
U.S. Department of the Interior
1849 C Street NW, Washington, DC 20240

Dear Secretary Jewell;

We have been meeting with leaders of the climbing community over the past year and have consistently been taken by the commonality of interest between the climbers and the Coalition. We have found them to be people whose values we respect, a group that we are comfortable working with in a productive and collegial way.

Beginning in late 2015, we began having one-on-one and small-group meetings with representatives of the climbing community. One of them took place on overflights of the Bears Ears region, with the overflights being provided by a nonprofit organization. Leaders from the climbers and the Coalition had many discussions that day, with both sides coming away feeling a strong sense of common cause.

We then arranged a larger and more expansive meeting on September 1 in Moab to work through issues concerning Bears Ears. Four representatives of the Coalition were present. Approximately 25 members of the climbing community attended, including two members of national organizations with the largest number of participants coming from the Moab area. It was a spirited evening, with many people making extended comments. The climbers expressed strong support for the tribal position and we definitely felt support for theirs. Many of the climbers made lengthy and powerful statements about their respect for the natural world and for tribal cultural values. They even acknowledged that many cliff dwellings are located in areas

where it is obvious that the Native Americans were the first rock climbers in the region! We were left with no doubts about their sincerity.

We believe that the climbers will be committed and effective advocates for good land-use policies and practices in the Bears Ears National Monument. In particular, we believe that climbing should properly be included in the presidential proclamation as a legitimate use of monument lands; climbing has never been mentioned in a proclamation to date but we believe it would be appropriate here. In addition, both the climbers and the Coalition believe that the three-year management plan to be developed at Bears Ears should include standards establishing best climbing practices at the proposed national monument, which holds so many premier climbing areas. It is our belief that, in the process of developing climbing procedures in the three-year management plan, the views of the climbing community should be given considerable deference, since they have such long and intimate knowledge of the climbing areas and practices.

Thank you for your courtesy.

Sincerely,

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

Cc: Michael Degnan, Christie Goldfuss, Nikki Buffa, Robert Bonnie, Leslie Jones, Larry Roberts, Neil Kornze, and Jon Jarvis

FOR COMMITTEE USE ONLY

# Conversation Contents

**Fwd: letter**

**Attachments:**

/78. Fwd: letter/1.1 image001.jpg
/78. Fwd: letter/1.2 Bears Ears_PLI letter Conservation Groups Final.pdf

## Nicole Buffa <nicole_buffa@ios.doi.gov>

| | |
|---|---|
| **From:** | Nicole Buffa <nicole_buffa@ios.doi.gov> |
| **Sent:** | Thu Oct 06 2016 14:22:50 GMT-0600 (MDT) |
| **To:** | Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, Jon Jarvis <jon_jarvis@nps.gov>, Larry Roberts <lawrence_roberts@ios.doi.gov> |
| **Subject:** | Fwd: letter |
| **Attachments:** | image001.jpg Bears Ears_PLI letter Conservation Groups Final.pdf |

Begin forwarded message:

**From:** Matt Keller <matt_keller@tws.org>
**Date:** October 6, 2016 at 4:12:39 PM EDT
**To:** Nicole Buffa <nicole_buffa@ios.doi.gov>
**Subject: letter**

Hi Nikki,

Attached please find a letter on Bears Ears from several conservation group CEO's to President Obama and cc'd to:

Sally Jewell, Secretary of Interior
Tom Vilsack, Secretary of Agriculture
Christy Goldfuss, Managing Director, Council on Environmental Quality
Robert Bonnie, Under Secretary of Agriculture
Neil Kornze, Director, Bureau of Land Management
Thomas L. Tidwell, Chief, U.S. Forest Service Jon Jarvis, Director, National Park Service

Thanks!

Matt

**Matt Keller**
**National Monuments Campaign Director**
**The Wilderness Society**
Office: 970.422.4349
Cell: 970.946.0906
matt_keller@tws.org
www.wilderness.org

Facebook: www.facebook.com/TheWildernessSociety
Twitter: twitter.com/Wilderness

*We protect wilderness and inspire Americans to care for our wild places*

October 4th, 2016

The President
The White House
Washington, DC 20500

Dear Mr. President:

We'd like to express our deep appreciation for the Departments the of Interior and Agriculture and their thoughtful and thorough hosting of the public meeting in Bluff, Utah to discuss the importance of permanently protecting the Bears Ears Region in southeast Utah. As you know, the Bears Ears Inter-Tribal Coalition (BEITC), a historic effort between five sovereign nations with support from 21 others, has requested your use of the Antiquities Act to establish this area as a national monument. We are strongly in favor of this proposal and were heartened to see strong support demonstrated at the public meeting. The support demonstrated was deep and wide with participants speaking not only from a Native American perspective but also highlighting the area's ecological, geological and paleontological values among many others. Several members of the public who spoke discussed the area's importance to outdoor recreation and the benefits a national monument would have to the local economy as well as across the four corners region. Additionally, we'd like to convey our strong opposition to the Public Lands Initiative legislation that is currently moving through the House of Representatives.

The BEITC's proposal would permanently protect the Bears Ears area, as well as provide for its collaborative management with representation from the tribes that comprise the coalition. We support the creation of a unique, jointly-managed national monument that honors the traditional and ancestral ties of Native American people to these lands, while protecting this world-class landscape for all Americans.

While some of our organizations participated with hopefulness in the Public Lands Initiative led by members of Utah's Congressional Delegation, that process has failed. It has failed to honor the compromises reached amongst stakeholders and it has failed to emerge as introduced legislation in a timely manner. Given both the highly objectionable content contained in the legislation as well as the exceedingly short amount of legislative days remaining, we feel a national monument proclamation is the only viable path forward to protect the Bears Ears region.

Beyond the inadequate protections for Bears Ears, the Public Lands Initiative is unacceptable for numerous other reasons and our organizations will work diligently to ensure it is never enacted. The legislation suffers from numerous fatal flaws including:

- Contradicting the Wilderness Act, Federal Land Policy and Management Act, National Forest Management Act, and National Environmental Policy Act.

- Undermining the management of proposed wilderness areas, national conservation areas, special management areas, and recreation zones.

- Failing to conform to local agreements between stakeholders, as well as county proposals, developed during the PLI process.

- Providing unprecedented giveaways to the State of Utah, including over a thousand miles of public roads, as well as important land and resources.

- Giving the State of Utah unprecedented authority to approve energy development on Federal lands in eastern Utah.

- Failing to designate 62% of deserving wilderness-quality BLM lands as wilderness and rolling back existing protections for over 100,000 acres of wilderness study areas.

- Containing numerous other onerous provisions such mandatory grazing on all public lands in eastern Utah; granting San Juan County a right-of-way on Recapture Canyon, the site of the illegal ORV protest ride that damaged archeological resources; and mandating energy development in the Nine Mile Canyon Special Management Area.

Given the sacredness of the Bears Ears landscape to many Native American tribes, the outstanding historic, archeological, ecological, cultural, geological, and recreational values of the area, we urge you to designate a Bears Ears National Monument with meaningful collaborative management as envisioned by the BEITC. When considering the awe-inspiring values of this unmatched landscape and the immediacy of the threats there, it is clear that permanent protection cannot wait and we urge you to use your authority under the Antiquities Act to establish a Bears Ears National Monument and also address the issue of collaborative management with the tribes.

Additionally, we will work tirelessly to defeat the Public Lands Initiative and ensure it is never enacted into law.

Sincerely,

Jamie Williams, President, The Wilderness Society

Scott Groene, Executive Director, Southern Utah Wilderness Alliance

Michael Brune, Executive Director, Sierra Club

Bill Hedden, Executive Director, Grand Canyon Trust

Brian O'Donnell, Executive Director, Conservation Lands Foundation

Gene Karpinski, Executive Director, League of Conservation Voters

Sharon Buccino, Land and Wildlife Program Director, Natural Resources Defense Council

Teresa Perino, Executive Director, National Parks Conservation Association

CC: Sally Jewell, Secretary of Interior
Tom Vilsack, Secretary of Agriculture
Christy Goldfuss, Managing Director, Council on Environmental Quality
Robert Bonnie, Under Secretary of Agriculture
Neil Kornze, Director, Bureau of Land Management
Thomas L. Tidwell, Chief, U.S. Forest Service
Jon Jarvis, Director, National Park Service

FOR COMMITTEE USE ONLY

# Conversation Contents

**National Trust List of America's 11 Most Endangered Places Released Today - Includes Bears Ears and support for National Monument designation**

**Attachments:**

/79. National Trust List of America's 11 Most Endangered Places Released Today - Includes Bears Ears and support for National Monument designation/1.1 BearsEarsRelease9 30 16.pdf
/79. National Trust List of America's 11 Most Endangered Places Released Today - Includes Bears Ears and support for National Monument designation/3.1 BearsEarsRelease9 30 16.pdf

## Tom Cassidy <TCassidy@savingplaces.org>

| | |
|---|---|
| **From:** | Tom Cassidy <TCassidy@savingplaces.org> |
| **Sent:** | Wed Oct 05 2016 09:45:20 GMT-0600 (MDT) |
| **To:** | Nicole Buffa <Nicole_buffa@ios.doi.gov>, Neil Kornze <neil_kornze@blm.gov> |
| **Subject:** | National Trust List of America's 11 Most Endangered Places Released Today - Includes Bears Ears and support for National Monument designation |
| **Attachments:** | BearsEarsRelease9 30 16.pdf |

Friends,

I wanted to let you know that today the National Trust for Historic Preservation has named the **Bears Ears region of Southeastern Utah** to its 2016 list of America's 11 Most Endangered Historic Places. I have attached our press release. Please note that it includes a statement from Stephanie Meeks:

"The Bears Ears region provides a tangible link to the diverse stories of 12,000 years of human history," said Stephanie Meeks, president and CEO of the National Trust for Historic Preservation. "The National Trust joins Native American tribes, conservation groups, and public officials in supporting the creation of a Bears Ears National Monument by the president before the end of this year."

This annual list spotlights important examples of the nation's architectural and cultural heritage that are at risk of destruction or irreparable damage. More than 270 sites have been on the list over its 29-year history, and in that time, only a handful of listed sites have been lost.

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

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

## Neil Kornze <nkornze@blm.gov>

| | |
|---|---|
| **From:** | Neil Kornze <nkornze@blm.gov> |
| **Sent:** | Wed Oct 05 2016 19:44:19 GMT-0600 (MDT) |
| **To:** | Tom Cassidy <TCassidy@savingplaces.org> |
| **CC:** | Nicole Buffa <Nicole_buffa@ios.doi.gov> |
| **Subject:** | Re: National Trust List of America's 11 Most Endangered Places Released Today - Includes Bears Ears and support for National Monument designation |

Thank you for sharing this, Tom. I missed seeing you today...!

Neil

On Oct 5, 2016, at 11:59 AM, Tom Cassidy <TCassidy@savingplaces.org> wrote:

Friends,

I wanted to let you know that today the National Trust for Historic Preservation has named the **Bears Ears region of Southeastern Utah** to its 2016 list of America's 11 Most Endangered Historic Places. I have attached our press release. Please note that it includes a statement from Stephanie Meeks:

"The Bears Ears region provides a tangible link to the diverse stories of 12,000 years of human history," said Stephanie Meeks, president and CEO of the National Trust for Historic Preservation. "The National Trust joins Native American tribes, conservation groups, and public officials in supporting the creation of a Bears Ears National Monument by the president before the end of this year."

This annual list spotlights important examples of the nation's architectural and cultural heritage that are at risk of destruction or irreparable damage. More than 270 sites have been on the list over its 29-year history, and in that time, only a handful of listed sites have been lost

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

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

<BearsEarsRelease9 30 16.pdf>

## Neil Kornze <nkornze@blm.gov>

| | |
|---|---|
| **From:** | Neil Kornze <nkornze@blm.gov> |
| **Sent:** | Wed Oct 05 2016 19:44:41 GMT-0600 (MDT) |
| **To:** | Edwin Roberson <eroberso@blm.gov>, Jenna Whitlock <jwhitloc@blm.gov>, "Liz (Liz) Pardue" <lpardue@blm.gov> |
| **Subject:** | Fwd: National Trust List of America's 11 Most Endangered Places Released Today - Includes Bears Ears and support for National Monument designation |
| **Attachments:** | BearsEarsRelease9 30 16.pdf |

Begin forwarded message:

**From:** Tom Cassidy <TCassidy@savingplaces.org>
**Date:** October 5, 2016 at 11:45:20 AM EDT
**To:** Nicole Buffa <Nicole_buffa@ios.doi.gov>, Neil Kornze <neil_kornze@blm.gov>
**Subject: National Trust List of America's 11 Most Endangered Places Released Today - Includes Bears Ears and support for National Monument designation**

Friends,

I wanted to let you know that today the National Trust for Historic Preservation has named the **Bears Ears region of Southeastern Utah** to its 2016 list of America's 11 Most Endangered Historic Places. I have attached our press release. Please note that it includes a statement from Stephanie Meeks:

"The Bears Ears region provides a tangible link to the diverse stories of 12,000 years of human history," said Stephanie Meeks, president and CEO of the National Trust for Historic Preservation. "The National Trust joins Native American tribes, conservation groups, and public officials in supporting the creation of a Bears Ears National Monument by the president before the end of this year."

This annual list spotlights important examples of the nation's architectural and cultural heritage that are at risk of destruction or irreparable damage. More than 270 sites have been on the list over its 29-year history, and in that time, only a handful of listed sites have been lost.

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

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

## Nicole Buffa <nicole_buffa@ios.doi.gov>

| | |
|---|---|
| **From:** | Nicole Buffa <nicole_buffa@ios.doi.gov> |
| **Sent:** | Thu Oct 06 2016 06:45:58 GMT-0600 (MDT) |
| **To:** | Tom Cassidy <TCassidy@savingplaces.org> |
| **CC:** | Neil Kornze <neil_kornze@blm.gov> |
| **Subject:** | Re: National Trust List of America's 11 Most Endangered Places Released Today - Includes Bears Ears and support for National Monument designation |

So cool!

On Oct 5, 2016, at 11:47 AM, Tom Cassidy <TCassidy@savingplaces.org> wrote:

> Friends,
>
> I wanted to let you know that today the National Trust for Historic Preservation has named the **Bears Ears region of Southeastern Utah** to its 2016 list of America's 11 Most Endangered Historic Places. I have attached our press release.

FOR COMMITTEE USE ONLY

Please note that it includes a statement from Stephanie Meeks:

"The Bears Ears region provides a tangible link to the diverse stories of 12,000 years of human history," said Stephanie Meeks, president and CEO of the National Trust for Historic Preservation. "The National Trust joins Native American tribes, conservation groups, and public officials in supporting the creation of a Bears Ears National Monument by the president before the end of this year."

This annual list spotlights important examples of the nation's architectural and cultural heritage that are at risk of destruction or irreparable damage. More than 270 sites have been on the list over its 29-year history, and in that time, only a handful of listed sites have been lost.

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

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

<BearsEarsRelease9 30 16.pdf>

National Trust *for* Historic Preservation
*Save the past. Enrich the future.*

# News Release

*****EMBARGOED UNTIL OCTOBER 5, 2016 @ 12:01 PM ET*****

MEDIA CONTACT: PUBLIC AFFAIRS, 202.588.6141, PR@SAVINGPLACES.ORG

---

## UTAH'S BEARS EARS CULTURAL LANDSCAPE NAMED TO NATIONAL TRUST'S 2016 11 MOST ENDANGERED HISTORIC PLACES LIST

**Washington (October 5, 2016)** –The National Trust for Historic Preservation has named the **Bears Ears region of Southeastern Utah** to its 2016 list of America's 11 Most Endangered Historic Places. This annual list spotlights important examples of the nation's architectural and cultural heritage that are at risk of destruction or irreparable damage. More than 270 sites have been on the list over its 29-year history, and in that time, only a handful of listed sites have been lost.

The Bears Ears region, named for a pair of buttes in San Juan County, Utah, is one of the most significant cultural landscapes in the United States. Its 1.9 million acres feature more than 100,000 cultural and archaeological sites associated with the Pueblo, Navajo, Ute, and Zuni Tribes including Ice Age hunting camps, cliff dwellings, prehistoric villages, petroglyphs and pictographs.

Despite its vast cultural significance, inadequate legal protections and insufficient funding have allowed this landscape to suffer degradation and destruction from looting, mismanaged recreational use, and energy development. The Bureau of Land Management (BLM), which manages much of the area, does not currently have the resources to protect it adequately; the BLM has just two archaeologists and two rangers for its entire two million-acre district in San Juan County, Utah.

BLM's ability to protect the area's archeological resources is complicated by its multiple-use mandate, which requires the agency to balance mineral extraction, energy development, off-road vehicle use, and grazing alongside preservation and conservation.

"The Bears Ears region provides a tangible link to the diverse stories of 12,000 years of human history," said Stephanie Meeks, president and CEO of the National Trust for Historic Preservation. "The National Trust joins Native American tribes, conservation groups, and public officials in supporting the creation of a Bears Ears National Monument by the president before the end of this year."

Members of the public are invited to learn more about what they can do to support these 11 historic places and hundreds of other endangered sites at www.SavingPlaces.org/11Most

Follow us on Twitter at **@savingplaces** and join the conversation using the hashtag **#11Most**

National Trust *for* Historic Preservation
*Save the past. Enrich the future.*

**America's 11 Most Endangered Historic Places** has identified more than 270 threatened one-of-a-kind historic treasures since 1988. Whether these sites are urban districts or rural landscapes, Native American landmarks or 20th-century sports arenas, entire communities or single buildings, the list spotlights historic places across America that are threatened by neglect, insufficient funds, inappropriate development or insensitive public policy. The designation has been a powerful tool for raising awareness and rallying resources to save endangered sites from every region of the country. At times, that attention has garnered public support to quickly rescue a treasured landmark; while in other instances, it has been the impetus of a long battle to save an important piece of our history.

###

The National Trust for Historic Preservation, a privately funded nonprofit organization, works to save America's historic places. www.SavingPlaces.org

FOR COMMITTEE USE ONLY

National Trust *for* Historic Preservation
*Save the past. Enrich the future.*

# News Release

*****EMBARGOED UNTIL OCTOBER 5, 2016 @ 12:01 PM ET*****

MEDIA CONTACT: PUBLIC AFFAIRS, 202.588.6141, PR@SAVINGPLACES.ORG

---

## UTAH'S BEARS EARS CULTURAL LANDSCAPE NAMED TO NATIONAL TRUST'S 2016 11 MOST ENDANGERED HISTORIC PLACES LIST

**Washington (October 5, 2016)** –The National Trust for Historic Preservation has named the **Bears Ears region of Southeastern Utah** to its 2016 list of America's 11 Most Endangered Historic Places. This annual list spotlights important examples of the nation's architectural and cultural heritage that are at risk of destruction or irreparable damage. More than 270 sites have been on the list over its 29-year history, and in that time, only a handful of listed sites have been lost.

The Bears Ears region, named for a pair of buttes in San Juan County, Utah, is one of the most significant cultural landscapes in the United States. Its 1.9 million acres feature more than 100,000 cultural and archaeological sites associated with the Pueblo, Navajo, Ute, and Zuni Tribes including Ice Age hunting camps, cliff dwellings, prehistoric villages, petroglyphs and pictographs.

Despite its vast cultural significance, inadequate legal protections and insufficient funding have allowed this landscape to suffer degradation and destruction from looting, mismanaged recreational use, and energy development. The Bureau of Land Management (BLM), which manages much of the area, does not currently have the resources to protect it adequately; the BLM has just two archaeologists and two rangers for its entire two million-acre district in San Juan County, Utah.

BLM's ability to protect the area's archeological resources is complicated by its multiple-use mandate, which requires the agency to balance mineral extraction, energy development, off-road vehicle use, and grazing alongside preservation and conservation.

"The Bears Ears region provides a tangible link to the diverse stories of 12,000 years of human history," said Stephanie Meeks, president and CEO of the National Trust for Historic Preservation. "The National Trust joins Native American tribes, conservation groups, and public officials in supporting the creation of a Bears Ears National Monument by the president before the end of this year."

Members of the public are invited to learn more about what they can do to support these 11 historic places and hundreds of other endangered sites at www.SavingPlaces.org/11Most

Follow us on Twitter at **@savingplaces** and join the conversation using the hashtag **#11Most**

National Trust *for* Historic Preservation
*Save the past. Enrich the future.*

**America's 11 Most Endangered Historic Places** has identified more than 270 threatened one-of-a-kind historic treasures since 1988. Whether these sites are urban districts or rural landscapes, Native American landmarks or 20th-century sports arenas, entire communities or single buildings, the list spotlights historic places across America that are threatened by neglect, insufficient funds, inappropriate development or insensitive public policy. The designation has been a powerful tool for raising awareness and rallying resources to save endangered sites from every region of the country. At times, that attention has garnered public support to quickly rescue a treasured landmark; while in other instances, it has been the impetus of a long battle to save an important piece of our history.

###

The National Trust for Historic Preservation, a privately funded nonprofit organization, works to save America's historic places. www.SavingPlaces.org

FOR COMMITTEE USE ONLY

# Conversation Contents

**FW: Democratic elected officials support designation of Bears Ears as a national monument in Utah**

## John Blair <john_blair@ios.doi.gov>

| | |
|---|---|
| **From:** | John Blair <john_blair@ios.doi.gov> |
| **Sent:** | Wed Sep 28 2016 12:06:48 GMT-0600 (MDT) |
| **To:** | Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Nicole Buffa <nicole_buffa@ios.doi.gov>, Ben Milakofsky <benjamin_milakofsky@ios.doi.gov>, Kate Kelly <kate_kelly@ios.doi.gov>, Blake Androff <blake_androff@ios.doi.gov>, Kevin Thompson <kevin_thompson@ios.doi.gov>, Jessica Kershaw <jessica_kershaw@ios.doi.gov>, Sarah Neimeyer <sarah_neimeyer@ios.doi.gov>, Liz Klein <elizabeth_klein@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, Liz Pardue <lpardue@blm.gov>, Janice Schneider <janice_schneider@ios.doi.gov> |
| **CC:** | Kim Jensen <kimberly_jensen@ios.doi.gov>, Maria Najera <maria_najera@ios.doi.gov> |
| **Subject:** | FW: Democratic elected officials support designation of Bears Ears as a national monument in Utah |

FYI. Just making sure folks saw this. Thanks! johnblair

---

**From:** Brian King [mailto:brian@briansking.com]
**Sent:** Wednesday, September 28, 2016 1:23 PM
**To:** john_blair@ios.doi.gov
**Subject:** Democratic elected officials support designation of Bears Ears as a national monument in Utah

Dear Mr. Blair--

While I can't say that all Democratic elected officials in Utah support the designation of Bears Ears as a national monument in Utah, Rep. Joel Briscoe and I recently wrote an op-ed supporting Pres. Obama doing so. The link to that op-ed is here: http://www.deseretnews.com/article/865662005/My-view-It7s-our-time-to-lead-for-the-next-generation.html?pg=all

Brian S. King
Utah State House of Representatives, District 28
House Minority Leader
1855 Michigan Ave.
Salt Lake City, UT 84108

801-538-1035 (fax)
801-532-1739 (work)
801-583-5464 (home)
briansking@le.utah.gov

FOR COMMITTEE USE ONLY

FOR COMMITTEE USE ONLY

# Conversation Contents

**Fwd: FW: PLI markup**

**Attachments:**

/83. Fwd: FW: PLI markup/1.1 HR 5780 Bishop_#1[2].docx

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

| | |
|---|---|
| **From:** | "Buffa, Nicole" <nicole_buffa@ios.doi.gov> |
| **Sent:** | Wed Sep 28 2016 09:09:10 GMT-0600 (MDT) |
| **To:** | Neil Kornze <nkornze@blm.gov>, Liz Pardue <lpardue@blm.gov>, Sarah Neimeyer <sarah_Neimeyer@ios.doi.gov> |
| **Subject:** | Fwd: FW: PLI markup |
| **Attachments:** | HR 5780 Bishop_#1[2].docx |

FYI. Despite what Fred's note says, there were changes made. And they took our language on the Bears Ears Commission, it seems. Jamie Pool is verifying.

---------- Forwarded message ----------
From: **Ferguson, Fred** <Fred.Ferguson@mail.house.gov>
Date: Wed, Sep 28, 2016 at 10:51 AM
Subject: FW: PLI markup
To: Nikki Buffa <nicole_buffa@ios.doi.gov>

Here is what committee sent me:

"A new text isn't created until it's reported, which won't be until we're in session in November. The only changes made at markup were the manager's amendment which was mostly technical (attached)."

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

# Conversation Contents

**Creation Justice Ministries Response to PLI Passage Out of House Natural Resources**

**Attachments:**

/86. Creation Justice Ministries Response to PLI Passage Out of House Natural Resources/1.1 image001.png
/86. Creation Justice Ministries Response to PLI Passage Out of House Natural Resources/1.2 image002.png
/86. Creation Justice Ministries Response to PLI Passage Out of House Natural Resources/1.3 image003.png

## Shantha Ready Alonso <shantha@creationjustice.org>

| | |
|---|---|
| **From:** | Shantha Ready Alonso <shantha@creationjustice.org> |
| **Sent:** | Thu Sep 22 2016 12:09:15 GMT-0600 (MDT) |
| **To:** | <nkornze@blm.gov> |
| **Subject:** | Creation Justice Ministries Response to PLI Passage Out of House Natural Resources |
| **Attachments:** | image001.png image002.png image003.png |

Dear Neil,
I saw your comments on PLI cited in CQ today, and thank you for your commitment to conservation.
Please see Creation Justice Ministries' response to the passage of PLI out of the House Natural Resources Committee today. We have also posted it on Facebook and Twitter.
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

*A record of Creation Justice Ministries' advocacy for designation of a Bears Ears national monument can be found at: www.creationjustice.org/bears-ears*

[if gte vml 1]><v:shapetype id="_x0000_t75" coordsize="21600,21600" o:spt="75" o:preferrelative="t" path="m@4@5l@4@11@9@11@9@5xe" filled="f" stroked="f"> <v:stroke joinstyle="miter"/> <v:formulas> <v:f eqn="if lineDrawn pixelLineWidth 0"/> <v:f eqn="sum @0 1 0"/> <v:f eqn="sum 0 0 @1"/> <v:f eqn="prod @2 1 2"/> <v:f eqn="prod

FOR COMMITTEE USE ONLY
@3 21600 pixelWidth"/> <v:f eqn="prod @3 21600 pixelHeight"/> <v:f eqn="sum @0 0 1"/> <v:f eqn="prod @6 1 2"/> <v:f eqn="prod @7 21600 pixelWidth"/> <v:f eqn="sum @8 21600 0"/> <v:f eqn="prod @7 21600 pixelHeight"/> <v:f eqn="sum @10 21600 0"/> </v:formulas> <v:path o:extrusionok="f" gradientshapeok="t" o:connecttype="rect"/> <o:lock v:ext="edit" aspectratio="t"/> </v:shapetype><v:shape id="Picture_x0020_1" o:spid="_x0000_s1026" type="#_x0000_t75" style='position:absolute;margin-left:97.85pt;margin-top:53.35pt;width:149.05pt;height:117.2pt;z-index:251659264;visibility:visible;mso-wrap-style:square;mso-width-percent:0;mso-height-percent:0;mso-wrap-distance-left:9pt;mso-wrap-distance-top:0;mso-wrap-distance-right:9pt;mso-wrap-distance-bottom:0;mso-position-horizontal:right;mso-position-horizontal-relative:text;mso-position-vertical:absolute;mso-position-vertical-relative:text;mso-width-percent:0;mso-height-percent:0;mso-width-relative:page;mso-height-relative:page'> <v:imagedata src="cid:image001.jpg@01D214DA.64C1E360" o:title=""/> <w:wrap type="square"/> </v:shape><![if !vml]

## NEWS RELEASE

For Immediate Release:
September 22, 2016
Contact: Shantha Ready Alonso
760.408.0688 (mobile)
shantha@creationjustice.org

## Creation Justice Ministries Raises Concerns About Public Lands Initiative

*A Faithful Way Forward Must Respect Official Tribal Leadership*

As Committee chairman of the US House of Representatives Natural Resources Committee, Rep. Rob Bishop (UT-1) has facilitated the markup and passage of his bill, H.R., 5780, Utah Public Lands Initiative Act, through the committee today. This Public Lands Initiative (PLI) focuses on public lands measures across seven counties in eastern Utah, including the management of 1.4 million acres in southeast Utah surrounding an area known as Bears Ears.

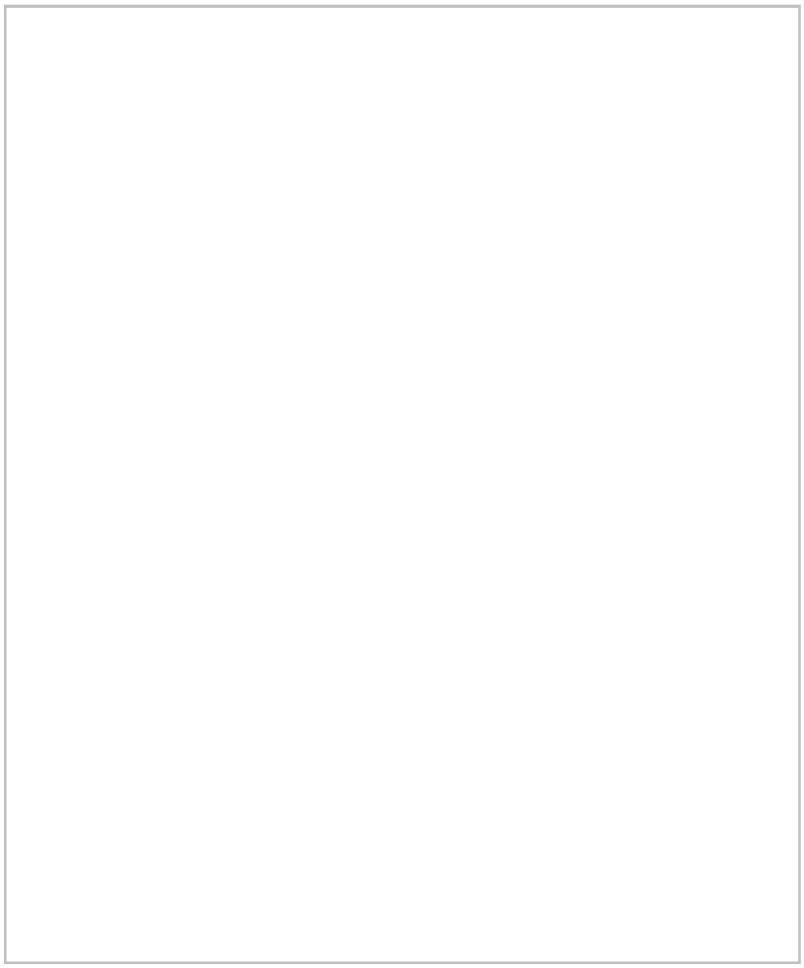
This recent development has raised concern among religious communities, which have vigorously supported the Bears Ears Inter-Tribal Coalition's national monument proposal to protect 1.9 million acres. Religious community support has been shown through commissioning and publicizing a poll, issuing religious leader public statements, and releasing a letter signed by 14 top U.S. religious leaders. Religious communities are supporting the Bears Ears Inter-Tribal Coalition's national monument proposal because of the historic collaboration among tribes to manage their shared sacred and ancestral lands. This Coalition is comprised of the officially appointed representatives of five

FOR COMMITTEE USE ONLY
sovereign tribal nations: the Navajo, Hopi, Zuni, Ute Mountain Ute, and Uintah Ouray Ute. The Coalition does not believe their proposal was ever integrated, or taken seriously, in the Public Lands Initiative process.

What is most troubling about Rep. Bishop's media strategy to promote his Public Lands Initiative, in which he knowingly portrays individual Native Americans who oppose the Bears Ears Inter-Tribal Coalition's national monument proposal as if these individuals represent all of the region's Native Americans. This tactic is misleading to the general public.

**Creation Justice Ministries Executive Director Shantha Ready Alonso** said of the Public Land's Initiative's advancement out of the House Natural Resources Committee, "Faith communities know our nation needs the Bears Ears Inter-Tribal Coalition's spiritual wisdom about sacred lands, and we respect their conservation leadership. I urge Congress to carefully compare and contrast the Coalition's plan with the Public Lands Initiative, and notice the important differences. Upon evaluation, I hope you will agree with the broad and diverse coalition supporting the Bears Ears National Monument proposal that President Obama should designate it this year using the Antiquities Act."
**###**

***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](http://www.creationjustice.org)*



FOR COMMITTEE USE ONLY

## "Pardue, Laura (Liz)" <lpardue@blm.gov>

| | |
|---|---|
| **From:** | "Pardue, Laura (Liz)" <lpardue@blm.gov> |
| **Sent:** | Thu Sep 22 2016 06:46:35 GMT-0600 (MDT) |
| **To:** | Neil Kornze <nkornze@blm.gov>, Nicole Buffa <nikki_buffa@ios.doi.gov> |
| **Subject:** | Utah voters split on Bears Ears monument as leaders dig in to fight it |

# Utah voters split on Bears Ears monument as leaders dig in to fight it

Sen. Orrin Hatch, R-Utah, left, comforts Utah resident and Navajo Susie Philemon as she becomes emotional while expressing her opposition to the proposed Bears Ears National Monument designation in southeast Utah, Wednesday, Sept. 21, 2016, on Capitol Hill in Washington. (AP Photo/Andrew Harnik)

By Thomas Burr The Salt Lake Tribune
Published: September 21, 2016 11:37PM
Updated: September 21, 2016 10:49PM

**Public lands • As Utah leaders dig in to fight the new monument designation, Interior secretary tells Herbert of "urgent" need to protect the area.**

Article photo gallery

Washington • Utah's elected leaders and some members of the Navajo Nation argued Wednesday against presidential action to name a Bears Ears National Monument, saying the communities that will be impacted in the southeastern corner of the state are tired of federal overreach.

"We don't want it. We don't need it," Utah Gov. Gary Herbert said outside the U.S. Capitol, surrounded by five members of Utah's federal delegation and three American Indians from San Juan Cour

FOR COMMITTEE USE ONLY

in fact, pull us apart."

The pushback against a monument designation comes as a new Salt Lake Tribune-Hinckley Institute of Politics poll shows Utahns are split over a new national monument, with about 43 percent opposing the idea and 40 percent backing it. About 17 percent were unsure. Utahns younger than 35 favored a monument by clear majorities, while a plurality of older residents opposed it.

The debate is intensifying as President Barack Obama's tenure nears an end. An Interior Department official this week told The Tribune that Interior Secretary Sally Jewell told Gov. Gary Herbert she feels an "urgent" need to protect the area and its tens of thousands of archaeological sites. The comment may hint at action in the coming months by Obama, who has unilateral power to name a monument under the 1906 Antiquities Act.

The official, speaking on background about a private meeting between Jewell and Herbert, said both officials agree there is "broad consensus" to protect the Bears Ears region.

"However," the official said, "the secretary believes the need is urgent, especially since there have been proposals to protect this special place for over 80 years."

Rep. Rob Bishop, a Utah Republican who has introduced legislation to protect parts of the region, balked at the suggestion of urgency, noting that the land is under Interior Department control — mostly through the Bureau of Land Management.

"So she's afraid she's not doing her job and would like to do her job in a different way with a different category?" Bishop said in an interview. "That makes sense, doesn't it."

At the Capitol news conference, the Utah officials hosted three Native Americans from the Bears Ears area who said they fear traditional activities would be curtailed by a monument.

"We do not want our backyard to be a monument," said Danielle Shirley, a Navajo from San Juan County.

Susie Philemon broke into tears as she recalled how many times the federal government had made promises to Native Americans that never came true. She said the same would happen with a monument.

"Please don't break more promises. Not again," she said.

Sen. Mike Lee said that Native Americans and southeastern Utah residents "don't want their land seized by some distant, closed government operating thousands of miles away." And he added that Obama and Jewell need to listen to the people who live there.

"Remember we live in a republic, we live in a land where the voice of the people is supposed to be heard," Lee said.

Added Sen. Orrin Hatch: "Frankly, we're getting tired of outside people coming in to manage our lands when we can do it better."

But the monument is supported by 26 southwestern Native American Tribes, including the Navajo Nation Council, the Nation pointed out in a news release issued after the Capitol Hill news conference.

The Utah delegation said it supports the efforts of Bishop and Rep. Jason Chaffetz to pass the Public Lands Initiative (PLI), which would impact 18 million acres in southern Utah but set aside less of the Bears Ears region than the proposed national monument and use different standards for protection

FOR COMMITTEE USE ONLY
The House Natural Resources Committee is set to take up debate on the bill Thursday, though it's unclear when the full committee will vote. Congress is set to adjourn next week until after the Nov. 8 election.

Environmental groups and tribal leaders have panned the PLI as giving away too much to the oil and gas industry and ignoring the requests of Native Americans.

"After four squandered years, the PLI is terrible one-sided legislation that would defile Utah's Redrock wilderness and has no chance of passage," said Scott Groene, executive director of the Southern Utah Wilderness Alliance. "President Obama must step in to protect the Bears Ears, now that the Utah congressional delegation has failed."

Of the Tribune-Hinckley poll, Bishop said he was "probably surprised there isn't a larger amount of support" for a monument given that most of Utah's populace lives along the Wasatch Front and not near San Juan County where the monument would be centered.

"If you go down to the county, where people live and will be using this, the opposition is much louder and much more boisterous," Bishop said.

Herbert said the poll clearly shows there is not local support for a monument and the Obama administration should pay attention.

"At best, we're divided," Herbert said. "If we can't build consensus, then we're not ready."

The poll showed 28 percent of respondents strongly disapproved of a monument and 15 percent somewhat disapproved. Some 20 percent of voters strongly approved and another 20 percent somewhat favored the designation.

The survey, conducted by Dan Jones & Associates, shows a deep age gap. Utahns 18-24 approved a monument five-to-one, with those 25-34 favoring a monument three-to-one. A majority of those 45-54 opposed a monument, as did pluralities of all other age groups over 35.

Dan Jones, president of the polling company, says it's likely that voters over 35 remember the surprise designation of the Grand Staircase-Escalante National Monument by then-President Bill Clinton in 1996. And he says younger voters are more environmentally friendly.

"Young people today have been taught to work and protect the environment and watch over water and all kinds of things," Jones said.

The Tribune-Hinckley Institute poll showed a much different result about the monument than a poll conducted in July and August for Utah Policy that showed only 19 percent of Utahns want a national monument in the Bears Ears area. That poll gave three options: a monument, Bishop's legislation or no action at all.

Jones noted the Tribune poll simply asked support or opposition to a monument while Utah Policy's monument question attached President Obama's name to the designation.

Using Obama's name could affect the results in Utah, where the president is not well liked, Jones said.

"I'm only guessing, but I think it does," he said.

While the debate over a potential Bears Ears monument rages, last Sunday marked the 20th anniversary of the designation of the Grand Staircase-Escalante National Monument by then-President Bill Clinton.

FOR COMMITTEE USE ONLY

Wildly unpopular in Utah at the time, the new poll indicates attitudes have shifted a generation later. Some 47 percent of Utahns surveyed said they approve of that monument's creation, compared to 39 percent who disapproved.

The Tribune-Hinckley poll questioned 820 likely voters statewide Sept. 12-19. The margin of error is 3.4 percent.

tburr@sltrib.com

http://www.sltrib.com/home/4382066-155/utah-voters-split-on-bears-ears?fullpage=1

--

Liz Pardue
Advisor to the Director, Bureau of Land Management
(202) 208-5996 -- 1849 C Street, NW Room 5649

FOR COMMITTEE USE ONLY

# Conversation Contents

**Utah Delegation, Gov. Herbert, Release Joint Statement in Opposition of Monument Designation in Utah**

## "Pardue, Laura (Liz)" <lpardue@blm.gov>

| | |
|---|---|
| **From:** | "Pardue, Laura (Liz)" <lpardue@blm.gov> |
| **Sent:** | Wed Sep 21 2016 16:23:58 GMT-0600 (MDT) |
| **To:** | Neil Kornze <nkornze@blm.gov>, Nicole Buffa <nikki_buffa@ios.doi.gov> |
| **Subject:** | Utah Delegation, Gov. Herbert, Release Joint Statement in Opposition of Monument Designation in Utah |

# Utah Delegation, Gov. Herbert, Release Joint Statement in Opposition of Monument Designation in Utah

**Details**
**Written by Press Release**
Category: Featured Articles
Created: 21 September 2016

The entire Utah congressional delegation, including Sens. Orrin Hatch (R-UT) and Mike Lee (R-UT), Reps. Rob Bishop (R-UT), Chris Stewart (R-UT), Jason Chaffetz (R-UT), and Mia Love (R-UT), as well as Gov. Gary Herbert issued the following joint statement today in opposition of a monument designation in Utah:

"We, the Congressional Delegation of the Great State of Utah, stand in solidarity with local Native Americans, the people of San Juan County and elected officials at the local, county and state levels of Utah government in opposition to the unilateral designation of the proposed Bears Ears national monument. The protection of our nation's historic, cultural and natural resources is among the noblest of pursuits and we agree that this unique part of our state needs to be preserved. However, turning our backs on the democratic process to do so undermines who we are as Americans. We support a solution where local voices are not only heard, but integrated into public land management."

http://utahpolicy.com/index.php/features/featured-articles/10883-utah-delegation-gov-herbert-release-joint-statement-in-opposition-of-monument-designation-in-utah

--
Liz Pardue
Advisor to the Director, Bureau of Land Management
(202) 208-5996 -- 1849 C Street, NW Room 5649

FOR COMMITTEE USE ONLY

# Conversation Contents

**Fwd: Bears Ears NM Supporters**

**Attachments:**

/91. Fwd: Bears Ears NM Supporters/1.1 Bears Ears Supporters.pdf
/91. Fwd: Bears Ears NM Supporters/2.1 Bears Ears Supporters.pdf

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

| | |
|---|---|
| **From:** | "Buffa, Nicole" <nicole_buffa@ios.doi.gov> |
| **Sent:** | Wed Sep 21 2016 10:15:57 GMT-0600 (MDT) |
| **To:** | Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, Lawrence Roberts <lawrence_roberts@ios.doi.gov> |
| **Subject:** | Fwd: Bears Ears NM Supporters |
| **Attachments:** | Bears Ears Supporters.pdf |

---------- Forwarded message ----------
From: **Joel Briscoe** <joelfor25@gmail.com>
Date: Wed, Sep 21, 2016 at 12:04 PM
Subject: Bears Ears NM Supporters
To: nicole_buffa@ios.doi.gov

Ms. Buffa,

I am attaching a letter in support of the creation of the proposed Bears Ears National Monument signed by Utah elected officials, former elected officials and current candidates for office. Please contact me if you have any questions. I can be reached at 801-425-3038.

Sincerely,

Rep. Joel K. Briscoe
Utah House of Representatives
Minority Assistant Whip

--

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

FOR COMMITTEE USE ONLY

## John Blair <john_blair@ios.doi.gov>

| | |
|---|---|
| **From:** | John Blair <john_blair@ios.doi.gov> |
| **Sent:** | Wed Sep 21 2016 10:21:04 GMT-0600 (MDT) |
| **To:** | Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Nicole Buffa <nicole_buffa@ios.doi.gov>, Ben Milakofsky <benjamin_milakofsky@ios.doi.gov>, Janice Schneider <janice_schneider@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, Liz Pardue <lpardue@blm.gov>, Blake Androff <blake_androff@ios.doi.gov>, Kevin Thompson <kevin_thompson@ios.doi.gov>, Jessica Kershaw <jessica_kershaw@ios.doi.gov> |
| **CC:** | Kim Jensen <kimberly_jensen@ios.doi.gov>, Maria Najera <maria_najera@ios.doi.gov> |
| **Subject:** | FW: Bears Ears NM Supporters |
| **Attachments:** | Bears Ears Supporters.pdf |

FYI. johnblair

**From:** Joel Briscoe [mailto:joelfor25@gmail.com]
**Sent:** Wednesday, September 21, 2016 11:41 AM
**To:** john_blair@ios.doi.gov
**Cc:** Joel Briscoe <jbriscoe@le.utah.gov>
**Subject:** Bears Ears NM Supporters

Mr. Blair,

I am attaching a letter in support of the creation of the proposed Bears Ears National Monument signed by Utah elected officials and former elected officials and current candidates for office. Please contact me if you have any questions. I can be reached at 801-425-3038.

Sincerely,

Rep. Joel K. Briscoe
Utah House of Representatives
Minority Assistant Whip

President Barack Obama
The White House
1600 Pennsylvania Ave, NW
Washington, D.C. 20500

September 20, 2016

Dear President Obama,

We the undersigned are current and former elected officials and candidates in the state of Utah who support protection of a Bears Ears National Monument. We are writing to ask you to use your authority to ensure that America's most important unprotected cultural landscape receives the protection it so richly deserves.

The Bears Ears Inter-Tribal Council represents five sovereign Tribes with deep cultural ties to the region. Their leadership of this effort has been inclusive and provides a vision for Native Americans to protect their heritage while maintaining access and appropriate use for all Americans, regardless of where they live.

There is a false media narrative around the effort to protect Bears Ears that would have you believe that Utah elected officials are unanimously opposed to a Bears Ears National Monument. We hope this letter puts that narrative to rest and we ask that you use your authority under the Antiquities Act to protect this land for all people, for all time.

Thank you.

Sincerely,

**Patrice Arent**
Representative
Utah House

**Steve Barth**
Former Representative
Utah House

**Andy Beerman**
Councilmember
Park City Council

**Heather Bennett**
President
Salt Lake City School Board

**Jim Bradley**
Member at Large
Salt Lake County Council

**Joel Briscoe**
Minority Assistant Whip
Utah House

**Peter C. Clemens**
Candidate for
Utah's 1st Congressional District

**Jim Dabakis**
Senator
Utah Senate

**Rani Derasary**
Councilmember
Moab City Council

**Krista Dunn**
Former Councilmember
Murray City Council

**David D. Erley**
Mayor
Castle Valley

**Gage Froerer**
Representative
Utah House

**Jon Harper**
Candidate for Utah
Attorney General

**Joe Hatch**
Former Councilmember
Salt Lake County Council

**Tory Hill**
Councilmember
Castle Valley Town Council

**Dave Jones**
Former Minority Leader
Utah House

**Kalen Jones**
Councilmember
Moab City Council

**Patricia Jones**
Former Senator
Utah Senate

**Brian King**
Minority Leader
Utah House

**Claudia McMullin**
Councilmember
Summit County Council

**Erin Mendenhall**
Councilmember
Salt Lake City Council

**Robert O'Brien**
Councilmember
Castle Valley Town Council

**Kristen Peterson**
Former Councilmember
Moab City Council

**Angela Romero**
Representative
Utah House

**Misty K. Snow**
Candidate for U.S. Senate (UT)

**Barry Sochat**
Councilmember
Rockville City Council

**Stephen P. Tryon**
Candidate for Utah's 3rd Congressional District

**Elizabeth Tubbs**
Councilmember
Grand County Council

**Mark Wheatley**
Representative
Utah House

**Ted Wilson**
Former Mayor
Salt Lake City

**Lisa Zumptf**
Councilmember
Springdale Town Council

FOR COMMITTEE USE ONLY

President Barack Obama
The White House
1600 Pennsylvania Ave, NW
Washington, D.C. 20500

September 20, 2016

Dear President Obama,

We the undersigned are current and former elected officials and candidates in the state of Utah who support protection of a Bears Ears National Monument. We are writing to ask you to use your authority to ensure that America's most important unprotected cultural landscape receives the protection it so richly deserves.

The Bears Ears Inter-Tribal Council represents five sovereign Tribes with deep cultural ties to the region. Their leadership of this effort has been inclusive and provides a vision for Native Americans to protect their heritage while maintaining access and appropriate use for all Americans, regardless of where they live.

There is a false media narrative around the effort to protect Bears Ears that would have you believe that Utah elected officials are unanimously opposed to a Bears Ears National Monument. We hope this letter puts that narrative to rest and we ask that you use your authority under the Antiquities Act to protect this land for all people, for all time.

Thank you.

Sincerely,

**Patrice Arent**
Representative
Utah House

**Steve Barth**
Former Representative
Utah House

**Andy Beerman**
Councilmember
Park City Council

**Heather Bennett**
President
Salt Lake City School Board

**Jim Bradley**
Member at Large
Salt Lake County Council

**Joel Briscoe**
Minority Assistant Whip
Utah House

**Peter C. Clemens**
Candidate for
Utah's 1st Congressional District

**Jim Dabakis**
Senator
Utah Senate

**Rani Derasary**
Councilmember
Moab City Council

**Krista Dunn**
Former Councilmember
Murray City Council

**David D. Erley**
Mayor
Castle Valley

**Gage Froerer**
Representative
Utah House

**Jon Harper**
Candidate for Utah
Attorney General

**Joe Hatch**
Former Councilmember
Salt Lake County Council

**Tory Hill**
Councilmember
Castle Valley Town Council

**Dave Jones**
Former Minority Leader
Utah House

**Kalen Jones**
Councilmember
Moab City Council

**Patricia Jones**
Former Senator
Utah Senate

**Brian King**
Minority Leader
Utah House

**Claudia McMullin**
Councilmember
Summit County Council

**Erin Mendenhall**
Councilmember
Salt Lake City Council

**Robert O'Brien**
Councilmember
Castle Valley Town Council

**Kristen Peterson**
Former Councilmember
Moab City Council

**Angela Romero**
Representative
Utah House

**Misty K. Snow**
Candidate for U.S. Senate (UT)

**Barry Sochat**
Councilmember
Rockville City Council

**Stephen P. Tryon**
Candidate for Utah's 3rd Congressional District

**Elizabeth Tubbs**
Councilmember
Grand County Council

**Mark Wheatley**
Representative
Utah House

**Ted Wilson**
Former Mayor
Salt Lake City

**Lisa Zumptf**
Councilmember
Springdale Town Council

FOR COMMITTEE USE ONLY

# Conversation Contents

**Bears Ears NM Supporters**

**Attachments:**

/92. Bears Ears NM Supporters/1.1 Bears Ears Supporters.pdf

## Joel Briscoe <joelfor25@gmail.com>

| | |
|---|---|
| **From:** | Joel Briscoe <joelfor25@gmail.com> |
| **Sent:** | Wed Sep 21 2016 09:22:59 GMT-0600 (MDT) |
| **To:** | <nkornze@blm.gov> |
| **Subject:** | Bears Ears NM Supporters |
| **Attachments:** | Bears Ears Supporters.pdf |

Mr. Kornze,

I am attaching a letter in support of the creation of the proposed Bears Ears National Monument signed by Utah elected officials and former elected officials and current candidates for office. Please contact me if you have any questions. I can be reached at 801-425-3038.

Sincerely,

Rep. Joel K. Briscoe
Utah House of Representatives
Minority Assistant Whip

## Neil Kornze <nkornze@blm.gov>

| | |
|---|---|
| **From:** | Neil Kornze <nkornze@blm.gov> |
| **Sent:** | Wed Sep 21 2016 10:39:08 GMT-0600 (MDT) |
| **To:** | Joel Briscoe <joelfor25@gmail.com> |
| **Subject:** | Re: Bears Ears NM Supporters |

Thank you for sharing this.

Neil

On Sep 21, 2016, at 11:24 AM, Joel Bris

FOR COMMITTEE USE ONLY

Mr. Kornze,

I am attaching a letter in support of the creation of the proposed Bears Ears National Monument signed by Utah elected officials and former elected officials and current candidates for office. Please contact me if you have any questions. I can be reached at 801-425-3038.

Sincerely,

Rep. Joel K. Briscoe
Utah House of Representatives
Minority Assistant Whip
<Bears Ears Supporters.pdf>

FOR COMMITTEE USE ONLY

President Barack Obama
The White House
1600 Pennsylvania Ave, NW
Washington, D.C. 20500

September 20, 2016

Dear President Obama,

We the undersigned are current and former elected officials and candidates in the state of Utah who support protection of a Bears Ears National Monument. We are writing to ask you to use your authority to ensure that America's most important unprotected cultural landscape receives the protection it so richly deserves.

The Bears Ears Inter-Tribal Council represents five sovereign Tribes with deep cultural ties to the region. Their leadership of this effort has been inclusive and provides a vision for Native Americans to protect their heritage while maintaining access and appropriate use for all Americans, regardless of where they live.

There is a false media narrative around the effort to protect Bears Ears that would have you believe that Utah elected officials are unanimously opposed to a Bears Ears National Monument. We hope this letter puts that narrative to rest and we ask that you use your authority under the Antiquities Act to protect this land for all people, for all time.

Thank you.

Sincerely,

**Patrice Arent**
Representative
Utah House

**Steve Barth**
Former Representative
Utah House

**Andy Beerman**
Councilmember
Park City Council

**Heather Bennett**
President
Salt Lake City School Board

**Jim Bradley**
Member at Large
Salt Lake County Council

**Joel Briscoe**
Minority Assistant Whip
Utah House

**Peter C. Clemens**
Candidate for
Utah's 1st Congressional District

**Jim Dabakis**
Senator
Utah Senate

**Rani Derasary**
Councilmember
Moab City Council

**Krista Dunn**
Former Councilmember
Murray City Council

**David D. Erley**
Mayor
Castle Valley

**Gage Froerer**
Representative
Utah House

**Jon Harper**
Candidate for Utah
Attorney General

**Joe Hatch**
Former Councilmember
Salt Lake County Council

**Tory Hill**
Councilmember
Castle Valley Town Council

**Dave Jones**
Former Minority Leader
Utah House

FOR COMMITTEE USE ONLY

**Kalen Jones**
Councilmember
Moab City Council

**Patricia Jones**
Former Senator
Utah Senate

**Brian King**
Minority Leader
Utah House

**Claudia McMullin**
Councilmember
Summit County Council

**Erin Mendenhall**
Councilmember
Salt Lake City Council

**Robert O'Brien**
Councilmember
Castle Valley Town Council

**Kristen Peterson**
Former Councilmember
Moab City Council

**Angela Romero**
Representative
Utah House

**Misty K. Snow**
Candidate for U.S. Senate (UT)

**Barry Sochat**
Councilmember
Rockville City Council

**Stephen P. Tryon**
Candidate for Utah's 3rd Congressional District

**Elizabeth Tubbs**
Councilmember
Grand County Council

**Mark Wheatley**
Representative
Utah House

**Ted Wilson**
Former Mayor
Salt Lake City

**Lisa Zumptf**
Councilmember
Springdale Town Council

# Conversation Contents

**FYI: Herbert, Utah Native Americans plan D.C. rally against monument**

## "Pardue, Laura (Liz)" <lpardue@blm.gov>

| | |
|---|---|
| **From:** | "Pardue, Laura (Liz)" <lpardue@blm.gov> |
| **Sent:** | Tue Sep 20 2016 12:33:02 GMT-0600 (MDT) |
| **To:** | Neil Kornze <nkornze@blm.gov> |
| **Subject:** | FYI: Herbert, Utah Native Americans plan D.C. rally against monument |

http://www.deseretnews.com/article/865662877/Herbert-Utah-Native-Americans-plan-DC-rally-against-monument.html?pg=all

# Herbert, Utah Native Americans plan D.C. rally against monument

By Amy Joi O'Donoghue @amyjoi16
Published: Sept. 20, 2016 10:20 a.m.
Updated: 2 hours ago

4 Comments

SALT LAKE CITY — Opponents of a proposed national monument in southeastern Utah are rallying together Wednesday at a press conference in Washington, D.C., featuring Utah's governor, the state's congressional delegation and Utah Native Americans.

The media event is planned for midafternoon at the Capitol Swamp and will highlight opposition to the push for President Barack Obama to create the 1.9-million-acre Bears Ears National Monument in San Juan County.

Frenzy over a possible new monument for Utah that critics say would lock up a significant chunk of already federally

controlled land is taking on a new pitch as fears heighten over the president acting during his last few months in office.

Last week, Obama designated the first ever national marine monument, extending federal protections to nearly 5,000 square miles of ocean off the coast of Cape Cod, Massachusetts, despite opposition by several regional fishing organizations.

The designation will lead to a ban on drilling, mining and commercial fishing — although lobster and crab harvesters will have seven years to cease operations.

The marine monument is the 27th time Obama has used his authority under the Antiquities Act to create or expand national monuments, setting aside 553 million acres of land or water through presidential proclamation.

Utah opponents to a Bears Ears monument are even more fearful the president will act given his designation last week that puts deep underwater canyons off-limits to fisheries despite pleas for a compromise.

Utah's political leaders and rural elected officials in the impacted region instead want the Obama administration to let Congress take action on a massive public lands bill sponsored by Reps. Rob Bishop and Jason Chaffetz, both R-Utah.

That measure proposes to establish a Bears Ears National Conservation area in the region, as well as the Indian Creek Conservation area for a total of 1.4 million acres. Under the proposal, new mining or drilling would be off-limits in the Bears Ears, but historical uses of the land, such as grazing

and designated off-highway vehicle routes, would continue.

Bishop argues that a national conservation area provides a co-management option for Native American tribes that cannot be achieved through monument designation and allows for greater flexibility and access for sacred ceremonies or traditions. The Bears Ears Inter-Tribal Coalition says the proposal falls short of needed protections and a new monument is the only way to assure destruction of the landscape won't continue.

The issue of how much protection should be extended to the remote and rugged region dominated by pinyon and juniper and sprawling vistas has created dissent and disagreement among some members and leaders of the Native American community.

While the coalition is made up of leaders of five tribes — the Navajo, Ute Mountain Ute, Zuni, Hopi and Ute — and the monument proposal has the endorsement of 26 tribes nationwide, key Utah Navajo chapters remain opposed.

On Wednesday, members of the Aneth Chapter and Blue Mountain Dine' of the Navajo Nation will deliver an opposition packet to Interior Secretary Sally Jewell that includes anti-monument resolutions from their groups and a petition from the Descendants of Kaayelli.

The packet will also include resolutions from the cities of Blanding and Monticello, the San Juan County County Commission and the Utah Legislature, which states its objection to the unilateral use of the Antiquities Act in Utah. A letter of opposition from members of the Utah Wildlife Board

is part of the packet as well.

Last week, Sens. Mike Lee and Orrin Hatch, both R-Utah, introduced the Utah National Monument Parity Act, which seeks to have Utah exempted from any future designations like its neighbor Wyoming.

*Email: amyjoi@deseretnews.com*

--
Liz Pardue
Advisor to the Director, Bureau of Land Management
(202) 208-5996 -- 1849 C Street, NW Room 5649

FOR COMMITTEE USE ONLY

# Conversation Contents

**Fwd: Utah PLI and monument letter from Ride with Respect**

**Attachments:**

/95. Fwd: Utah PLI and monument letter from Ride with Respect/1.1 Utah PLI and monument letter from RwR.pdf

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

| | |
|---|---|
| **From:** | "Buffa, Nicole" <nicole_buffa@ios.doi.gov> |
| **Sent:** | Tue Sep 20 2016 11:50:13 GMT-0600 (MDT) |
| **To:** | Liz Pardue <lpardue@blm.gov>, Neil Kornze <nkornze@blm.gov> |
| **Subject:** | Fwd: Utah PLI and monument letter from Ride with Respect |
| **Attachments:** | Utah PLI and monument letter from RwR.pdf |

Interesting

---------- Forwarded message ----------
From: **Clif Koontz** <cliftonkoontz@yahoo.com>
Date: Tue, Sep 20, 2016 at 12:50 PM
Subject: Utah PLI and monument letter from Ride with Respect
To: "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>

Please see the attached letter.

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

FOR COMMITTEE USE ONLY

Ride with Respect
395 McGill Avenue
Moab, UT 84532
435-259-8334
501(c)(3)

September 20th, 2016

Ms. Nikki Buffa
Deputy Chief of Staff
Office of the Secretary,
U.S. Department of the Interior

Dear Nikki:

Thanks for taking half an hour to meet with me last week. Our dialog was candid and constructive.

As you may have heard in my testimony, RwR believes that the PLI is a balanced bill. However I recognize that it may require further revision to earn bipartisan support. Nevertheless it's an important process that can yield a more lasting outcome.

RwR will not support the proclamation of a national monument that is long on acreage because it would go beyond the congressional intent of the Antiquities Act, nor one that is short on local support because it would further erode the local input that was intended by FLPMA (and because, since 1906, land managers have accumulated other means to protect antiquities). Unfortunately the Bears Ears proposal has both of these problems.

If the PLI bill fails to make it through Congress, and if the president openly solicits public comment about an impending proclamation, at that point RwR would consider discussing the terms of a national monument. For now, though, we hope Congress will recognize the PLI as a win-win. Even in lieu of legislation, we hope the administration will resist the temptation to be heavy-handed, as it would affect the long-term relations of people and places that I greatly care about.

In the meantime, since there is a lot of misinformation floating around about the PLI, please feel free to contact me for a local OHV perspective. I enjoyed meeting you in Utah and D.C., and will appreciate your continued consideration.

Sincerely,

Clif Koontz
Executive Director

**Conversation Contents**

**Deseret News: Herbert, Utah Native Americans plan D.C. rally against monument**

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

| | |
|---|---|
| **From:** | "Kershaw, Jessica" <jessica_kershaw@ios.doi.gov> |
| **Sent:** | Tue Sep 20 2016 11:05:26 GMT-0600 (MDT) |
| **To:** | Nikki Buffa <nicole_buffa@ios.doi.gov>, John Blair <john_blair@ios.doi.gov>, "interior_press@ios.doi.gov" <interior_press@ios.doi.gov>, Blake Androff <blake_androff@ios.doi.gov>, Kate Kelly <kate_kelly@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, Craig Leff <cleff@blm.gov>, Kimberly Brubeck <kbrubeck@blm.gov>, Sarah Neimeyer <sarah_neimeyer@ios.doi.gov>, Felipe Mendoza <felipe_mendoza@ios.doi.gov> |
| **Subject:** | Deseret News: Herbert, Utah Native Americans plan D.C. rally against monument |

# Deseret News: Herbert, Utah Native Americans plan D.C. rally against monument

By Amy Joi O'Donoghue @amyjoi16
Published: Sept. 20, 2016 10:20 a.m.
Updated: 41 minutes ago

+ Leave a comment

1 of 1

*Deseret News/Shutterstock composite photo*

*Gov. Gary Herbert and the state's congressional delegation will be joined by Utah Native Americans opposed to the*

FOR COMMITTEE USE ONLY

SALT LAKE CITY — Opponents of a proposed national monument in southeastern Utah are rallying together Wednesday at a press conference in Washington, D.C., featuring Utah's governor, the state's congressional delegation and Utah Native Americans.

The media event is planned for midafternoon at the Capitol Swamp and will highlight opposition to the push for President Barack Obama to create the 1.9-million-acre Bears Ears National Monument in San Juan County.

Frenzy over a possible new monument for Utah that critics say would lock up a significant chunk of already federally controlled land is taking on a new pitch as fears heighten over the president acting during his last few months in office.

Last week, Obama designated the first ever national marine monument, extending federal protections to nearly 5,000 square miles of ocean off the coast of Cape Cod, Massachusetts, despite opposition by several regional fishing organizations.

The designation will lead to a ban on drilling, mining and commercial fishing — although lobster and crab harvesters will have seven years to cease operations.

The marine monument is the 27th time Obama has used his authority under the Antiquities Act to create or expand national monuments, setting aside 553 million acres of land or water through presidential proclamation.

Utah opponents to a Bears Ears monument are even more fearful the president will act given his designation last week that puts deep underwater canyons off-limits to fisheries despite pleas for a compromise.

Utah's political leaders and rural elected officials in the impacted region instead want the Obama administration to let Congress take action on a massive public lands bill sponsored by Reps. Rob Bishop and Jason Chaffetz, both R-Utah.

That measure proposes to establish a Bears Ears National Conservation area in the region, as well as the Indian Creek Conservation area for a total of 1.4 million acres. Under the proposal, new mining or drilling would be off-limits in the Bears Ears, but historical uses of the land, such as grazing and designated off-highway vehicle routes, would continue.

Bishop argues that a national conservation area provides a co-management option for Native American tribes that cannot be achieved through monument designation and allows for greater flexibility a[illegible]

Bears Ears Inter-Tribal Coalition says the proposal falls short of needed protections and a new monument is the only way to assure destruction of the landscape won't continue.

**BrandView**

Sponsored by **Renaissance Ranch**

**How important is spirituality to addiction recovery?**

Addiction is a devastating disease. But, just as difficult as it is to see what addiction is can do to a person, it is equally as miraculous to witness recovery, especially when completed with the key aspect of spirituality.

The issue of how much protection should be extended to the remote and rugged region dominated by pinyon and juniper and sprawling vistas has created dissent and disagreement among some members and leaders of the Native American community.

While the coalition is made up of leaders of five tribes — the Navajo, Ute Mountain Ute, Zuni, Hopi and Ute — and the monument proposal has the endorsement of 26 tribes nationwide, key Utah Navajo chapters remain opposed.

On Wednesday, members of the Aneth Chapter and Blue Mountain Dine' of the Navajo Nation will deliver an opposition packet to Interior Secretary Sally Jewell that includes anti-monument resolutions from their groups and a petition from the Descendants of Kaayelli.

The packet will also include resolutions from the cities of Blanding and Monticello, the San Juan County County Commission and the Utah Legislature, which states its objection to the unilateral use of the Antiquities Act in Utah. A letter of opposition from members of the Utah Wildlife Board is part of the packet as well.

Last week, Sens. Mike Lee and Orrin Hatch, both R-Utah, introduced the Utah National Monument Parity Act, which seeks to have Utah exempted from any future designations like its neighbor Wyoming.

On Mon, Sep 19, 2016 at 7:35 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

# Daily Progress: Governor in NY, NJ to try to lure businesses to Utah

(0)

--

FOR COMMITTEE USE ONLY

SALT LAKE CITY (AP) — Gov. Gary Herbert is holding a series of meetings in New York and New Jersey this week to try to lure businesses to Utah.

The Governor's Office of Economic Development said Herbert met Monday in New York City with Starr Companies, a large insurance and financial entity, before traveling to New Jersey to meet with aircraft maker Dassault Falcon and medical device maker C.R. Bard.

The Republican governor is scheduled to meet Tuesday with real estate firm CBRE, which helps businesses find new places to relocate, and financial firm KPMG.

Herbert is scheduled to be Washington, D.C. Tuesday afternoon. He'll stay through Thursday and meet with House Speaker Paul Ryan, and Interior Secretary Sally Jewell.

He's scheduled to join Utah's congressional delegation for a Wednesday afternoon press conference to speak against a proposed Bears Ears National Monument.

http://www.dailyprogress.com/governor-in-ny-nj-to-try-to-lure-businesses-to/article_ecb6dfe2-a837-5c0e-9a00-b79879d0b653.html

U.S. Dept of the Interior
@DOIPressSec
202-208-6416

--

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

FOR COMMITTEE USE ONLY

# Conversation Contents

**AP: Governor in NY, NJ to try to lure businesses to Utah**

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

| | |
|---|---|
| **From:** | "Kershaw, Jessica" <jessica_kershaw@ios.doi.gov> |
| **Sent:** | Mon Sep 19 2016 17:35:32 GMT-0600 (MDT) |
| **To:** | Nikki Buffa <nicole_buffa@ios.doi.gov>, John Blair <john_blair@ios.doi.gov>, "interior_press@ios.doi.gov" <interior_press@ios.doi.gov>, Blake Androff <blake_androff@ios.doi.gov>, Kate Kelly <kate_kelly@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, Craig Leff <cleff@blm.gov>, Kimberly Brubeck <kbrubeck@blm.gov>, Sarah Neimeyer <sarah_neimeyer@ios.doi.gov>, Felipe Mendoza <felipe_mendoza@ios.doi.gov> |
| **Subject:** | AP: Governor in NY, NJ to try to lure businesses to Utah |

# Daily Progress: Governor in NY, NJ to try to lure businesses to Utah

(0)

--
Jessica Kershaw

SALT LAKE CITY (AP) — Gov. Gary Herbert is holding a series of meetings in New York and New Jersey this week to try to lure businesses to Utah.

The Governor's Office of Economic Development said Herbert met Monday in New York City with Starr Companies, a large insurance and financial entity, before traveling to New Jersey to meet with aircraft maker Dassault Falcon and medical device maker C.R. Bard.

The Republican governor is scheduled to meet Tuesday with real estate firm CBRE, which helps businesses find new places to relocate, and financial firm KPMG.

Herbert is scheduled to be Washington, D.C. Tuesday afternoon. He'll stay through Thursday and meet with House Speaker Paul Ryan, and Interior Secretary Sally Jewell.

He's scheduled to join Utah's congressional delegation for a Wednesday afternoon press conference to speak against a proposed Bears Ears National Monument.

FOR COMMITTEE USE ONLY

https://www.dailyprogress.com/governor-in-ny-nj-to-try-to-lure-businesses-to/article_ecb6dfe2-a837-5c0e-9a00-b79879d0b653.html

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

FOR COMMITTEE USE ONLY

# United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

SEP 0 2 2016

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

Dear Mr. Bishop and Mr. Chaffetz:

In accordance with your July 20, 2016, request, the Department of the Interior has prepared the enclosed technical assistance on H.R. 5780, the Utah Public Lands Initiative.

Please note that this technical assistance is provided only for those provisions of the bill that affect Departmental interests and, in many instances, is intended to ensure consistency with existing laws and improve implementation. In addition to what is noted throughout the draft, the Department would like the opportunity to work with the bill sponsors on the individual boundary modifications both to improve manageability and ensure protection of natural, cultural, and other resources in those areas.

Please also note that this assistance has not been cleared by the Office of Management and Budget. As reflected in the attached comments, with respect to a number of provisions, the Department would seek further discussions before taking a final position as to proposed language. Importantly, this assistance has also not been the subject of, and does not reflect input from, tribal consultation. Upon further conversations with tribal nations, the position of the Department may change on particular matters concerning the tribes.

Sincerely,

Christopher P. Salotti
Legislative Counsel
Office of Congressional and Legislative Affairs

Enclosure

# Congress can still avoid a Bears Ears National Monument, says Rep. Jason Chaffetz

By Thomas Burr The Salt Lake Tribune
Published: September 15, 2016 08:24AM
Updated: September 14, 2016 09:05PM

**Public Lands Initiative • Despite protests by environmentalists and federal agencies, GOP congressmen push an alternate plan.**

Washington • Congress still has time to pass legislation to preserve parts of the Bears Ears region in southeastern Utah — and halt a national monument designation — before year's end, one of the sponsors said Wednesday.

"We're moving at a record pace for Congress," Rep. Jason Chaffetz, R-Utah, said as a House Natural Resources subcommittee took up the bill. "We'll be back in November and December, and there's lots of legislation that will move at that time."

The Public Lands Initiative (PLI), sponsored by Chaffetz and Rep. Rob Bishop, who heads the Natural Resources Committee, would preserve 4.6 million acres of federal land as conservation areas, open more than 1.1 million acres for recreation and mineral development, consolidate more than 300,000 acres of state lands and expand Arches National Park by nearly 20,000 acres.

The proposal, which has earned a strong rebuke from environmental groups and opposition from federal agencies, is aimed at stopping President Barack Obama from using his unilateral power to name a national monument to protect some 1.8 million acres of federal land as some tribal leaders and conservationists have requested.

But time is running out.

Congress has only a few weeks left before adjourning so its members can campaign for re-election. And the PLI has yet to receive a full committee hearing, let alone votes in the House or Senate.

Democrats say the PLI is more of a distraction than an actual solution.

"This is not a legislative proposal that is going to be passed by the Senate or signed by the president," said Rep. Niki Tsongas, D-Mass., adding, "It could be said that this is a wolf in sheep's clothing."

Rep. Raul Grijalva, D-Ariz., and the top Democrat on the committee, praised the concept of the PLI, bringing groups together to negotiate public land policy, but said the resulting legislation "tilts the scale dramatically" in favor of development and motorized-vehicle access.

"Unfortunately," Grijalva said, "this bill that resulted from this process is a nonstarter."

In Wednesday's hearing, officials from the Bureau of Land Management and the U.S. Forest Service said they applauded the effort to create a consensus bill but noted they opposed the legislation as written because it didn't strike that balance.

BLM Director Neil Kornze said the measure "undermines" the agency's authority to protect the region.

Republicans on the subcommittee pushed back against PLI foes, at one point questioning a monument supporter about her non-Utah residence.

Rep. Tom McClintock, R-Calif., and chairman of the public lands subcommittee, said a monument designation, should it happen, would be aimed only at appeasing "out of state interests."

"I'm not sure who[m] President Obama thinks he's accountable to," McClintock said, "but, here in Congress, we think it's our constituents."

San Juan County Commissioner Rebecca Benally, a Navajo and PLI proponent, said the federal government has long bullied Native Americans, and now environmentalists and "their corporate benefactors" are doing so.

"The Bears Ears National Monument campaign is a cynical political stunt that, if successful, will deny grass-roots Utah Navajos access to their sacred and spiritual grounds," Benally testified.

Bishop noted more than 1,200 meetings on the bill as well as discussion with all sides of the public lands debate to come up with the legislation and said it was a much more collaborative effort than any presidential designation.

"This is not the hearing; it is a hearing," Bishop said. "We've had meetings for five years on this bill."

During the discussion, Chaffetz said it was wrong for outside interests to push for land-management decisions in someone else's backyard.

"That's not the way it should be," Chaffetz said. "It's arrogant, it's offensive, and it shouldn't be tolerated by this Congress."

The Western Values Project said in a report Wednesday that Bishop's legislative record shows he cannot pass complex bills in such a short time span. On average, the group said, Bishop has passed about one bill per year and only six

bills during his 14-year tenure have passed in less than six months, including one naming a post office and another transferring a few acres. The bills also included emergency funds after Hurricane Sandy and to address Puerto Rico's debt crisis.

The PLI is 215 pages and isn't simple in the slightest, the group said.

"It is infinitely more complicated than naming post offices, transferring small amounts of lands to local control, or passing urgently needed emergency funding to address natural disasters or financial crises," Western Values Project said in the report.

Bishop says there's plenty of time left.

"There is a helluva long lame-duck session," he said in an interview. "We're going to be here from after the election to Christmas."

He said he doesn't know if movement on the PLI will stop the president from acting on a monument but that the White House would be hard-pressed to explain why it made such a move against a locally driven process.

Bishop said: "It's going to be very difficult to make this monument unless it's simply, 'Screw you, Utah, in your face.' "

**Conversation Contents**

**Deseret News - First congressional hearing on public lands bill begins with Utah voices raised**

**"Leff, Craig" <cleff@blm.gov>**

| | |
|---|---|
| **From:** | "Leff, Craig" <cleff@blm.gov> |
| **Sent:** | Wed Sep 14 2016 13:55:12 GMT-0600 (MDT) |
| **To:** | BLM_WO_100_POLICY <blm_wo_100_policy@blm.gov> |
| **Subject:** | Deseret News - First congressional hearing on public lands bill begins with Utah voices raised |

# First congressional hearing on public lands bill begins with Utah voices raised

By Amy Joi O'Donoghue @amyjoi16

Published: Sept. 14, 2016 8:20 a.m.

Updated: 32 minutes ago

6 Comments

1 of 2

*Rep. Rob Bishop's much awaited public lands bill covering seven eastern Utah counties gets its first congressional hearing Wednesday in Washington, D.C., before the energy subcommittee. Several Utahns will testify on the merits of the bill.*

WASHINGTON — The national head of the Bureau of Land Management testified Wednesday before a congressional subcommittee that his agency could not support a massive public lands bill for Utah because of how it handles energy development on federal lands and its multiple land trades.

Neil Kornze emphasized that Rep. Rob Bishop's public lands initiative is unprecedented in its scope by allowing Utah permitting authority of energy development on federal lands, a provision he says is unorthodox and "problematic."

"I am not aware of a precedent where the state has been given primacy over energy development. Not only is it unusual but it is highly problematic," Kornze told members of the House Natural Resources' federal lands subcommittee during a hearing in Washington, D.C.

Bishop's public lands initiative, or HR5780, has been three years in the making and attempts to settle divisive conflicts on 18 million acres of land in seven eastern Utah counties.

Among those testifying for the bill were Dave Ure, executive director of the Utah School and Institutional Trust Lands Administration, which hopes to consolidate more than 300,000 acres of scattered land sections through Bishop's bill.

Ure pleaded with subcommittee members to "pass it along" for the benefit of trust land beneficiaries — or schoolchildren — who would gain from the consolidation of scattered land holdings through potential development revenue.

Bishop shot back at Kornze and his criticism of the energy provision in the massive bill, emphasizing the measure seeks to accomplish what federal land agencies have not: effective and responsive management of public lands.

"I reject what you said about the oil concept," he said. "What we are giving to the state is simply the permitting process, the paperwork. The state can do it in a reasonable process, you can't."

While multiple members of the subcommittee brought up the abundance of concerns raised by environmental groups over the bill's provisions, San Juan

FOR COMMITTEE USE ONLY

County Commissioner Rebecca Benally — a Navajo — said Bishop's proposed establishment of a national conservation area for the Bears Ears region is preferred by locals rather than a monument designation by President Barack Obama.

"Bears Ears National Monument campaign is a cynical political stunt that if successful will deny grass-roots Utah Navajo access to their sacred and spiritual grounds," she testified.

But Regina Lopez-Whiteskunk, co-chairwoman of the Bears Ears Inter-Tribal Coalition, said Bishop's bill would turn federal land management back 100 years and ensure continued desecration of sacred sites.

Rep. Raul Grijalva, D-Ariz., was an especially harsh critic of the public lands initiative.

"It is an unprecedented giveaway of Native American assets that should be opposed," he said.

The looming possibility of a national monument designation for the Bears Ears region before Obama leaves office has fostered contentious discussion throughout the state and particularly in San Juan County.

"Everybody agrees it should be preserved. The question is do we do it with a scalpel with the PLI or do you do it with an ax or chainsaw with a national monument?" Ure said.

The push by the Bears Ears Inter-Tribal Coalition for a monument designation of 1.9 million acres prompted a July visit to Utah by Interior Secretary Sally Jewell, as well as Kornze and other key land managers in the Obama administration.

Rep. Jason Chaffetz, R-Utah and co-sponsor of the bill, said the public lands initiative is the only viable, nonpartisan solution that will work for Utah.

"We have bent over backward to accommodate everyone as much as we can," he said.

"It would be entirely arrogant and offensive to a lot of people to have a president who has never been there, who is never going to go there, to just unilaterally change the designation on millions of acres — change their lives forever."

Chaffetz said he believes the public lands initiative can work for Utah — despite

the din of condemnation from environmental groups and conservation organizations — and there is still time for Congress to act.

"Let the locally driven process prevail," he told the subcommittee.

Scott Groene, director of the Southern Utah Wilderness Alliance, attended the hearing and has described Bishop's bill as a terrible measure that will set conservation back years.

While it proposes to create 41 new wilderness areas and establishes 11 national conservation areas in Utah, Groene and other critics complain the bill contains too many deleterious provisions, such as keeping grazing at status quo levels, too many allowances for off-highway vehicle use and the promotion of energy development in high-value recreation areas.

Clif Koontz, program director for Ride With Respect, an off-road group, said the bill is an unhappy compromise for his members and not a giveaway for new trails or routes for ATV or dirt bike enthusiasts.

"At the risk of being blunt, the PLI is not a great deal for off-road motor vehicle users," he said. "While the PLI would not be a panacea, it would go a long way toward resolving controversy."

He added that in his 14 years of working with the group, the bill is the "closest proposal I have seen to sustaining people and places."

Bishop unveiled a retooled version of his massive public lands bill in July, incorporating revisions that added 300,000 more acres for conservation, increasing the stretches of rivers for wild, scenic or recreational designations and taking so-called “energy development zones” off the table.

The bill does not bypass federally required environmental reviews for potential drilling or other natural resource extraction, but does give the state of Utah the authority to expedite the permitting process.

Environmental groups say that gives industry a free pass for unfettered exploitation of natural resources, but Bishop stressed that Utah and other states have a more competent and streamlined approach for oil and gas development that is not hindered by bureaucratic backlogs.

The state-permitting model is drawn from the Interstate Oil and Gas Commission proposal that increases state involvement in the permitting process.

Because Utah's energy landscape is dominated by federal land ownership, Bishop said the state can't compete with counterparts like North Dakota, Oklahoma or Texas where industry is not stymied by lengthy wait times.

Rep. Cynthia Loomis, R-Wyoming, said her state has been so impressed with the thought and effort behind the initiative that it is embarking on its own version to solve public land disputes.

"The proposal that Chairman Bishop has put forward is heading in the right direction," she said.

She added that she believes the condition of public lands demands a sea change in management.

"I believe we have to totally rethink the way we manage public lands," she said. "We are hurting our natural resources."

She said creating more national monuments is the "worst" thing that could happen to public lands, continuing a legacy of benign neglect that impairs forests' health, watersheds and other ecosystems.

Bishop said he didn't expect his bill to be without detractors because it is full of compromises designed to give everyone something, but no one everything.

"There are shrill voices out there who realize if we bring finality to this issue they will be out of work," he told the subcommittee.

--
**Craig Leff**
**BLM Communications**
**202-208-6913 (office)**
**202-549-9218 (cell)**

# Conversation Contents

**Salt Lake Trib - Congress can still avoid a Bears Ears National Monument, says Rep. Jason Chaffetz**

## "Leff, Craig" <cleff@blm.gov>

| | |
|---|---|
| **From:** | "Leff, Craig" <cleff@blm.gov> |
| **Sent:** | Wed Sep 14 2016 13:15:59 GMT-0600 (MDT) |
| **To:** | BLM_WO_100_POLICY <blm_wo_100_policy@blm.gov> |
| **CC:** | Patrick Wilkinson <p2wilkin@blm.gov> |
| **Subject:** | Salt Lake Trib - Congress can still avoid a Bears Ears National Monument, says Rep. Jason Chaffetz |

# Congress can still avoid a Bears Ears National Monument, says Rep. Jason Chaffetz

By THOMAS BURR | The Salt Lake Tribune CONNECT

First Published 3 hours ago • Updated 2 hours ago

(Al Hartmann | The Salt Lake Tribune) Bears Ears buttes sit high over the surrounding canyon country in San Juan County. The formations are at the heart of the proposed Bears Ears National Monument.

Share This Article

Washington • Congress still has time to pass legislation to preserve parts of the Bears Ears region in southeastern Utah — and halt a national monument designation — before the end of the year, one of the sponsors said Wednesday.

"We're moving at a record pace for Congress," Rep. Jason Chaffetz, R-Utah, said as a House Natural Resources subcommittee took up the bill Wednesday. "We'll be back in November and December and there's lots of legislation that will move at that time."

The Public Lands Initiative (PLI), sponsored by Chaffetz and Rep. Rob Bishop, who chairs the Natural Resources Committee, would preserve 4.6 million acres of federal land as conservation areas, open more than 1.1 million acres for recreation and mineral development, consolidate more than 300,000 acres of state lands and expand Arches National Park by nearly 20,000 acres.The proposal, which has earned a strong rebuke from environmental groups and opposition from federal agencies, is aimed at stopping President Barack Obama from using his unilateral power to name a national monument to protect some 1.8 million acres of federal land as some tribal leaders and conservationists have requested.

But time is running out.

FOR COMMITTEE USE ONLY

Congress has only a few weeks left before adjourning so its members can campaign for re-election. And the PLI has yet to receive a full committee hearing, let alone votes in the House or Senate.

Democrats say the PLI is more of a distraction than an actual solution.

"This is not a legislative proposal that is going to be passed by the Senate or signed by the president," said Rep. Niki Tsongas, D-Mass,. who added, "It could be said that this is a wolf in sheep's clothing."

Rep. Raul Grijalva, the top Democrat on the committee, praised the concept of the PLI, bringing groups together to negotiate public land policy, but said the resulting legislation "tilts the scale dramatically" in favor of development and motorized vehicle access.

"Unfortunately this bill that resulted from this process is a non-starter," Grijalva said.

In Wednesday's hearing, officials from the Bureau of Land Management and the U.S. Forest Service said they applauded the effort to create a consensus bill but said they opposed the legislation as written because it didn't strike that balance.

BLM Director Neil Kornze said the bill "undermines" the agency's authority to protect the region.

Republicans on the subcommittee pushed back on the opponents of the PLI, at one point questioning a supporter about her non-Utah residence.

Rep. Tom McClintock, a California Republican and chairman of the public lands subcommittee, said a national monument designation, should it happen, would be only aimed at appeasing "out of state interests."

"I'm not sure who[m] President Obama thinks he's accountable to but here in Congress we think it's our constituents," McClintock said.

San Juan County Commissioner Rebecca Benally, a Navajo and PLI proponent, said the federal government has long bullied Native Americans and now environmentalists and "their corporate benefactors" are doing so.

"The Bears Ears National Monument campaign is a cynical political stunt that, if successful, will deny grassroots Utah Navajos access to their sacred and spiritual grounds," Benally testified.

Bishop noted more than 1,200 meetings on the bill as well as discussion with all sides of the public lands debate to come up with the ultimate legislation and said it was a much more collaborative effort than any presidential designation.

"This is not the hearing; it is a hearing," Bishop said. "We've had meetings for five years on this bill."

During the discussion, Chaffetz said it was wrong for outside interests to say "screw Utah" and push for land management decisions in someone else's backyard.

"That's not the way it should be," Chaffetz said. "It's arrogant, it's offensive and it shouldn't be tolerated by this Congress."

FOR COMMITTEE USE ONLY

Kornze, Neil <nkornze@blm.gov>

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

1 message

**Jessica Kershaw** <jessica_kershaw@ios.doi.gov> Wed, Jul 27, 2016 at 8
To: "Crandall, Megan" <mcrandal@blm.gov>
Cc: Neil Kornze <nkornze@blm.gov>, Jonathan Jarvis <Jon_Jarvis@nps.gov>, Lawrence Roberts <lawrence_roberts@ios.doi.gov>, Jenna Whitlock <jwhitloc@blm.gov>, Maria Najera <maria_najera@ios.doi.gov>, Felipe Mendoza <felipe_mendoza@ios.doi.gov>, Sarah Neimeyer <sarah_neimeyer@ios.doi.gov>, Kevin Thompson <kevin_thompson@ios.doi.gov>, "interior_press@ios.doi.gov" <interior_press@ios.doi.gov>
Nikki Buffa <nicole_buffa@ios.doi.gov>, Androff Blake <blake_androff@ios.doi.gov>, Laura Pardue <lpardue@blm.gov>

Center for Western Priorities

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

**FOR IMMEDIATE RELI**
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 Cente 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. W 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 th 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 Antiqui Act."

Sent from my iPhone

On Jul 26, 2016, at 11:35 AM, Crandall, Megan <mcrandal@blm.gov> wrote:

> Hi, Jessica. You may already know this, but I thought I'd pass it on anyway. According to Gov. Herbert's official schedule, he will be in San Juan County attending Sen. Lee's hearing tomorrow.
>
> Megan
>
> On Mon, Jul 25, 2016 at 4:05 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:
>
> # AP: Mike Lee, US Senate hold monument meeting near Bears Ears
>
> Published 10:27 am, Monday, July 25, 2016
>
> BLANDING, Utah (AP) — U.S. Sen. Mike Lee of Utah and members of the Senate's Energy and Natural Resources Committee will hold a hearing in Utah on Wednesday amid a push for a new national monument in the state.
>
> Utah Gov. Gary Herbert, U.S. Rep. Rob Bishop and representatives of San Juan County, the Navajo Nation and Blue Mountain Diné are all scheduled to testify at the Wednesday afternoon hearing in Blanding.

FOR COMMITTEE USE ONLY

Lee, Herbert, Bishop and other Utah Republicans and local officials oppose a monument in the Bears Ears region, saying it would be overly broad and close access to the area for development and recreation.

A coalition of tribes says the sacred Native American site 1.9 million-acre area needs bolstered protections because it's under threat from looting and damage from ATVs.

U.S. Interior Secretary Sally Jewell visited the area early this month.

On Fri, Jul 22, 2016 at 12:20 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

# Salt Lake Tribune: Herbert fully backs Bishop lands bill after aide suggested setting it aside

Gov. Gary Herbert says he fully backs legislation by two Utah congressmen to preserve parts of the Bears Ears region as a top Herbert aide attempted to clarify comments he made that there might be a better solution.

Cody Stewart, Herbert's policy director, spoke at a public meeting in Bluff on Saturday about efforts to protect millions of acres in southeastern Utah and suggested that it might be worth setting aside both the proposal of a national monument, as well as legislation by Reps. Rob Bishop and Jason Chaffetz to preserve some areas and open others to development.

There might be another option, he hinted.

"We have four or five months," Stewart, a former Bishop aide, told the crowd. "We can do it."

The comments suggested that perhaps the governor's office wasn't fully on board with the Public Lands Initiative, a bill three years in the making that had originally sought to bring all sides together to find consensus on setting aside parts of the region for protection and openly other swaths for development.

But Herbert this week rejected any notion of starting over — "heavens no," he said — and that the legislation introduced last week is the best path forward.

"We've spent three years to get to this point," Herbert said in an interview. "Rather than starting over, we'd be better amending here or there and making some modifications."

Stewart said that he only had two minutes to make his comments and was trying to play a peacemaker role in the somewhat divisive hearing between a pro-monument faction and others with their own ideas about what to do with Bears Ears, an area sacred to Native Americans but also potentially rich in mineral reserves.

Stewart said his intent was to point out that while the sides appear polarized, they are actually much closer to their goals than they think, and perhaps, if they just focused on common ground and not specific legislation, they'd be able to achieve compromise.

He believes his comments were misunderstood.

"Gov. Herbert's support for the PLI is unwavering," Stewart said this week. "He has worked with Utah's congressional delegation on this legislation for many years and is committed to seeing it become law."

The governor, Stewart added, also is willing to explore any option that will prevent President Barack Obama from using unilateral authority under the Antiquities Act of 1906 to name a new national monument covering nearly 2 million acres, as some tribal leaders and environmentalists have urged.

Obama has named several national monuments during his tenure and has promised to take additional action if congressional measures continue to stall.

Interior Secretary Sally Jewell, who participated in the public hearings last week and explored the area in question, has said that the administration wants to gather input from residents and interested parties and had long been asking Bishop and Chaffetz to unveil their legislation, which finally was introduced last week.

Tribal leaders and conservation groups quickly denounced the measure as not going far enough to preserve land and ignoring the tribes' request to have a role in managing the area.

For his part, Bishop said he paid no heed to Stewart's comments: "He was just floating ideas."

And the congressman says he will be able to push his legislation through Congress this year while there's no other proposal that could do the same.

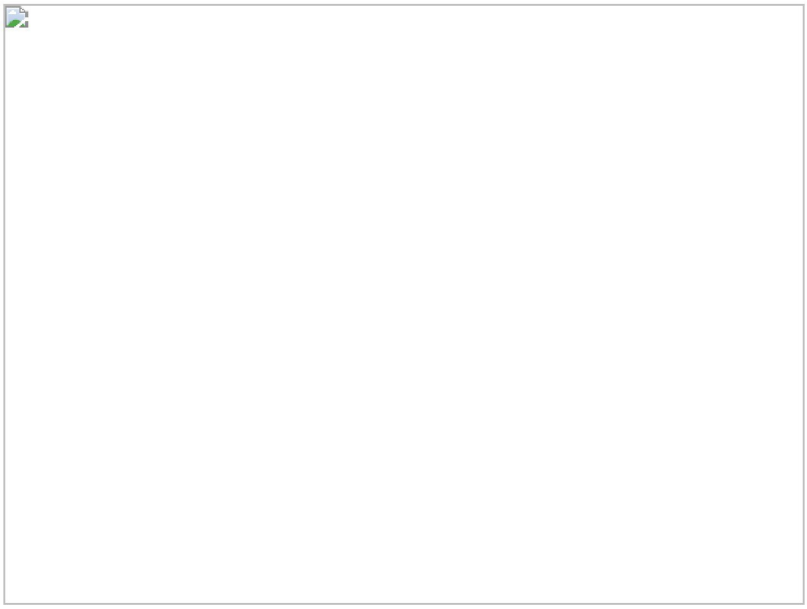
"I have plenty of time to do this bill. You don't have plenty of time to start from scratch with another bill," Bishop said. "The worst thing you can do is a monument."

tburr@sltrib.com

http://www.sltrib.com/home/4133538-155/herbert-fully-backs-bishop-lands-bill

On Mon, Jul 18, 2016 at 6:45 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

FOR COMMITTEE USE ONLY



*Kim Baca*

This structure under the overhang is one of the thousands throughout the San Juan region. Many are being threatened by looters or irresponsible visitors.

## Indian Country Today: Sally Jewell Visits Bears Ears, Says Obama Will Decide on National Monument Before Leaving Office

Kim Baca
7/18/16

President Barack Obama could decide whether to designate the 1.9 million–acre region known as Bears Ears as a national monument by the end of the year, according to U.S. Secretary of the Interior Sally Jewell.

If not by then, Obama will definitely decide before he leaves office, Jewell told Indian Country Media Network during a three-day tour of the area.

Five tribes are asking for the designation under the 1906 Antiquities Act, which gives the President signing power to create such monuments on federal land. The proposal drew criticism and support as its creators and the opposition had a chance to speak directly with Jewell and other top federal officials at a public hearing in Bluff, Utah. People spoke passionately about the area and its history, which dates back thousands of years.

“We have not made up our minds on what way to go,” said Jewell during the hearing. “We’re here to listen.”

Jewell, directors of the Bureau of Land Management (BLM), the National Park Service and government officials did just that, listening to more than 50 people representing local tribes, ranchers, politicians, recreationalists and environmentalists. A total of 150 people crammed into the hearing room in Bluff, Utah, about 60 miles south of Bears Ears. Outside, more than 1,000 people who had traveled from around the region listened on a PA system. Jewell and her colleagues also hiked portions of Bears Ears, observing petroglyphs and the terrain firsthand.

Those who gave testimony—from descendants of Mormon pioneers who settled in the area, to rock climbers discovering ancient sites, to Native people who have seen their wells depleted and water contaminated by area natural resource development—spoke passionately about this largely pristine desert, a blanket of red-brick earth, waves of mesas, large, jutting rock formations and juniper dotting the land.

Many Navajos, Utes and other tribes who support the Bears Ears monument, named after two 9,000-foot twin buttes, say the land is sacred and important for medicine gathering, wood and ceremonies.

“There is nothing more important about tribal sovereignty than protecting Indian nations’ languages, cultures, beliefs, and indeed our existence as Indian people,” Navajo Attorney General Ethel B. Branch said.

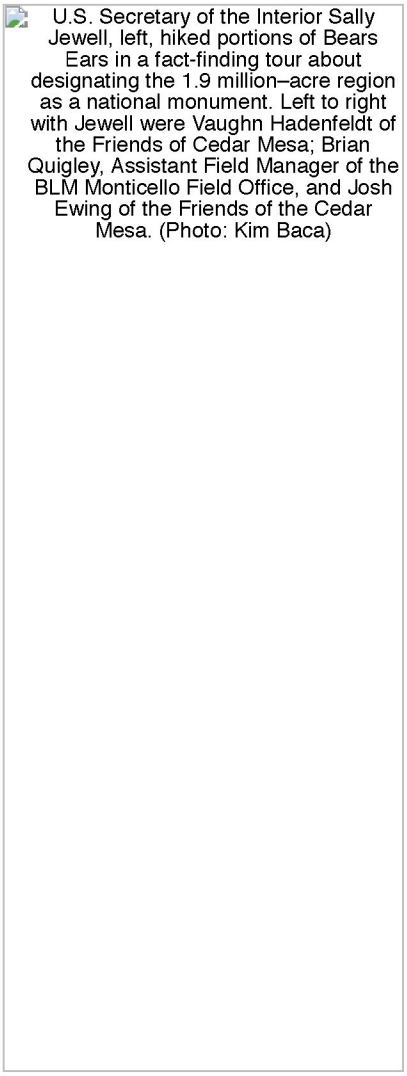
“Our proposal is not about exclusion—it’s about education and partnership,” said Carleton Bowekaty of the Pueblo of Zuñi, one of the five tribes requesting the designation.

But several Navajos and at least one Ute, including a group from Blue Mountain Dine and San Juan County Commissioner Rebecca Benally, spoke against the designation, citing general distrust with the federal government.

“We have suffered from all the treaties that have been broken,” Benally said. “I’m very disheartened by the misinformation and also by the dividing the sisters and brothers in this community.”

Benally, a Republican, supports a bill filed by Utah’s congressional delegation and introduced in the House as an ostensible alternative to the tribal proposal. The bill would designate 4.6 million acres of land for conservation, and allocate 1.1 million acres for recreation and natural resource development. The Public Lands Initiative also ensures tribal input, protection of archaeological sites, preserves traditional gathering of plants, and gives managing agencies digression to hire

FOR COMMITTEE USE ONLY


U.S. Secretary of the Interior Sally Jewell, left, hiked portions of Bears Ears in a fact-finding tour about designating the 1.9 million–acre region as a national monument. Left to right with Jewell were Vaughn Hadenfeldt of the Friends of Cedar Mesa; Brian Quigley, Assistant Field Manager of the BLM Monticello Field Office, and Josh Ewing of the Friends of the Cedar Mesa. (Photo: Kim Baca)

*U.S. Secretary of the Interior Sally Jewell, left, hiked portions of Bears Ears in a fact-finding tour about designating the 1.9 million–acre region as a national monument. Left to right with Jewell were Vaughn Hadenfeldt of the Friends of Cedar Mesa; Brian Quigley, Assistant Field Manager of the BLM Monticello Field Office, and Josh Ewing of the Friends of the Cedar Mesa. (Photo: Kim Baca)*

tribal managers to help manage the land, said Casey Snider of U.S. House Rep. Rob Bishop's office (R-UT).

Though Congress is ready to wrap up its current session in a matter of months, Snider said that hearings on the bill are planned this month and August, with Bishop scheduling bill changes and a congressional hearing in September.

Environmentalists oppose the bill because they say it allows too much for gas and oil development. Tribal leaders have also criticized the bill, saying that their input has not been sought. Initially tribes were working with Utah lawmakers on a proposal, but when communications fizzled earlier this year, tribes broke off and created their own proposal. The Hopi, Zuñi, Ute Mountain Ute, Uinta-Ouray Ute and the Navajo Nation formally asked Obama to designate the area as a national monument last year.

RELATED:Bears Ears Coalition Splits From 'Disrespectful' Congressional Reps

This is the first time that a tribal coalition has proposed a national monument, although other tribes have requested joint management of public lands, said Larry Roberts, Acting Assistant Secretary for Indian Affairs, who also toured the area and attended the hearing.

RELATED:Bears Ears 1.9 Million–Acre Monument Would Be Unique Tribal-Federal Collaboration

The hearing culminated a three-day trip to the area for Jewell and other top federal officials to talk to residents and learn more about the land and its uses. The area falls under jurisdiction of the BLM, which has two law enforcement rangers and a handful of staff to oversee the 1.9 million acres of land containing 100,000 archaeological sites. BLM staff members admit that looting and site disturbance have been a problem. That is corroborated by Josh Ewing of Friends of the Cedar Mesa, a nonprofit organization created to help the BLM manage the area, who said he has seen bones from some of the gravesites thrown about as looters look for pottery or other items to sell.

Ranchers and other area residents told Jewel that creating a monument will bring more visitors and will not stop desecration. As the day wore on, however, a common theme emerged.

"The one thing that we are all consistent on—those of us supporting and opposing—we all want to preserve the land for the younger generation," area resident Kevin Maryboy said.

Read more athttp://indiancountrytodaymedianetwork.com/2016/07/18/sally-jewell-visits-bears-ears-says-obama-will-decide-national-monument-leaving-office

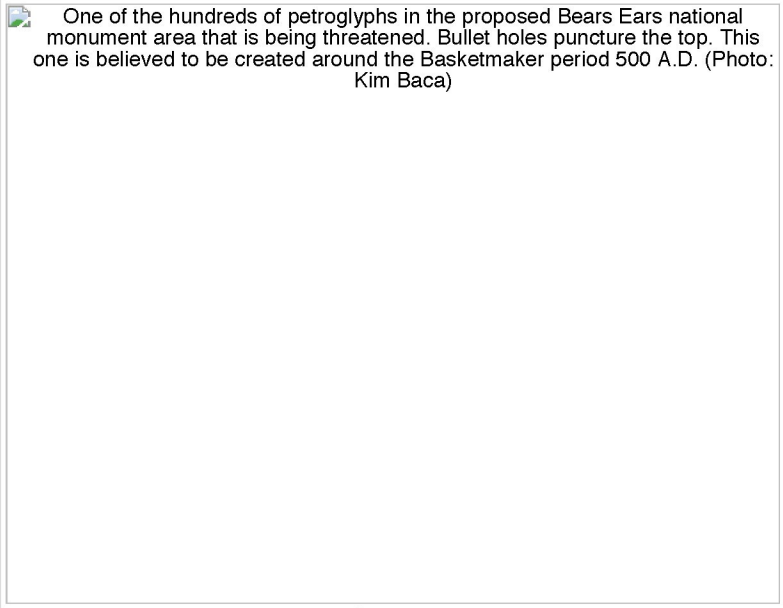
###

On Mon, Jul 18, 2016 at 7:59 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

## In our opinion: PLI revisions are welcome but time is running out

**Deseret News editorial**

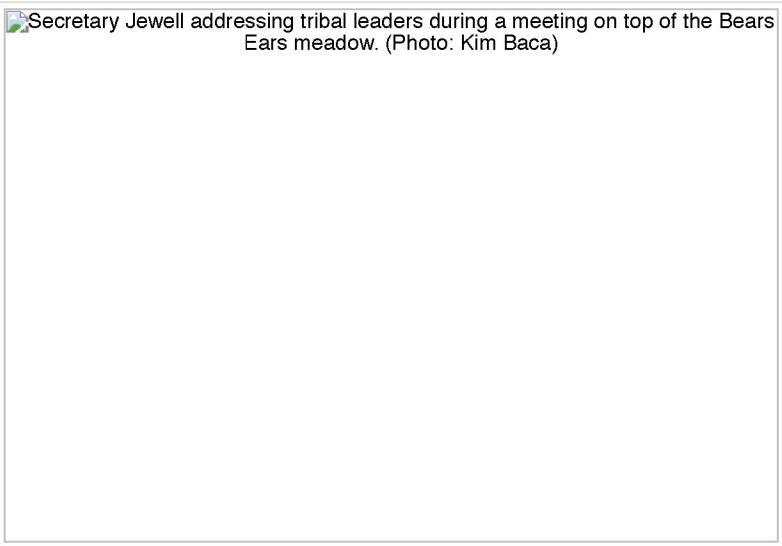
Published: Mon, July 18, 2016, 12:00 a.m. MDT


One of the hundreds of petroglyphs in the proposed Bears Ears national monument area that is being threatened. Bullet holes puncture the top. This one is believed to be created around the Basketmaker period 500 A.D. (Photo: Kim Baca)

*One of the hundreds of petroglyphs in the proposed Bears Ears national monument area that is being threatened. Bullet holes puncture the top. This one is believed to be created around the Basketmaker period 500 A.D. (Photo: Kim Baca)*

0 comment

FOR COMMITTEE USE ONLY




*Secretary Jewell addressing tribal leaders during a meeting on top of the Bears Ears meadow. (Photo: Kim Baca)*

FILE - Interior Secretary Sally Jewell stands on Comb Ridge as she visits rock art sites, some of witch have been vandalized in southern Utah on Saturday, July 16, 2016.
((Scott G Winterton, Deseret News))

The best news to come out of a revised Public Lands Initiative announced this week by Utah Reps. Rob Bishop and Jason Chaffetz is that it omits language that would have made seven counties in eastern Utah exempt from any monument designations under the Antiquities Act.

A- A+

Despite our dislike of the Antiquities Act, that exemption, a part of the original bill announced earlier this year, would have guaranteed the initiative's defeat — if not in Congress, then certainly under a presidential veto.

Beyond that, the bill's release, and Interior Secretary Sally Jewell's visit to the state this week, highlight just how quickly the clock is ticking on finding solutions to vexing land-management issues in the southeastern part of the state. The implication of Jewell's comments at various meetings is that either the state's representatives and the stakeholders involved find and pass a solution through Congress soon, or the president will summarily create a new national monument in the Bears Ears region.

The former clearly is preferable to the latter. Unfortunately, some stakeholders have more to gain from a monument designation than a brokered deal that would give them less than what they want.

That isn't to say the Public Lands Initiative is a perfect solution. If anything is clear after many years of trying to broker a grand compromise, it is that the myriad land-use issues in that part of the state are complicated and intertwined.

But it's also true that more is at stake here than just one bill. A successful compromise solution, passed by Congress and signed by the president, would stand as a powerful template for resolving the many other land-use issues in the West.

Bishop and Chaffetz's latest proposal would set up two national conservation areas in Bears Ears, protecting 1.4 million acres while allowing native tribes to access the area for sacred rituals. While tribal leaders have voiced support for a national monument, they want such a designation to continue allowing them access for rituals. It's unclear whether a monument designation would allow this, although Jewell said final language has not yet been prepared.

The rest of the Public Lands Initiative attempts to find compromise on other contentious issues on recreation, conservation and economic development. It would expand Arches National Park and create a Jurassic National Monument at the Cleveland-Lloyd Dinosaur Quarry. It would expand the Goblin Valley State Park, increasing staffing necessary to manage it.

But it also would allow for more economic development through energy extraction, which has several environmental groups voicing opposition.

The Obama administration has insisted it won't treat a monument designation the way President Bill Clinton did when he took all parties by surprise in creating the Grand Staircase-Escalante National Monument in 1996. Jewell's visit to the state this week is a good-faith indication this is true.

Jewell traveled the state, listening to the emotion-charged concerns of many stakeholders and gaining a greater appreciation for the complexities involved. She made it clear, however, that time is running out.

FOR COMMITTEE USE ONLY

Bishop and Chaffetz have much hard work ahead and little time to do it. But success would go far toward making the West a more peaceful place.

Sent from my iPhone

On Jul 17, 2016, at 10:56 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:



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

First Published Jul 16 2016 03:03PM • Last Updated Jul 16 2016 09:01 pm

(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.

Share This Article

ARTICLE PHOTO GALLERY (1)

FOR COMMITTEE USE ONLY

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.

ADVERTISEMENT

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."

ADVERTISEMENT

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.

FOR COMMITTEE USE ONLY

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 iPhone

On Jul 15, 2016, at 9:57 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

# Salt Lake Tribune Op-Ed: Terry Tempest Williams: With monument proposal, tribes open door to new way of seeing public lands

By Terry Tempest Williams

First Published Jul 15 2016 08:51AM • Last Updated Jul 15 2016 10:55 am

Courtesy of Ted C. Brummo Terry Tempest Williams

Share This Article

It is time for a monumental idea. Secretary of the Interior Sally Jewell will be in Bluff tomorrow conducting a site hearing on the Bears Ears National Monument proposal. Her presence honors the strength and dignity of tribal leadership expressed through the coalition of Navajo, Hopi, Zuni and the Mountain and Ouray Ute nations who are calling for the protection of 1.9 million acres adjacent to Canyonlands National Park in the remote region of Cedar Mesa.

The coalition of five tribes — supported by more than 20 tribes within the American Southwest and the National Congress of American Indians, comprised of more than 250 tribes — is asking the United States government to see their home ground through the lenses of traditional knowledge gleaned through relationships cultivated over time.

On Thu, Jul 14, 2016 at 11:52 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

Sharing some additional clips with the team this evening on top of what Amanda sent earlier tonight, this is some of the radio/TV coverage.

I'd first like to flag however this amazing photo album on the Salt Lake Tribune website. Many of us will relive our entire day in these photos - it's a stunning album for many reasons. Please take a peak tonight:

**Salt Lake Tribune Photo Album:**

FOR COMMITTEE USE ONLY

http://www.sltrib.com/csp/mediapool/sites/sltrib/Pages/gallery.csp?cid=4117685&pid=3542680

-Jessica

Additional TV/Radio Coverage (just clink the links below):

VIDEOS

ITN

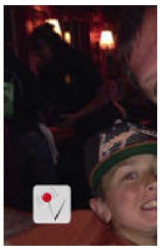
Otero County
sheriff says homes apparently burned by fire near Timberon

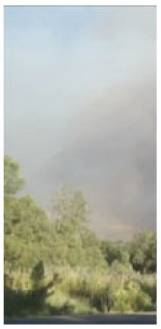
KOB - Albuquerque, NM

FOR COMMITTEE USE ONLY

More videos:

Atlanta teen's poem 'White Boy Privilege' goes viral


American Father and Son Killed in Nice Truck Terror Attack


Otero County sheriff says homes apparently burned by fire near Timberon

TOP JOBS

TribTopJobs

**Great Western Leasing & Sales Inc.**
Sales Representative...

**Schmeuser Associates Inc.**
Safety Manager...

**Great Western Leasing & Sales Inc.**
Sales Representative...

**Pioneers Medical Center**
Registered Nurse...

**Idaho Truck Service, Inc.**
Over The Road Truck Drivers...

Check out all of the Trib Top Jobs

FOR COMMITTEE USE ONLY

I do not profess to know how Indian people feel. I only know how I feel when I am with them. I am drawn into a circle of relationships that widens my own sense of community that includes all living things. My debt is large to Indian people and all the ways they have shaped and influenced my own sense of home.

I believe the Bears Ears National Monument proposal honors the deep residency of native peoples living inside the Colorado Plateau. The tribes are asking each of us to acknowledge an embodied intelligence born of the land that warrants as much respect and protection as the wilderness, itself.

The Bears Ears National Monument Proposal has the potential to transform Utah's rancorous politics of place into an ethic of place for generations to come.

Not long ago, 15 students gathered in our living room with Jonah Yellowman, a Navajo spiritual leader from Monument Valley. When Jonah arrived, coyotes began howling, a rarity at nine o'clock in the morning.

He entered our home, the students sat near him, and he began his remarks with a blessing. After the blessing, he spoke about how one learns, how his father taught him as a young boy to bring in wood and water at night, so that in the morning you will have dry wood to make a fire for warmth, and water to boil a cup of tea.

"You will not be caught short in a blizzard," he said.

He shared how he became a medicine person, how the ashes spoke to him, how if one holds a crystal up to the stars for guidance and then peers back into the ashes, one can see into the soul of the person in need. One of the students bluntly asked Jonah why he was sharing this sacred knowledge.

"It is time," Jonah said.

Jonah spoke about why these lands on Cedar Mesa remain sacred to the Navajo; how the bones of his ancestors are buried here, how their ancient songs are still carried by the winds, and how the Diné see these lands as their medicine cabinets. This is the home of their ceremonies. This is the place where he remembers the source of his dreams.

"I have dreamed of being in this place before," Jonah said.

He pointed north toward the Colorado River. "The elders told me that this canyon where the great river flows was created by the bison from scraping the Earth with his hoof."

FOR COMMITTEE USE ONLY

"It is time to go outside," he said. We followed him on to the patio in Castle Valley, where we witnessed a rare horizontal rainbow above the mesa.

It is time for us to go outside our own places of comfort and dare to embrace a new way of seeing. The tribes are opening the door, inviting us to cross a threshold where a more expansive conversation about land protection awaits us. They are taking us beyond the rhetoric of wilderness designation to a wider view of how we can live in place with reverence and restraint. Leaders like Jim Enote from the Zuni Pueblo remind us how these desert lands are "source, not resource."

In this centennial year of the National Park Service, it is hard to imagine a more profound act that could provide a greater healing between indigenous people and the federal government than this bold national monument. At a time when race has created a wedge and a wound within our communities in the United States of America that is anything but united, Bears Ears National Monument becomes a gesture of peace extended to disenfranchised people still held captive by the violence of our shadowed history.

The partisan politics that continues to plague public land policy in the 21st century is being offered a powerful corrective by collaborating with the tribes in a co-management model of cooperation where traditional knowledge is embedded within current land agency governing principles and practices. It will not be easy, but it will be transformative and right.

Our national parks and monuments are not simply "America's best idea" but an evolving idea. In their quiet and dignified manner, the tribes are leading the way forward with a vision of land protection in Utah that is at its core, spiritual. We are the sum of all our relations, both human and wild.

May Jewell listen to the collective wisdom of the tribes and carry it back to Washington and return to their native home ground with a monumental decision.

Terry Tempest Williams is the author of "The Hour of Land: A Personal Topography of America's National Parks," published by Farrar, Straus & Giroux, currently a New York Times bestseller.

###

### Sally Jewell on KSL-AM (Radio) - Salt Lake City, UT
07/14/2016 15:31:40

... High 80 to around 24 100 seats Mark Jackson I top story this hour Interior Secretary Sally Jewell has arrived in southern Utah forward tour the area which could become a new national monument if President Obama turned a deaf ear to the state Republican leaders ...

(click thumbnail to play)

### Sally Jewell on KSL-AM (Radio) - Salt Lake City, UT
07/14/2016 13:02:33

... coalition's proposal for Bears years official says his bill protects 1.4 million acres about 5 terror Secretary Sally Jewell is in southern Utah for a look at the area which could become a new national monument he's been meeting with representatives of the ...

(click thumbnail to play)

### Sally Jewell on KSL-AM (Radio) - Salt Lake City, UT
07/14/2016 13:20:17

FOR COMMITTEE USE ONLY

... 100 and an American clerk recreation with 3 think you needed Alison Grimes got your first interior Secretary Sally Jewell was on a trip to southern Utah he's meeting with those for and against possible bears years national monument second state Department of Environmental quality is

(click thumbnail to play)

**Sally Jewell on KSTU-SLC (FOX) - Salt Lake City, UT**
07/14/2016 16:07:14
FOX 13 News at Four (News)
... weekend.. governor gary herbert met privately with interior secretary sally jewell. fox 13 is told the two chatted about her visit to bears ears in the four corners area.. which could ...

On Thu, Jul 14, 2016 at 8:28 PM, Degroff, Amanda <amanda_degroff@ios.doi.gov> wrote:

Interior Secretary Sally Jewell visits southern Utah, vows she's 'here to listen'
The Salt Lake Tribune // Matthew Piper // July 14
As Reps. Rob Bishop and Jason Chaffetz unveiled their long-awaited public lands plan, Interior Secretary Sally Jewell came face to face with critics of the proposed national monument Utah's delegation hopes to stave off. The second day of Jewell's whirlwind tour of southeastern Utah saw her drive from Moab's airport to Big Flats, to Gemini Bridges, to Dead Horse Point, to Indian Creek and finally to Monticello, where about 50 protesters welcomed her outside the Hideout Community Center with chants of "No national monument!" "We protect it just fine," shouted one. Another: "Communist!" The mood inside was lighter, but more than 150 people gathered to hear San Juan County commissioners share their concerns about the Bears Ears National Monument proposal, brought by a coalition of five tribes that late last year stopped participating in discussions about Bishop and Chaffetz's Public Lands Initiative and appealed to President Barack Obama to protect 1.9 million acres by using the Antiquities Act.

As Interior secretary tours sacred tribal site, Utah Republicans push to protect it
Washington Post // Juliet Eilperin // July 14
Utah Republican lawmakers introduced legislation Thursday that would protect 1.4 million acres of a sacred Native American site in the state's southeast, as Interior Secretary Sally Jewell toured the area to solicit ideas on how to address the threats it faces. Bears Ears — an expanse of land in San Juan County that boasts both archeological treasures and critical environmental habitats — has come under pressure from looters and vandalism over the years. Utah's congressional delegation has spent three years working to craft a compromise bill that would encompass not only that area but six other counties, providing opportunities for energy development, grazing and motorized recreation while designating some parts for conservation. The new flurry of activity, including the bill introduction and Jewell's four-day visit to meet with tribal leaders, local officials and environmentalists, underscores that time is running out to forge a legislative deal.

Secretary Of The Interior To Tour Bears Ears
Utah Public Radio // Jon Kovash // July 14
This week Interior Secretary Sally Jewell is visiting multiple towns in Southeast Utah to hear local concerns about federal lands. Jewell is traveling with a delegation of high ranking federal officials. Wednesday she met with Governor Herbert, toured the San Rafael Swell with Emery County officials, and attended a meeting in Moab, where she was greeted with a sea of T-shirts and signs supporting the Bears Ears as a new national monument. "This is democracy," she said. "I mean, this is how our country works, and, you know, listening to each other in a respectful way. Having a large group of people that have different points of view by the shirts they're wearing and the signs they're carrying, and being very respectful of each other, I appreciate."

The Latest: House bill blocking monuments faces veto threat
AP // July 14
House Republicans have passed a spending bill that could block a new national monument in southeastern Utah. But the effort faces a White House veto threat. Republican Rep. Chris Stewart of Utah added a provision to an Interior Department spending bill that blocks money for any new monuments in portions of eight states, including 17 Utah counties. The House passed the bill Thursday, but the measure is expected to run into a filibuster from Senate Democrats and the White House veto threat. The vote comes as U.S. Interior Secretary Sally Jewell is visiting Utah to meet with supporters and opponents of the Bears Ears monument.

FOR COMMITTEE USE ONLY

GOP Lawmakers Unveil Utah Land Use Plan

WSJ // Jim Carlton // July 14

Two Utah Republicans unveiled a long-awaited bill aimed at protecting vast parts of the state's spectacular canyon country, while allowing development in other areas. The bill's backers say it is a compromise that could serve as a model for brokering disputes over federal land ownership in the West, while potentially lowering the temperature on a legal feud between Utah and the U.S. The Obama administration hasn't taken a stand on the monument. Interior Secretary Sally Jewell is set to host a community meeting Saturday in Bluff, Utah, on the dueling proposals.

Interior Secretary Jewell meets with Grand County Council

Moab Sun News // Eric Trenbeath // July 14

Interior Secretary Sally Jewell heard comments from the Grand County Council on Rep. Rob Bishop's Utah Public Lands Initiative (PLI), and the Bureau of Land Management's Master Leasing Plan (MLP) at a special meeting held on Wednesday, July 13. More than 50 local citizens attended, many wearing t-shirts, or carrying signs either in support of, or opposed to, the creation of a Bears Ears National Monument. "I am here to listen, that is the primary reason for this visit," Jewell said. "You have an incredible place here, and I know that it's got lots of different elements to the economy, and things that are important to people of this region."

Push to create Utah monument marks latest Western land fight

AP // Brady McCombs // July 14

Laminated sheets of paper held in place by rocks rest inside ancient cliff dwellings nestled underneath a spectacular red rock overhang in southeastern Utah. "Don't erase the traces of America's past," the signs read. "Please do not enter interior rooms." The weathered signs and a similar warning at the trailhead are the only protections in place for these easily accessible ruins along a canyon hiking path. The cliff dwellings are part of an estimated 100,000 archaeological sites within a 1.9 million-acre area that a coalition of American Indian tribes wants President Barack Obama to designate a national monument to ensure protections for lands considered sacred. U.S. Interior Secretary Sally Jewell is visiting the area this week to meet with proponents and opponents — the latest indication the Obama administration is giving serious consideration to the "Bears Ears" monument proposal.

Public lands bill unveiled without controversial Antiquities Act provision

KSL // Amy Joi O'Donoghue // July 14

Utah Republican Reps. Rob Bishop and Jason Chaffetz unveiled the final version of the much awaited Public Lands Initiative Thursday, eliminating a mandate that seven counties in eastern Utah are off-limits for any future monument designation under the Antiquities Act. The elimination of the controversial provision acknowledges it was a deal breaker for environmental groups and recognition that no president would endorse a law that relinquishes such a sweeping executive power. Bishop, chairman of the House Committee on Natural Resources, a veteran GOP faithful and states' right defender, released the Public Lands Initiative on the day of the start of Jewell's three-day, whirlwind tour of Grand and San Juan counties. His bills, and her visits, come as the debate over a potential monument designation of 1.9 million acres in the Bears Ears region reaches a fervent pitch, with certain tribes and environmental groups calling for presidential action.

Bishop, Chaffetz unveil long-awaited lands bill in bid to block a Bears Ears National Monument

The Salt Lake Tribune // Thomas Burr and Matt Canham // July 14

Reps. Rob Bishop and Jason Chaffetz introduced a package of bills Thursday with the immediate hope of preventing President Barack Obama from creating a Bears Ears National Monument in San Juan County. But the larger goal of the Public Lands Initiative (PLI) is to end decades of acrimony among environmentalists, ranchers, oil and gas drillers, recreationalists and tribal leaders, with a plan that brings certainty to the seven rural counties that took part in this grueling three-year process. The bill's introduction comes as Interior Secretary Sally Jewell and other federal officials are touring southeastern Utah to look at the Bears Ears region, a culturally sensitive area to many tribal nations.

Can a trove of Native American ruins be saved from eBay and 'white people' ideology?

Fusion // Ari Phillips // July 14

When I asked Josh Ewing, my tour guide through the countless Native American ruin sites nestled in the remote cliffsides of southeastern Utah, about the coolest thing he'd ever discovered here, he barely paused before answering. "I climbed down from the rim of this cliff dwelling site and found an intact painted bowl, black and white—just perfect. It had been sitting there for about 800 years," he said, as we summited a large rubble pile of what is believed to be a four-story Ancestral Pueblo structure. "One of our big problems is everyone takes a shard of a pot and puts it on their mantle or something. And if everyone takes a piece home with them pretty soon there's nothing left." Interior Secretary Sally Jewell will be visiting Utah this weekend to meet with stakeholders involved in the debate and to try and smooth a path forward. This year is the centennial celebration of the National Park Service, and the agency is using the occasion to highlight the important role that it plays in preserving both natural beauty and human history. Jessica Kershaw, spokesperson for the DOI, said that the goal of Jewell's cross-country travels this summer is to find opportunities to ensure "our parks and public lands are benefiting all Americans."

FOR COMMITTEE USE ONLY

On Thu, Jul 14, 2016 at 12:54 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

**Journal News Editorial: Bears Ears may finally get the protection it so clearly deserves**

Cedar Mesa, Dark Canyon, Grand Gulch and Valley of the Gods are all places with names that evoke the almost mythical natural landscape familiar to many residents and visitors of the Four Corners who have hiked, hunted, floated and appreciated the archaeology in them. They are big places with open spaces one can imagine not looking too much different than they did millions of years ago.

Bounded to the west by the Green and Colorado rivers, to the east by Highway 191 from Moab to Bluff, and along the southern edge by the San Juan River, the 1.9 million acres of public and ancestral lands known as the Bears Ears may soon receive permanent protection. Some say this is long overdue – by a century or more.

In 1906, Congress established the Antiquities Act, largely in response to rampant looting of archaeological sites in the Four Corners, including the Bears Ears region, which continues today. It gives the president the authority to create national monuments from public lands to protect significant natural, cultural or scientific resources. To date, presidents have used the act over 100 times to establish monuments, including Canyon of the Ancients west of Cortez, but not yet for an area for which it was perfectly designed.

Secretary of the Interior Sally Jewell and Department of Agriculture Under Secretary Robert Bonnie will hold a public meeting on Saturday, July 16, in Bluff, Utah, to receive comments on community visions for the management of Southern Utah's public lands, including Utah Republican Congressmen Rob Bishop's and Jason Chaffetz's Public Lands Initiative and the Bears Ears Inter-Tribal Coalition's proposal to designate a new national monument. Their visit is an important step toward ensuring the Bears Ears region receives the protection it deserves.

Stakeholders, including conservation, off-highway vehicle and recreation groups, have spent the past three years working with tribal leaders and Utah's congressional delegation on legislation that would protect this area, but to date, no legislation has been introduced in Congress. The draft legislation to be released this week is anticipated to be much improved but may still not be acceptable to stakeholders and tribes. Time is running out.

Frustrated by legislative inaction, the Bears Ears Inter-Tribal Coalition came together to conserve the Bears Ears cultural landscape and requested that President Obama proclaim it a national monument. The historic consortium of sovereign nations includes leaders of the Hopi, Navajo, Ute Mountain Utes, Zuni and Ute Indian Tribe of northeastern Utah. It is also the first time the conservation community is following the lead of and supporting a proposal developed by Native Americans.

Dozens of conservation and recreation groups and a total of 26 tribes have expressed support and are united in their vision for protecting the Bears Ears region. The Bears Ears National Monument proposal presents an extraordinary opportunity to protect a scenically spectacular and archaeologically rich landscape and to do something that has never been done before by creating a national monument that protects Native American ancestral homelands and provides the tribes a meaningful role in their management.

To add your voice to those seeking to do what is right for the land and the people that trace their heritage to it, take a drive to Bluff on Saturday.

Sent from my iPhone

On Jul 13, 2016, at 3:57 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

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

**By Amy Joi O'Donoghue, Deseret News**

Published: Tue, July 12, 2016, 8:30 p.m. MDT

FOR COMMITTEE USE ONLY

2 comments

The Bears Ears area is seen on Thursday, June 2, 2016. The proposed 1.4 million acres of the Bears Ears region contained in a massive public lands bill being unveiled this week would actually be split in two, with the southern portion set aside for traditional Native American uses.
(Scott G Winterton, Deseret News)

SALT LAKE CITY — The proposed 1.4 million acres of the Bears Ears region contained in a massive public lands bill being unveiled this week would actually be split in two, with the southern portion set aside for traditional Native American uses.

A- A+

Rep. Rob Bishop, R-Utah, and chief architect of the measure, said the region on federal lands in southeastern Utah will come with a new management structure that includes a tribal committee to ensure traditional access for wood gathering, ceremonies and gathering of plants.

"We spell out what the management practices will be and the purpose of those," Bishop said. "The lower half is strictly for conservation. … They will be able to continue those traditional activities in a way that would not be guaranteed under a monument designation."

The final version of Bishop's bill is due to be released late this week, coinciding with a three-day, packed tour of San Juan and Grand counties by Interior Secretary Sally Jewell.

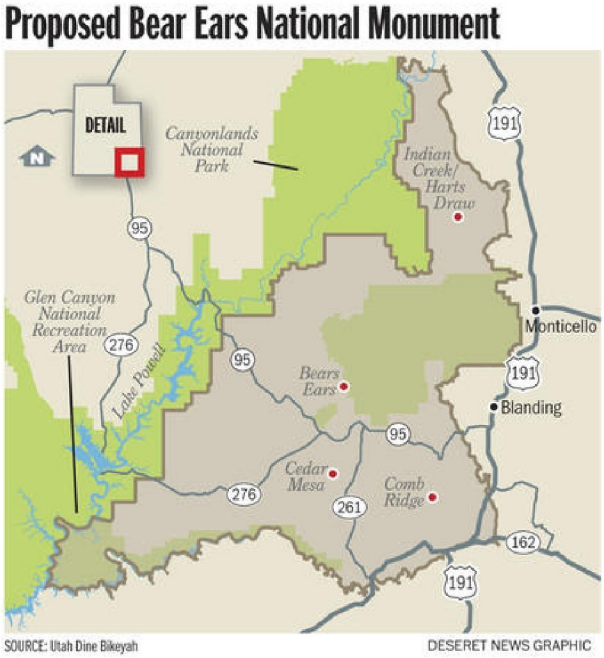
Jewell will meet with tribal leaders of the Bears Ears Inter-Tribal Coalition, visit with San Juan County commissioners and hear from congressional staffers from Bishop's and Rep. Jason Chaffetz's offices.

Cody Stewart, Gov. Gary Herbert's policy adviser, will also be at the talks, with Herbert already committed to attend a meeting of the National Governors' Association.

As the tempo accelerates around the Bears Ears controversy — the coalition is pushing President Barack Obama to declare 1.9 million acres a national monument — all sides in the issue are scrambling for the ear of Jewell, who has promised no designation will be made without local input.

To that end, beyond the intense slate of meetings, tours and hikes, Jewell will host a three-hour community meeting in Bluff to hear from residents on the issue.

FOR COMMITTEE USE ONLY




Bishop mapped out some of his plans for the Bears Ears region, saying no one disputes the need for federal conservation area protections. The 1.4 million acres of the Bears Ears region would be divided into two roughly equal portions and managed as separate national conservation areas.

While the southern portion would be managed strictly with Native American uses and traditions in mind, the northern half would come under an administrative approach that recognizes existing outdoor recreation uses such as rock climbing in the Indian Creek corridor. The footprint also includes the Mancos Wilderness Area.

The divided conservation area model came at the request of The Nature Conservancy, which owns the 5,200-acre working Dugout Ranch that is also home to scientific research and ancestral Puebloan rock art and dwellings. The concept was pursued in consultation with San Juan County and some tribal representatives.

"This is a dramatic change from January," said Fred Ferguson, Chaffetz's chief of staff. "If you don't recognize the different conditions on the ground, management will be extremely difficult."

The northern region is already heavily used for outdoor recreation and includes some grazing, Ferguson said. Under the new management structure envisioned to protect cultural resources, the tribes will have a co-management position, elevated to cooperating partners in land-use planning, he said, and not simply consulted.

"They will have a seat at the table," Ferguson said. "Candidly, that is very difficult to be created through a monument designation."

The delegation asked the leaders of the Bears Ears Inter-Tribal Coalition to sit down and review the changes in late June, but the offer was rebuffed.

"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," the coalition's letter said.

Coalition leaders bowed out of talks in December, accusing Bishop and Chaffetz of ignoring their input, leaving them out of the public lands initiative process and continually missing deadlines.

Bishop said the latest reaction was disappointing but not surprising.

"I think that is more indicative of the entire issue at hand," he said. "This was an organization whose first priority may not have been trying to sit down and work something out."

Gavin Noyes, executive director of Utah Dine Bikeyah, a nonprofit advocacy organization for indigenous people, said the group long supported a national conservation area for Bears Ears because of the ability to write more language into that approach rather than a proclamation. The group, however, is deferring decisions to the coalition and supporting its position for a monument.

FOR COMMITTEE USE ONLY

The public lands bill will be the subject of a formal hearing in August by the committee Bishop heads, the House Committee on Natural Resources, which will also hold a markup session on the bill in September.

Bishop's public lands bill, dubbed the "Grand Bargain," has been in the making for more than three years. It was released in draft form in January amid a swell of criticism from environmental groups who say it favored industry over conservation.

Sent from my iPhone

On Jul 12, 2016, at 10:23 PM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

Updated AP short story on this week's public meeting:

**Top Obama officials head to Bluff for Bears Ears meeting**

Associated Press

**Interior Secretary Sally Jewell and other top officials from the Obama administration will host a public meeting in Bluff, Utah, on Saturday, July 16 to discuss future management of the Bears Ears region.**

---

**By Jim Mimiaga Journal staff writer**

Interior Secretary Sally Jewell and other top officials from the Obama administration will host a public meeting in Bluff, Utah, on Saturday, July 16 to discuss future management of the Bears Ears region.

The meeting will be from 1–4 p.m at the Bluff Community Center at the corner of Third Street and Mulberry Avenue.

According according to a July 12 Department of Interior announcement, the meeting is "regarding community visions for management of southern Utah's public lands, members of the public are invited to attend and comment."

Participating federal agency representatives will also attend the meeting, including Department of Agriculture Undersecretary Robert Bonnie, Bureau of Land Management Director Neil Kornze, National Parks Service Director Jonathan Jarvis, and acting U.S. Assistant Secretary for Indian Affairs Larry Roberts. U.S. Forest Chief Tom Tidwell has also been invited.

The protection of cultural and natural resources of the vast area of public lands in southeast Utah has been a hot topic for the last few years.

Conservation groups and Native American tribes — including the Ute Mountain Utes, Navajos, Uintah-Ouray Utes, Hopi, and Zuni — have been advocating that President Barack Obama declare a 1.9 million-acre Bears Ears National Monument under the Antiquities Act.

Utah legislators are pushing for a federal bill to form the Bears Ears National Conservation Area on 1.1 million acres.

"We're excited that D.C. officials are coming out to hear different viewpoints and what the issues are for protecting this area," said Gavin

FOR COMMITTEE USE ONLY

Noyes, executive director of Utah Dine Bikeyah, a grassroots nonprofit that supports the Bears Ears Coalition of five tribes.

The Bears Ears area contains more than 100,000 archaeological sites with cultural ties to Native American tribes in the American Southwest.

Sent from my iPhone

On Jul 11, 2016, at 1:40 PM, Degroff, Amanda <amanda_degroff@ios.doi.gov> wrote:

# Interior chief headed to Utah amid divisions over proposed monument

2

*Getty Images*

By Timothy Cama - 07/11/16 11:06 AM EDT

Interior Secretary **Sally Jewell** is traveling to Utah this week amid divisions over a proposal for a new national monument to protect land in the state.

Jewell's meeting, planned for Saturday, comes after years of calls from American Indian tribes and environmentalists to create the Bear's Ears National Monument, which would protect nearly 2 million acres in southwestern Utah that tribes believe to be sacred and historic.

The meeting is far from an endorsement of the proposed land protections, however.

It's part of Jewell's effort on the 100th anniversary of the National Park Service to hear from local residents around the country about their visions for public lands for the next century.

"The goal of her travel is to find and highlight opportunities where we can make progress in ensuring our parks and public lands are benefiting all Americans," Interior spokeswoman Jessica Kershaw said.

The Utah travel is meant for Jewell "to meet with and listen to community members, local leaders and stakeholders about a range of conservation proposals... to further protect Utah public lands," she added.

Congressional Republicans, the oil and gas industry and business interests oppose the national monument designation, which President Obama can do unilaterally. They say such a designation would unnecessarily restrict various uses of the land, including energy production.

A bill from Utah Reps. **Rob Bishop** and **Jason Chaffetz**, both Republicans, proposes various land protections around Utah, including 1 million acres in the Bear's Ears area, in part as an attempt to push back at a potential monument. But the monument's supporters say the GOP bill would allow too much development and wouldn't go far enough in protecting the land.

Bishop, chairman of the House Natural Resources Committee, plans to unveil a revised version of the legislation this week, The Salt Lake Tribune **reported**.

FOR COMMITTEE USE ONLY

"As we have repeatedly stated, legislation ensures local participation and guarantees a balanced product," Bishop and Chaffetz wrote Friday to Jewell. Utah Sens. **Mike Lee** and **Orrin Hatch**, also Republicans, signed on to that letter as well.

"The [Utah federal] delegation, local elected officials and many local tribal organizations remain unified in our opposition to the unilateral use of the Antiquities Act in Utah."

On Fri, Jul 8, 2016 at 9:41 PM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

**Salt Lake Tribune: Next week could be turning point in Bears Ears debate: Bishop to unveil bill; Interior Secretary Jewell to visit Utah**

By THOMAS BURR | The Salt Lake Tribune CONNECT

First Published 2 hours ago • Updated 59 minutes ago

Courtesy | House Committee on Natural Resources Rep. Rob Bishop, R-Utah.

Share This Article

ARTICLE PHOTO GALLERY (5)

Washington • Rep. Rob Bishop plans to unveil long-awaited legislation next week to preserve some areas of the Bears Ears region in southeastern Utah just ahead of a visit by Interior Secretary Sally Jewell.

ADVERTISEMENT

FOR COMMITTEE USE ONLY

Bishop also plans to fast-track his much-anticipated Public Lands Initiative (PLI) — which critics worry won't go far enough to protect Bears Ears — by holding hearings in August and September and put it before the House by the end of the latter month.

The Utah Republican — joined by Utah's senators, Mike Lee and Orrin Hatch, and Rep. Jason Chaffetz — hopes the measure will blunt any attempt by President Barack Obama's administration to use the 1908 Antiquities Act to unilaterally create a national monument as several tribal leaders have called for to safeguard nearly 2 million acres.

---

---

"As we have repeatedly stated, legislation ensures local participation and guarantees a balanced product," the four Utah members of Congress wrote Friday to Jewell. "The [Utah federal] delegation, local elected officials and many local tribal organizations remain unified in our opposition to the unilateral use of the Antiquities Act in Utah."

Jewell's July 16 visit, which will include a public meeting in the Bears Ears area, is aimed at allowing the secretary to hear the various proposals, including the PLI and a push for a national monument, and see the area in person, her spokeswoman, Jessica Kershaw, said Friday.

ADVERTISEMENT

The meeting shouldn't be read as the administration ramping up any move to name a monument, Kershaw cautioned. A visit by the interior secretary to an area under consideration for a monument had previewed action by Obama in recent years, but Kershaw said this Utah trip will be a listening tour.

"This is an opportunity to hear form the community from a variety of stakeholders — land managers, representatives, local officials — about their concerns and desires to protect places that hold special meaning to them," Kershaw said. "It is not an indication of an imminent monument decision."

Bishop has been working on the PLI for years, saying at the start he wanted to bring together all the parties — from environmentalists to oil and gas leaders to local officials and residents — to find a solution to preserving areas that need protection and opening up other mineral-rich spots for development.

He released a draft plan in January, though several conservation groups said it didn't go far enough and offered too much for development. Utah's members of Congress noted in their letter to Jewell that they appreciated

FOR COMMITTEE USE ONLY

suggested changes to the draft PLI from the administration as well as nongovernmental organizations.

Several tribal leaders have withdrawn from Bishop's effort and said they supported Obama naming a new monument. The president, who has designated several monuments during his seven years in office, has said he will move to preserve areas that are in need, though he has not publicly mentioned the Utah area.

Josh Ewing, executive director of Friends of Cedar Mesa, which seeks to set aside the Bears Ears area, said his group is excited to see the legislation. It is an important step to inform the debate about what should be preserved, he said, and whether it should be through congressional or presidential action.

Ewing added that he does not expect any monument designation to be forthcoming while the Utah delegation pursues a legislative solution.

"I hope that [Jewell's] visit signals the administration's serious consideration for considering a monument if the Public Lands Initiative can't protect this area," Ewing said. "I do not think a monument is imminent. I think they are going to allow the Public Lands Initiative to succeed or fail."

Sent from my iPhone

On Jul 8, 2016, at 7:46 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

# AP: Secretary Jewell to visit Utah to discuss conservation plans

Posted 6:10 p.m. today

1

**SALT LAKE CITY** — U.S. Interior Secretary Sally Jewell will visit Utah on July 16 for a public meeting to discuss conservation proposals that include a plan backed by a Tribal coalition and environmentalist to create a new national monument.

Interior spokeswoman Jessica Kershaw said Friday by email that Jewell will meet with community members and local leaders about how to ensure public lands are "benefiting all Americans."

She said the time and location will be announced next week.

Proponents of the proposed 1.9-million acre Bears Ears National Monument in southeastern Utah say ancient artifacts and sacred lands need protection from looting and development.

Utah's top Republican leaders oppose the designation and back a plan set to be introduced in Congress next week that would protect parts of the Bears Ears area and other lands while opening up some lands for recreation and oil and gas development.

FOR COMMITTEE USE ONLY

Read more at http://www.wral.com/secretary-jewell-to-visit-utah-to-discuss-conservation-plans/15838975/#m5zvgysVTQrM2Q0p.99

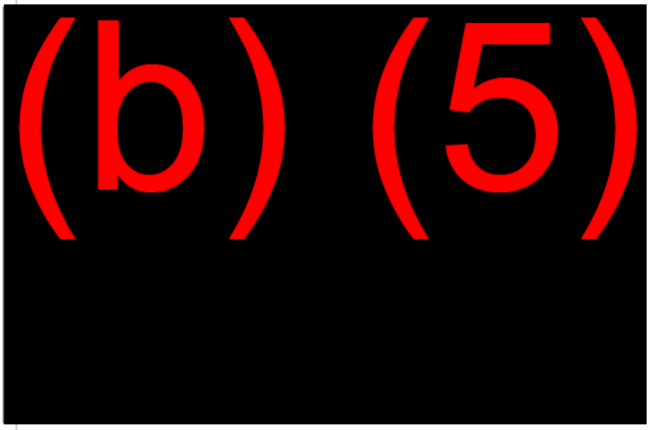
On Thu, Jul 7, 2016 at 7:08 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

Hi folks -

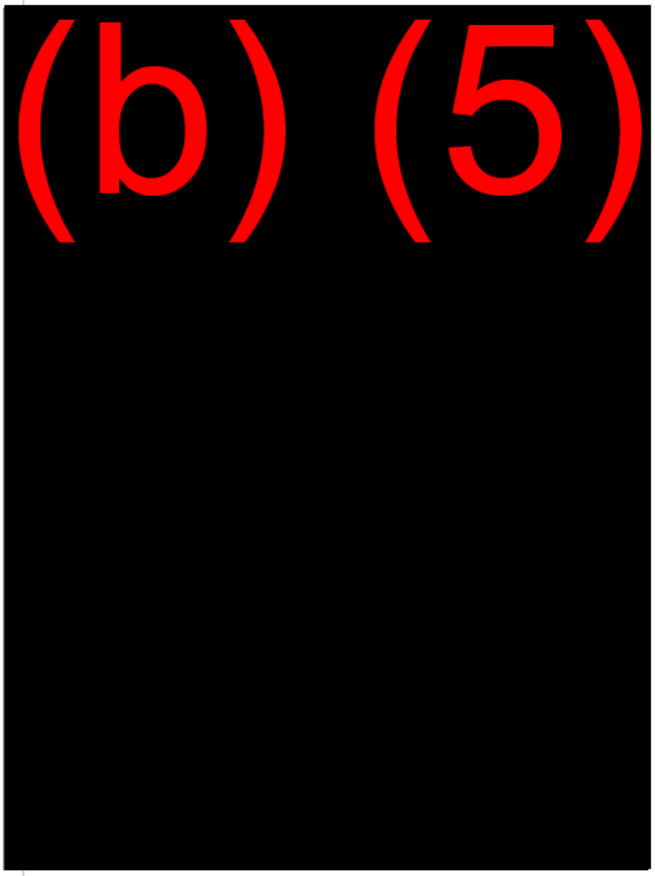
Below/attached is a draft joint DOI/USDA media advisory for release *on Monday*.

Please let me know what edits/concerns you might have here before 4pm tomorrow (Friday).

In addition, this is the if-asked statement DOI comms will use over the weekend, if-asked, since public invitations will go out tomorrow/Sat.




-Jessica



FOR COMMITTEE USE ONLY

(b) (5)

FOR COMMITTEE USE ONLY

(b) (5)

###

---

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

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

--
Amanda DeGroff
U.S. Department of the Interior
202-208-5205 (Desk)
202-568-0168 (Cell)

--
Amanda DeGroff
U.S. Department of the Interior
202-208-5205 (Desk)
202-568-0168 (Cell)

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

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

FOR COMMITTEE USE ONLY

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

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

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

--

**Megan M. Crandall**
Bureau of Land Management
Communications

Ph: 801-539-4018
Cell: 385-315-5271
Fax: 801-539-4013

**Join the Conversation!**

Kornze, Neil <nkornze@blm.gov>

## AP: Mike Lee, US Senate hold monument meeting near Bears Ears

3 messages

**Kershaw, Jessica** <jessica_kershaw@ios.doi.gov> Mon, Jul 25, 2016 at 6:05 PM
Cc: Neil Kornze <nkornze@blm.gov>, Jonathan Jarvis <Jon_Jarvis@nps.gov>, Lawrence Roberts <lawrence_roberts@ios.doi.gov>, Jenna Whitlock <jwhitloc@blm.gov>, Megan Crandall <mcrandal@blm.gov>, Maria Najera <maria_najera@ios.doi.gov>, Felipe Mendoza <felipe_mendoza@ios.doi.gov>, Sarah Neimeyer <sarah_neimeyer@ios.doi.gov>, Kevin Thompson <kevin_thompson@ios.doi.gov>, "interior_press@ios.doi.gov" <interior_press@ios.doi.gov>, Nikki Buffa <nicole_buffa@ios.doi.gov>, Androff Blake <blake_androff@ios.doi.gov>, Laura Pardue <lpardue@blm.gov>

# AP: Mike Lee, US Senate hold monument meeting near Bears Ears

Published 10:27 am, Monday, July 25, 2016

BLANDING, Utah (AP) — U.S. Sen. Mike Lee of Utah and members of the Senate's Energy and Natural Resources Committee will hold a hearing in Utah on Wednesday amid a push for a new national monument in the state.

Utah Gov. Gary Herbert, U.S. Rep. Rob Bishop and representatives of San Juan County, the Navajo Nation and Blue Mountain Diné are all scheduled to testify at the Wednesday afternoon hearing in Blanding.

Lee, Herbert, Bishop and other Utah Republicans and local officials oppose a monument in the Bears Ears region, saying it would be overly broad and close access to the area for development and recreation.

A coalition of tribes says the sacred Native American site 1.9 million-acre area needs bolstered protections because it's under threat from looting and damage from ATVs.

U.S. Interior Secretary Sally Jewell visited the area early this month.

On Fri, Jul 22, 2016 at 12:20 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

# Salt Lake Tribune: Herbert fully backs Bishop lands bill after aide suggested setting it aside

Gov. Gary Herbert says he fully backs legislation by two Utah congressmen to preserve parts of the Bears Ears region as a top Herbert aide attempted to clarify comments he made that there might be a better solution.

Cody Stewart, Herbert's policy director, spoke at a public meeting in Bluff on Saturday about efforts to protect millions of acres in southeastern Utah and suggested that it might be worth setting aside both the proposal of a national monument, as well as legislation by Reps. Rob Bishop and Jason Chaffetz to preserve some areas and open others to development.

There might be another option, he hinted.

"We have four or five months," Stewart, a former Bishop aide, told the crowd. "We can do it."

The comments suggested that perhaps the governor's office wasn't fully on board with the Public Lands Initiative, a bill three years in the making that had originally sought to bring all sides together to find consensus on setting aside parts of the region for protection and openly other swaths for development.

But Herbert this week rejected any notion of starting over — "heavens no," he said — and that the legislation introduced last week is the best path forward.

"We've spent three years to get to this point," Herbert said in an interview. "Rather than starting over, we'd be better amending here or there and making some modifications."

Stewart said that he only had two minutes to make his comments and was trying to play a peacemaker role in the somewhat divisive hearing between a pro-monument faction and others with their own ideas about what to do with Bears Ears, an area sacred to Native Americans but also potentially rich in mineral reserves.

Stewart said his intent was to point out that while the sides appear polarized, they are actually much closer to their goals than they think, and perhaps, if they just focused on common ground and not specific legislation, they'd be able to achieve compromise.

He believes his comments were misunderstood.

"Gov. Herbert's support for the PLI is unwavering," Stewart said this week. "He has worked with Utah's congressional delegation on this legislation for many years and is committed to seeing it become law."

The governor, Stewart added, also is willing to explore any option that will prevent President Barack Obama from using unilateral authority under the Antiquities Act of 1906 to name a new national monument covering nearly 2 million acres, as some tribal leaders and environmentalists have urged.

Obama has named several national monuments during his tenure and has promised to take additional action if congressional measures continue to stall.

Interior Secretary Sally Jewell, who participated in the public hearings last week and explored the area in question, has said that the administration wants to gather input from residents and interested parties and had long been asking Bishop and Chaffetz to unveil their legislation, which finally was introduced last week.

Tribal leaders and conservation groups quickly denounced the measure as not going far enough to preserve land and ignoring the tribes' request to have a role in managing the area.

For his part, Bishop said he paid no heed to Stewart's comments: "He was just floating ideas."

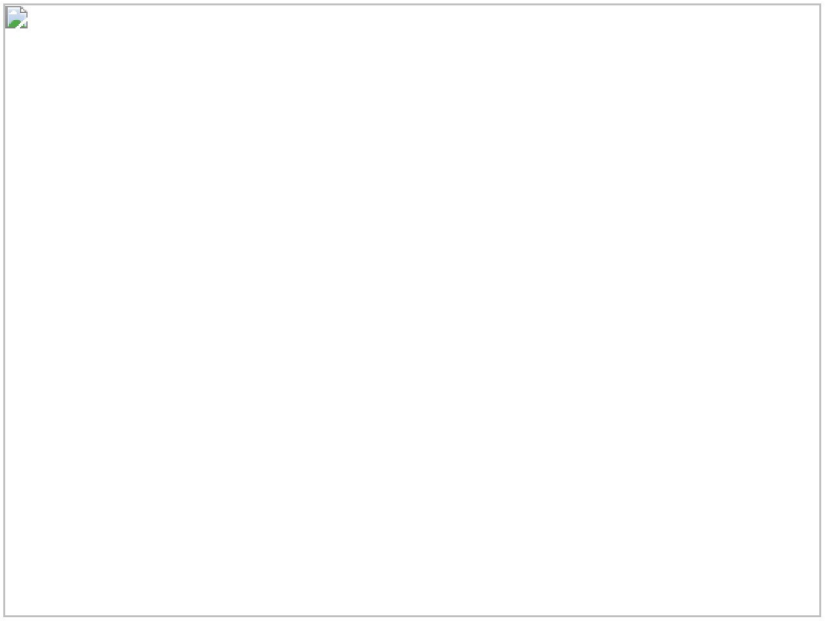
And the congressman says he will be able to push his legislation through Congress this year while there's no other proposal that could do the same.

"I have plenty of time to do this bill. You don't have plenty of time to start from scratch with another bill," Bishop said. "The worst thing you can do is a monument."

tburr@sltrib.com

http://www.sltrib.com/home/4133538-155/herbert-fully-backs-bishop-lands-bill

On Mon, Jul 18, 2016 at 6:45 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:



*Kim Baca*

This structure under the overhang is one of the thousands throughout the San Juan region. Many are being threatened by looters or irresponsible visitors.

## Indian Country Today: Sally Jewell Visits Bears Ears, Says Obama Will Decide on National Monument Before Leaving Office

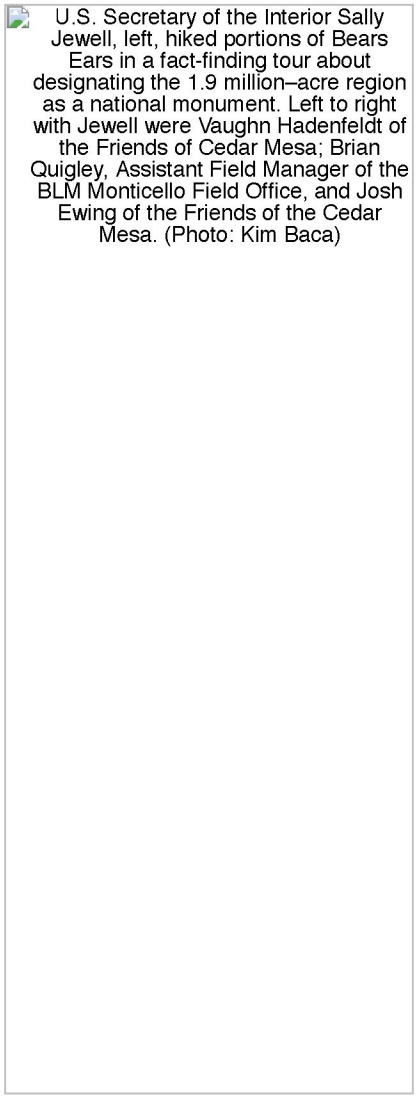
Kim Baca
7/18/16

President Barack Obama could decide whether to designate the 1.9 million–acre region known as Bears Ears as a national monument by the end of the year, according to U.S. Secretary of the Interior Sally Jewell.

If not by then, Obama will definitely decide before he leaves office, Jewell told Indian Country Media Network during a three-day tour of the area.

Five tribes are asking for the designation under the 1906 Antiquities Act, which gives the President signing power to create such monuments on federal land. The proposal drew criticism and support as its creators and the opposition had a chance to speak directly with Jewell and other top federal officials at a public hearing in Bluff, Utah. People spoke passionately about the area and its history, which dates back thousands of years.

“We have not made up our minds on what way to go,” said Jewell during the hearing. “We’re here to listen.”



U.S. Secretary of the Interior Sally Jewell, left, hiked portions of Bears Ears in a fact-finding tour about designating the 1.9 million–acre region as a national monument. Left to right with Jewell were Vaughn Hadenfeldt of the Friends of Cedar Mesa; Brian Quigley, Assistant Field Manager of the BLM Monticello Field Office, and Josh Ewing of the Friends of the Cedar Mesa. (Photo: Kim Baca)

*U.S. Secretary of the Interior Sally Jewell, left, hiked portions of Bears Ears in a fact-finding tour about designating the 1.9 million–acre region as a national monument. Left to right with Jewell were Vaughn Hadenfeldt of the Friends of Cedar Mesa; Brian Quigley, Assistant Field Manager of the BLM Monticello Field Office, and Josh Ewing of the Friends of the Cedar Mesa. (Photo: Kim Baca)*

Jewell, directors of the Bureau of Land Management (BLM), the National Park Service and government officials did just that, listening to more than 50 people representing local tribes, ranchers, politicians, recreationalists and environmentalists. A total of 150 people crammed into the hearing room in Bluff, Utah, about 60 miles south of Bears Ears. Outside, more than 1,000 people who had traveled from around the region listened on a PA system. Jewell and her colleagues also hiked portions of Bears Ears, observing petroglyphs and the terrain firsthand.

Those who gave testimony—from descendants of Mormon pioneers who settled in the area, to rock climbers discovering ancient sites, to Native people who have seen their wells depleted and water contaminated by area natural resource development—spoke passionately about this largely pristine desert, a blanket of red-brick earth, waves of mesas, large, jutting rock formations and juniper dotting the land.

Many Navajos, Utes and other tribes who support the Bears Ears monument, named after two 9,000-foot twin buttes, say the land is sacred and important for medicine gathering, wood and ceremonies.

"There is nothing more important about tribal sovereignty than protecting Indian nations' languages, cultures, beliefs, and indeed our existence as Indian people," Navajo Attorney General Ethel B. Branch said.

"Our proposal is not about exclusion—it's about education and partnership," said Carleton Bowekaty of the Pueblo of Zuñi, one of the five tribes requesting the designation.

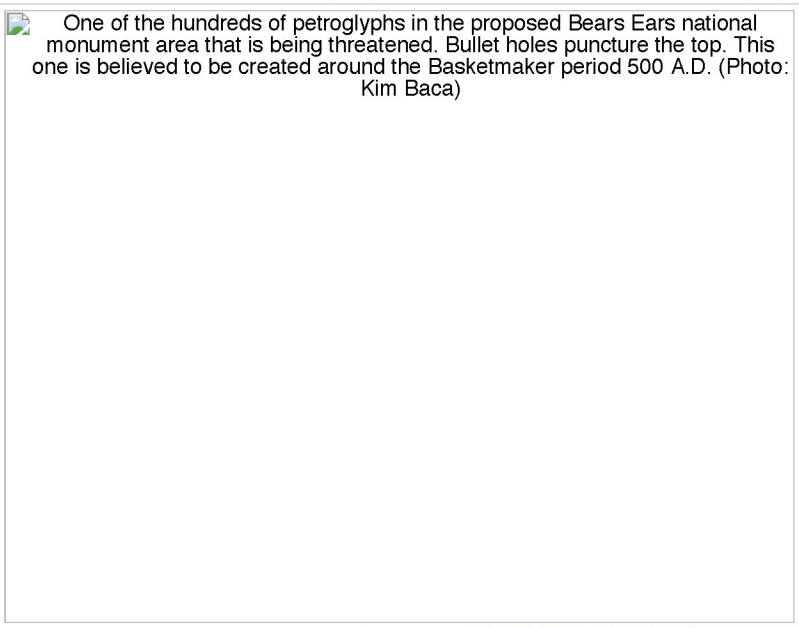
But several Navajos and at least one Ute, including a group from Blue Mountain Dine and San Juan County Commissioner Rebecca Benally, spoke against the designation, citing general distrust with the federal government.

"We have suffered from all the treaties that have been broken," Benally said. "I'm very disheartened by the misinformation and also by the dividing the sisters and brothers in this community."

Benally, a Republican, supports a bill filed by Utah's congressional delegation and introduced in the House as an ostensible alternative to the tribal proposal. The bill would designate 4.6 million acres of land for conservation, and allocate 1.1 million acres for recreation and natural resource development. The Public Lands Initiative also ensures tribal input, protection of archaeological sites, preserves traditional gathering of plants, and gives managing agencies digression to hire tribal managers to help manage the land, said Casey Snider of U.S. House Rep. Rob Bishop's office (R-UT).

Though Congress is ready to wrap up its current session in a matter of months, Snider said that hearings on the bill are planned this month and August, with Bishop scheduling bill changes and a congressional hearing in September.

Environmentalists oppose the bill because they say it allows too much for gas and oil development. Tribal leaders have also criticized the bill, saying that their input has not been sought. Initially tribes were working with Utah lawmakers on a proposal, but when communications fizzled earlier this year, tribes broke off and created their own proposal. The Hopi, Zuñi, Ute Mountain Ute, Uinta-Ouray Ute and the Navajo Nation formally asked Obama to designate the area as a national monument last year.



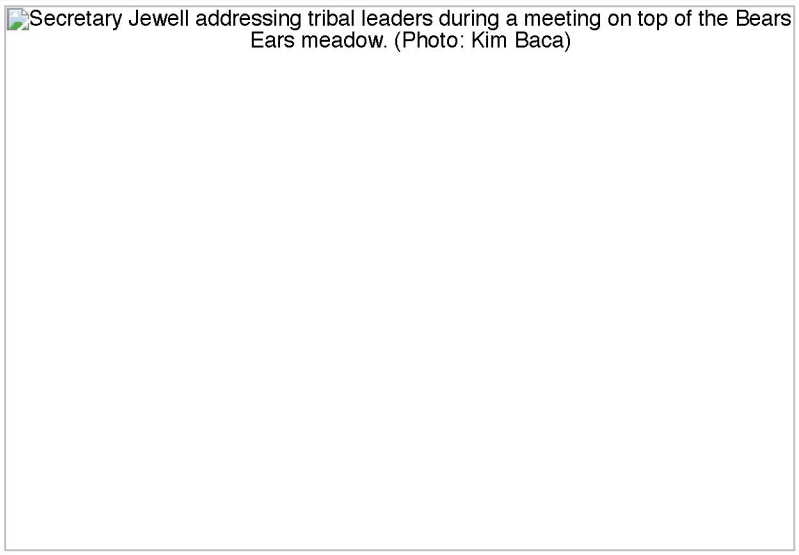
One of the hundreds of petroglyphs in the proposed Bears Ears national monument area that is being threatened. Bullet holes puncture the top. This one is believed to be created around the Basketmaker period 500 A.D. (Photo: Kim Baca)

*One of the hundreds of petroglyphs in the proposed Bears Ears national monument area that is being threatened. Bullet holes puncture the top. This one is believed to be created around the Basketmaker period 500 A.D. (Photo: Kim Baca)*

RELATED:Bears Ears Coalition Splits From 'Disrespectful' Congressional Reps

This is the first time that a tribal coalition has proposed a national monument, although other tribes have requested joint management of public lands, said Larry Roberts, Acting Assistant Secretary for Indian Affairs, who also toured the area and attended the hearing.

RELATED:Bears Ears 1.9 Million–Acre Monument Would Be Unique Tribal-Federal Collaboration




*Secretary Jewell addressing tribal leaders during a meeting on top of the Bears Ears meadow. (Photo: Kim Baca)*

The hearing culminated a three-day trip to the area for Jewell and other top federal officials to talk to residents and learn more about the land and its uses. The area falls under jurisdiction of the BLM, which has two law enforcement rangers and a handful of staff to oversee the 1.9 million acres of land containing 100,000 archaeological sites. BLM staff members admit that looting and site disturbance have been a problem. That is corroborated by Josh Ewing of Friends of the Cedar Mesa, a nonprofit organization created to help the BLM manage the area, who said he has seen bones from some of the gravesites thrown about as looters look for pottery or other items to sell.

Ranchers and other area residents told Jewel that creating a monument will bring more visitors and will not stop desecration. As the day wore on, however, a common theme emerged.

"The one thing that we are all consistent on—those of us supporting and opposing—we all want to preserve the land for the younger generation," area resident Kevin Maryboy said.

Read more at http://indiancountrytodaymedianetwork.com/2016/07/18/sally-jewell-visits-bears-ears-says-obama-will-decide-national-monument-leaving-office

###

On Mon, Jul 18, 2016 at 7:59 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

## In our opinion: PLI revisions are welcome but time is running out

**Deseret News editorial**

Published: Mon, July 18, 2016, 12:00 a.m. MDT

0 comment

FILE - Interior Secretary Sally Jewell stands on Comb Ridge as she visits rock art sites, some of witch have been vandalized in southern Utah on Saturday, July 16, 2016.
((Scott G Winterton, Deseret News))

The best news to come out of a revised Public Lands Initiative announced this week by Utah Reps. Rob Bishop and Jason Chaffetz is that it omits language that would have made seven counties in eastern Utah exempt from any monument designations under the Antiquities Act.

A- A+

Despite our dislike of the Antiquities Act, that exemption, a part of the original bill announced earlier this year, would have guaranteed the initiative's defeat — if not in Congress, then certainly under a presidential veto.

Beyond that, the bill's release, and Interior Secretary Sally Jewell's visit to the state this week, highlight just how quickly the clock is ticking on finding solutions to vexing land-management issues in the southeastern part of the state. The implication of Jewell's comments at various meetings is that either the state's representatives and the stakeholders involved find and pass a solution through Congress soon, or the president will summarily create a new national monument in the Bears Ears region.

The former clearly is preferable to the latter. Unfortunately, some stakeholders have more to gain from a monument designation than a brokered deal that would give them less than what they want.

That isn't to say the Public Lands Initiative is a perfect solution. If anything is clear after many years of trying to broker a grand compromise, it is that the myriad land-use issues in that part of the state are complicated and intertwined.

But it's also true that more is at stake here than just one bill. A successful compromise solution, passed by Congress and signed by the president, would stand as a powerful template for resolving the many other land-use issues in the West.

Bishop and Chaffetz's latest proposal would set up two national conservation areas in Bears Ears, protecting 1.4 million acres while allowing native tribes to access the area for sacred rituals. While tribal leaders have voiced support for a national monument, they want such a designation to continue allowing them access for rituals. It's unclear whether a monument designation would allow this, although Jewell said final language has not yet been prepared.

The rest of the Public Lands Initiative attempts to find compromise on other contentious issues on recreation, conservation and economic development. It would expand Arches National Park and create a Jurassic National Monument at the Cleveland-Lloyd Dinosaur Quarry. It would expand the Goblin Valley State Park, increasing staffing necessary to manage it.

But it also would allow for more economic development through energy extraction, which has several environmental groups voicing opposition.

The Obama administration has insisted it won't treat a monument designation the way President Bill Clinton did when he took all parties by surprise in creating the Grand Staircase-Escalante National Monument in 1996. Jewell's visit to the state this week is a good-faith indication this is true.

Jewell traveled the state, listening to the emotion-charged concerns of many stakeholders and gaining a greater appreciation for the complexities involved. She made it clear, however, that time is running out.

Bishop and Chaffetz have much hard work ahead and little time to do it. But success would go far toward making the West a more peaceful place.

Sent from my iPhone

On Jul 17, 2016, at 10:56 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

Home » Opinion
Become a Member | Ad-Free Login

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

First Published Jul 16 2016 03:03PM • Last Updated Jul 16 2016 09:01 pm

(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.

Share This Article

ARTICLE PHOTO GALLERY (1)

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.

ADVERTISEMENT

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."

ADVERTISEMENT

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 iPhone

On Jul 15, 2016, at 9:57 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

# Salt Lake Tribune Op-Ed: Terry Tempest Williams: With monument proposal, tribes open door to new way of seeing public lands

By Terry Tempest Williams

First Published Jul 15 2016 08:51AM • Last Updated Jul 15 2016 10:55 am

Courtesy of Ted C. Brummo Terry Tempest Williams

Share This Article

It is time for a monumental idea. Secretary of the Interior Sally Jewell will be in Bluff tomorrow conducting a site hearing on the Bears Ears National Monument proposal. Her presence honors the strength and dignity of tribal leadership expressed through the coalition of Navajo, Hopi, Zuni and the Mountain and Ouray Ute nations who are calling for the protection of 1.9 million acres adjacent to Canyonlands National Park in the remote region of Cedar Mesa.

The coalition of five tribes — supported by more than 20 tribes within the American Southwest and the National Congress of American Indians, comprised of more than 250 tribes — is asking the United States government to see their home ground through the lenses of traditional knowledge gleaned through relationships cultivated over time.

On Thu, Jul 14, 2016 at 11:52 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

> Sharing some additional clips with the team this evening on top of what Amanda sent earlier tonight, this is some of the radio/TV coverage.
>
> I'd first like to flag however this amazing photo album on the Salt Lake Tribune website. Many of us will relive our entire day in these photos - it's a stunning album for many reasons. Please take a peak tonight:
>
> **Salt Lake Tribune Photo Album:**
>
> http://www.sltrib.com/csp/mediapool/sites/sltrib/Pages/gallery.csp?cid=4117685&pid=3542680
>
> -Jessica
>
> Additional TV/Radio Coverage (just clink the links below):

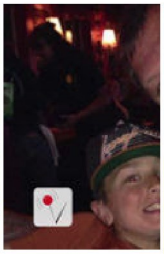
VIDEOS

Otero County sheriff says homes apparently burned by fire near Timberon

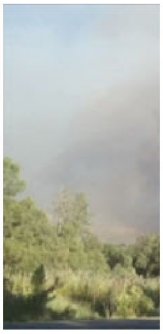
KOB - Albuquerque, NM

**More videos:**

Atlanta teen's poem 'White Boy Privilege' goes viral



American Father and Son Killed in Nice Truck Terror Attack



Otero County sheriff says homes apparently burned by fire near Timberon

TOP JOBS

TribTopJobs

**Great Western Leasing & Sales Inc.**
Sales Representative...

**Schmeuser Associates Inc.**
Safety Manager...

**Great Western Leasing & Sales Inc.**
Sales Representative...

**Pioneers Medical Center**
Registered Nurse...

**Idaho Truck Service, Inc.**
Over The Road Truck Drivers...

Check out all of the Trib Top Jobs

I do not profess to know how Indian people feel. I only know how I feel when I am with them. I am drawn into a circle of relationships that widens my own sense of community that includes all living things. My debt is large to Indian people and all the ways they have shaped and influenced my own sense of home.

I believe the Bears Ears National Monument proposal honors the deep residency of native peoples living inside the Colorado Plateau. The tribes are asking each of us to acknowledge an embodied intelligence born of the land that warrants as much respect and protection as the wilderness, itself.

The Bears Ears National Monument Proposal has the potential to transform Utah's rancorous politics of place into an ethic of place for generations to come.

Not long ago, 15 students gathered in our living room with Jonah Yellowman, a Navajo spiritual leader from Monument Valley. When Jonah arrived, coyotes began howling, a rarity at nine o'clock in the morning.

He entered our home, the students sat near him, and he began his remarks with a blessing. After the blessing, he spoke about how one learns, how his father taught him as a young boy to bring in wood and water at night, so that in the morning you will have dry wood to make a fire for warmth, and water to boil a cup of tea.

"You will not be caught short in a blizzard," he said.

He shared how he became a medicine person, how the ashes spoke to him, how if one holds a crystal up to the stars for guidance and then peers back into the ashes, one can see into the soul of the person in need. One of the students bluntly asked Jonah why he was sharing this sacred knowledge.

"It is time," Jonah said.

Jonah spoke about why these lands on Cedar Mesa remain sacred to the Navajo; how the bones of his ancestors are buried here, how their ancient songs are still carried by the winds, and how the Diné see these lands as their medicine cabinets. This is the home of their ceremonies. This is the place where he remembers the source of his dreams.

"I have dreamed of being in this place before," Jonah said.

He pointed north toward the Colorado River. "The elders told me that this canyon where the great river flows was created by the bison from scraping the Earth with his hoof."

"It is time to go outside," he said. We followed him on to the patio in Castle Valley, where we witnessed a rare horizontal rainbow above the mesa.

It is time for us to go outside our own places of comfort and dare to embrace a new way of seeing. The tribes are opening the door, inviting us to cross a threshold where a more expansive conversation about land protection awaits us. They are taking us beyond the rhetoric of wilderness designation to a wider view of how we can live in place with reverence and restraint. Leaders like Jim Enote from the Zuni Pueblo remind us how these desert lands are "source, not resource."

In this centennial year of the National Park Service, it is hard to imagine a more profound act that could provide a greater healing between indigenous people and the federal government than this bold national monument. At a time when race has created a wedge and a wound within our communities in the United States of America that is anything but united, Bears Ears National Monument becomes a gesture of peace extended to disenfranchised people still held captive by the violence of our shadowed history.

The partisan politics that continues to plague public land policy in the 21st century is being offered a powerful corrective by collaborating with

the tribes in a co-management model of cooperation where traditional knowledge is embedded within current land agency governing principles and practices. It will not be easy, but it will be transformative and right.

Our national parks and monuments are not simply "America's best idea" but an evolving idea. In their quiet and dignified manner, the tribes are leading the way forward with a vision of land protection in Utah that is at its core, spiritual. We are the sum of all our relations, both human and wild.

May Jewell listen to the collective wisdom of the tribes and carry it back to Washington and return to their native home ground with a monumental decision.

Terry Tempest Williams is the author of "The Hour of Land: A Personal Topography of America's National Parks," published by Farrar, Straus & Giroux, currently a New York Times bestseller.

###

**Sally Jewell on KSL-AM (Radio) - Salt Lake City, UT**
07/14/2016 15:31:40
... High 80 to around 24 100 seats Mark Jackson I top story this hour Interior Secretary Sally Jewell has arrived in southern Utah forward tour the area which could become a new national monument if President Obama turned a deaf ear to the state Republican leaders ...

(click thumbnail to play)

**Sally Jewell on KSL-AM (Radio) - Salt Lake City, UT**
07/14/2016 13:02:33
... coalition's proposal for Bears years official says his bill protects 1.4 million acres about 5 terror Secretary Sally Jewell is in southern Utah for a look at the area which could become a new national monument he's been meeting with representatives of the ...

(click thumbnail to play)

**Sally Jewell on KSL-AM (Radio) - Salt Lake City, UT**
07/14/2016 13:20:17
... 100 and an American clerk recreation with 3 think you needed Alison Grimes got your first interior Secretary Sally Jewell was on a trip to southern Utah he's meeting with those for and against possible bears years national monument second state Department of Environmental quality is

(click thumbnail to play)

**Sally Jewell on KSTU-SLC (FOX) - Salt Lake City, UT**
07/14/2016 16:07:14
FOX 13 News at Four (News)
... weekend.. governor gary herbert met privately with interior secretary sally jewell. fox 13 is told the two chatted about her visit to bears ears in the four corners area.. which could ...

On Thu, Jul 14, 2016 at 8:28 PM, Degroff, Amanda <amanda_degroff@ios.doi.gov> wrote:

[Interior Secretary Sally Jewell visits southern Utah, vows she's 'here to listen']

The Salt Lake Tribune // Matthew Piper // July 14

As Reps. Rob Bishop and Jason Chaffetz unveiled their long-awaited public lands plan, Interior Secretary Sally Jewell came face to face with critics of the proposed national monument Utah's delegation hopes to stave off. The second day of Jewell's whirlwind tour of southeastern Utah saw her drive from Moab's airport to Big Flats, to Gemini Bridges, to Dead Horse Point, to Indian Creek and finally to Monticello, where about 50 protesters welcomed her outside the Hideout Community Center with chants of "No national monument!" "We protect it just fine," shouted one. Another: "Communist!" The mood inside was lighter, but more than 150 people gathered to hear San Juan County commissioners share their concerns about the Bears Ears National Monument proposal, brought by a coalition of five tribes that late last year stopped participating in discussions about Bishop and Chaffetz's Public Lands Initiative and appealed to President Barack Obama to protect 1.9 million acres by using the Antiquities Act.

[As Interior secretary tours sacred tribal site, Utah Republicans push to protect it]

Washington Post // Juliet Eilperin // July 14

Utah Republican lawmakers introduced legislation Thursday that would protect 1.4 million acres of a sacred Native American site in the state's southeast, as Interior Secretary Sally Jewell toured the area to solicit ideas on how to address the threats it faces. Bears Ears — an expanse of land in San Juan County that boasts both archeological treasures and critical environmental habitats — has come under pressure from looters and vandalism over the years. Utah's congressional delegation has spent three years working to craft a compromise bill that would encompass not only that area but six other counties, providing opportunities for energy development, grazing and motorized recreation while designating some parts for conservation. The new flurry of activity, including the bill introduction and Jewell's four-day visit to meet with tribal leaders, local officials and environmentalists, underscores that time is running out to forge a legislative deal.

[Secretary Of The Interior To Tour Bears Ears]

Utah Public Radio // Jon Kovash // July 14

This week Interior Secretary Sally Jewell is visiting multiple towns in Southeast Utah to hear local concerns about federal lands. Jewell is traveling with a delegation of high ranking federal officials. Wednesday she met with Governor Herbert, toured the San Rafael Swell with Emery County officials, and attended a meeting in Moab, where she was greeted with a sea of T-shirts and signs supporting the Bears Ears as a new national monument. "This is democracy," she said. "I mean, this is how our country works, and, you know, listening to each other in a respectful way. Having a large group of people that have different points of view by the shirts they're wearing and the signs they're carrying, and being very respectful of each other, I appreciate."

[The Latest: House bill blocking monuments faces veto threat]

AP // July 14

House Republicans have passed a spending bill that could block a new national monument in southeastern Utah. But the effort faces a White House veto threat. Republican Rep. Chris Stewart of Utah added a provision to an Interior Department spending bill that blocks money for any new monuments in portions of eight states, including 17 Utah counties. The House passed the bill Thursday, but the measure is expected to run into a filibuster from Senate Democrats and the White House veto threat. The vote comes as U.S. Interior Secretary Sally Jewell is visiting Utah to meet with supporters and opponents of the Bears Ears monument.

[GOP Lawmakers Unveil Utah Land Use Plan]

WSJ // Jim Carlton // July 14

Two Utah Republicans unveiled a long-awaited bill aimed at protecting vast parts of the state's spectacular canyon country, while allowing development in other areas. The bill's backers say it is a compromise that could serve as a model for brokering disputes over federal land ownership in the West, while potentially lowering the temperature on a legal feud between Utah and the U.S. The Obama administration hasn't taken a stand on the monument. Interior Secretary Sally Jewell is set to host a community meeting Saturday in Bluff, Utah, on the dueling proposals.

[Interior Secretary Jewell meets with Grand County Council]

Moab Sun News // Eric Trenbeath // July 14

Interior Secretary Sally Jewell heard comments from the Grand County Council on Rep. Rob Bishop's Utah Public Lands Initiative (PLI), and the Bureau of Land Management's Master Leasing Plan (MLP) at a special meeting held on Wednesday, July 13. More than 50 local citizens attended, many wearing t-shirts, or carrying signs either in support of, or opposed to, the creation of a Bears Ears National Monument. "I am here to listen, that is the primary reason for this visit," Jewell said. "You have an incredible place here, and I know that it's got lots of different elements to the economy, and things that are important to people of this region."

Push to create Utah monument marks latest Western land fight

AP // Brady McCombs // July 14

Laminated sheets of paper held in place by rocks rest inside ancient cliff dwellings nestled underneath a spectacular red rock overhang in southeastern Utah. "Don't erase the traces of America's past," the signs read. "Please do not enter interior rooms." The weathered signs and a similar warning at the trailhead are the only protections in place for these easily accessible ruins along a canyon hiking path. The cliff dwellings are part of an estimated 100,000 archaeological sites within a 1.9 million-acre area that a coalition of American Indian tribes wants President Barack Obama to designate a national monument to ensure protections for lands considered sacred. U.S. Interior Secretary Sally Jewell is visiting the area this week to meet with proponents and opponents — the latest indication the Obama administration is giving serious consideration to the "Bears Ears" monument proposal.

Public lands bill unveiled without controversial Antiquities Act provision

KSL // Amy Joi O'Donoghue // July 14

Utah Republican Reps. Rob Bishop and Jason Chaffetz unveiled the final version of the much awaited Public Lands Initiative Thursday, eliminating a mandate that seven counties in eastern Utah are off-limits for any future monument designation under the Antiquities Act. The elimination of the controversial provision acknowledges it was a deal breaker for environmental groups and recognition that no president would endorse a law that relinquishes such a sweeping executive power. Bishop, chairman of the House Committee on Natural Resources, a veteran GOP faithful and states' right defender, released the Public Lands Initiative on the day of the start of Jewell's three-day, whirlwind tour of Grand and San Juan counties. His bills, and her visits, come as the debate over a potential monument designation of 1.9 million acres in the Bears Ears region reaches a fervent pitch, with certain tribes and environmental groups calling for presidential action.

Bishop, Chaffetz unveil long-awaited lands bill in bid to block a Bears Ears National Monument

The Salt Lake Tribune // Thomas Burr and Matt Canham // July 14

Reps. Rob Bishop and Jason Chaffetz introduced a package of bills Thursday with the immediate hope of preventing President Barack Obama from creating a Bears Ears National Monument in San Juan County. But the larger goal of the Public Lands Initiative (PLI) is to end decades of acrimony among environmentalists, ranchers, oil and gas drillers, recreationalists and tribal leaders, with a plan that brings certainty to the seven rural counties that took part in this grueling three-year process. The bill's introduction comes as Interior Secretary Sally Jewell and other federal officials are touring southeastern Utah to look at the Bears Ears region, a culturally sensitive area to many tribal nations.

Can a trove of Native American ruins be saved from eBay and 'white people' ideology?

Fusion // Ari Phillips // July 14

When I asked Josh Ewing, my tour guide through the countless Native American ruin sites nestled in the remote cliffsides of southeastern Utah, about the coolest thing he'd ever discovered here, he barely paused before answering. "I climbed down from the rim of this cliff dwelling site and found an intact painted bowl, black and white—just perfect. It had been sitting there for about 800 years," he said, as we summited a large rubble pile of what is believed to be a four-story Ancestral Pueblo structure. "One of our big problems is everyone takes a shard of a pot and puts it on their mantle or something. And if everyone takes a piece home with them pretty soon there's nothing left." Interior Secretary Sally Jewell will be visiting Utah this weekend to meet with stakeholders involved in the debate and to try and smooth a path forward. This year is the centennial celebration of the National Park Service, and the agency is using the occasion to highlight the important role that it plays in preserving both natural beauty and human history. Jessica Kershaw, spokesperson for the DOI, said that the goal of Jewell's cross-country travels this summer is to find opportunities to ensure "our parks and public lands are benefiting all Americans."

On Thu, Jul 14, 2016 at 12:54 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

> **Journal News Editorial: Bears Ears may finally get the protection it so clearly deserves**
>
> Cedar Mesa, Dark Canyon, Grand Gulch and Valley of the Gods are all places with names that evoke the almost mythical natural landscape familiar to many residents and visitors of the Four Corners who have hiked, hunted, floated and appreciated the archaeology in them. They are big places with open spaces one can imagine not looking too much different than they did millions of years ago.
>
> Bounded to the west by the Green and Colorado rivers, to the east by Highway 191 from Moab to Bluff, and along the southern edge by the San Juan River, the 1.9 million acres of public and

ancestral lands known as the Bears Ears may soon receive permanent protection. Some say this is long overdue – by a century or more.

In 1906, Congress established the Antiquities Act, largely in response to rampant looting of archaeological sites in the Four Corners, including the Bears Ears region, which continues today. It gives the president the authority to create national monuments from public lands to protect significant natural, cultural or scientific resources. To date, presidents have used the act over 100 times to establish monuments, including Canyon of the Ancients west of Cortez, but not yet for an area for which it was perfectly designed.

Secretary of the Interior Sally Jewell and Department of Agriculture Under Secretary Robert Bonnie will hold a public meeting on Saturday, July 16, in Bluff, Utah, to receive comments on community visions for the management of Southern Utah's public lands, including Utah Republican Congressmen Rob Bishop's and Jason Chaffetz's Public Lands Initiative and the Bears Ears Inter-Tribal Coalition's proposal to designate a new national monument. Their visit is an important step toward ensuring the Bears Ears region receives the protection it deserves.

Stakeholders, including conservation, off-highway vehicle and recreation groups, have spent the past three years working with tribal leaders and Utah's congressional delegation on legislation that would protect this area, but to date, no legislation has been introduced in Congress. The draft legislation to be released this week is anticipated to be much improved but may still not be acceptable to stakeholders and tribes. Time is running out.

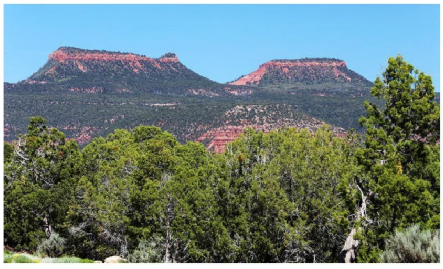
Frustrated by legislative inaction, the Bears Ears Inter-Tribal Coalition came together to conserve the Bears Ears cultural landscape and requested that President Obama proclaim it a national monument. The historic consortium of sovereign nations includes leaders of the Hopi, Navajo, Ute Mountain Utes, Zuni and Ute Indian Tribe of northeastern Utah. It is also the first time the conservation community is following the lead of and supporting a proposal developed by Native Americans.

Dozens of conservation and recreation groups and a total of 26 tribes have expressed support and are united in their vision for protecting the Bears Ears region. The Bears Ears National Monument proposal presents an extraordinary opportunity to protect a scenically spectacular and archaeologically rich landscape and to do something that has never been done before by creating a national monument that protects Native American ancestral homelands and provides the tribes a meaningful role in their management.

To add your voice to those seeking to do what is right for the land and the people that trace their heritage to it, take a drive to Bluff on Saturday.

Sent from my iPhone

On Jul 13, 2016, at 3:57 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

> Deseret News: Bears Ears controversy ramps up with Jewell's visit, Bishop's planned legislation
>
> **By Amy Joi O'Donoghue, Deseret News**
>
> Published: Tue, July 12, 2016, 8:30 p.m. MDT
>
> 2 comments
>
> 
>
> The Bears Ears area is seen on Thursday, June 2, 2016. The proposed 1.4 million acres of the Bears Ears region contained in a massive public lands bill being unveiled

this week would actually be split in two, with the southern portion set aside for traditional Native American uses.
(Scott G Winterton, Deseret News)

SALT LAKE CITY — The proposed 1.4 million acres of the Bears Ears region contained in a massive public lands bill being unveiled this week would actually be split in two, with the southern portion set aside for traditional Native American uses.

A- A+

Rep. Rob Bishop, R-Utah, and chief architect of the measure, said the region on federal lands in southeastern Utah will come with a new management structure that includes a tribal committee to ensure traditional access for wood gathering, ceremonies and gathering of plants.

"We spell out what the management practices will be and the purpose of those," Bishop said. "The lower half is strictly for conservation. … They will be able to continue those traditional activities in a way that would not be guaranteed under a monument designation."

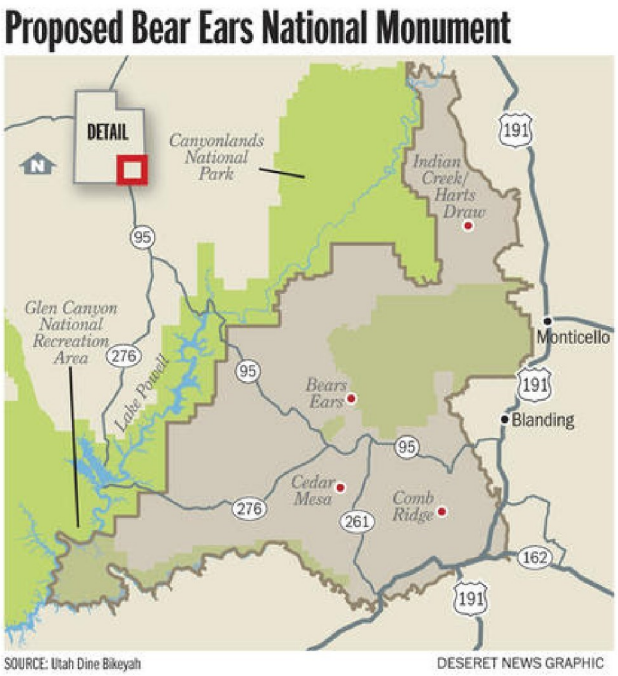
The final version of Bishop's bill is due to be released late this week, coinciding with a three-day, packed tour of San Juan and Grand counties by Interior Secretary Sally Jewell.

Jewell will meet with tribal leaders of the Bears Ears Inter-Tribal Coalition, visit with San Juan County commissioners and hear from congressional staffers from Bishop's and Rep. Jason Chaffetz's offices.

Cody Stewart, Gov. Gary Herbert's policy adviser, will also be at the talks, with Herbert already committed to attend a meeting of the National Governors' Association.

As the tempo accelerates around the Bears Ears controversy — the coalition is pushing President Barack Obama to declare 1.9 million acres a national monument — all sides in the issue are scrambling for the ear of Jewell, who has promised no designation will be made without local input.

To that end, beyond the intense slate of meetings, tours and hikes, Jewell will host a three-hour community meeting in Bluff to hear from residents on the issue.




Bishop mapped out some of his plans for the Bears Ears region, saying no one disputes the need for federal conservation area protections. The 1.4 million acres of the Bears Ears region would be divided into two roughly equal portions and managed as separate national conservation areas.

While the southern portion would be managed strictly with Native American uses and traditions in mind, the northern half would come under an administrative approach that recognizes existing outdoor recreation uses such as rock climbing in the Indian Creek corridor. The footprint also includes the Mancos Wilderness Area.

The divided conservation area model came at the request of The Nature Conservancy, which owns the 5,200-acre working Dugout Ranch that is also home to scientific research and ancestral Puebloan rock art and dwellings. The concept was pursued in consultation with San Juan County and some tribal representatives.

"This is a dramatic change from January," said Fred Ferguson, Chaffetz's chief of staff. "If you don't recognize the different conditions on the ground, management will be extremely difficult."

The northern region is already heavily used for outdoor recreation and includes some grazing, Ferguson said. Under the new management structure envisioned to protect cultural resources, the tribes will have a co-management position, elevated to cooperating partners in land-use planning, he said, and not simply consulted.

"They will have a seat at the table," Ferguson said. "Candidly, that is very difficult to be created through a monument designation."

The delegation asked the leaders of the Bears Ears Inter-Tribal Coalition to sit down and review the changes in late June, but the offer was rebuffed.

"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," the coalition's letter said.

Coalition leaders bowed out of talks in December, accusing Bishop and Chaffetz of ignoring their input, leaving them out of the public lands initiative process and continually missing deadlines.

Bishop said the latest reaction was disappointing but not surprising.

"I think that is more indicative of the entire issue at hand," he said. "This was an organization whose first priority may not have been trying to sit down and work something out."

Gavin Noyes, executive director of Utah Dine Bikeyah, a nonprofit advocacy organization for indigenous people, said the group long supported a national conservation area for Bears Ears because of the ability to write more language into

that approach rather than a proclamation. The group, however, is deferring decisions to the coalition and supporting its position for a monument.

The public lands bill will be the subject of a formal hearing in August by the committee Bishop heads, the House Committee on Natural Resources, which will also hold a markup session on the bill in September.

Bishop's public lands bill, dubbed the "Grand Bargain," has been in the making for more than three years. It was released in draft form in January amid a swell of criticism from environmental groups who say it favored industry over conservation.

Sent from my iPhone

On Jul 12, 2016, at 10:23 PM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

Updated AP short story on this week's public meeting:

**Top Obama officials head to Bluff for Bears Ears meeting**

Associated Press

**Interior Secretary Sally Jewell and other top officials from the Obama administration will host a public meeting in Bluff, Utah, on Saturday, July 16 to discuss future management of the Bears Ears region.**

---

**By Jim Mimiaga Journal staff writer**

Interior Secretary Sally Jewell and other top officials from the Obama administration will host a public meeting in Bluff, Utah, on Saturday, July 16 to discuss future management of the Bears Ears region.

The meeting will be from 1–4 p.m at the Bluff Community Center at the corner of Third Street and Mulberry Avenue.

According according to a July 12 Department of Interior announcement, the meeting is “regarding community visions for management of southern Utah’s public lands, members of the public are invited to attend and comment.”

Participating federal agency representatives will also attend the meeting, including Department of Agriculture Undersecretary Robert Bonnie, Bureau of Land Management Director Neil Kornze, National Parks Service Director Jonathan Jarvis, and acting U.S. Assistant Secretary for Indian Affairs Larry Roberts. U.S. Forest Chief Tom Tidwell has also been invited.

The protection of cultural and natural resources of the vast area of public lands in southeast Utah has been a hot topic for the last few years.

Conservation groups and Native American tribes — including the Ute Mountain Utes, Navajos, Uintah-Ouray Utes, Hopi, and Zuni — have been advocating that President Barack Obama declare a 1.9 million-acre Bears Ears National Monument under the Antiquities Act.

Utah legislators are pushing for a federal bill to form the Bears Ears National Conservation Area on 1.1 million acres.

"We're excited that D.C. officials are coming out to hear different viewpoints and what the issues are for protecting this area," said Gavin Noyes, executive director of Utah Dine Bikeyah, a grassroots nonprofit that supports the Bears Ears Coalition of five tribes.

The Bears Ears area contains more than 100,000 archaeological sites with cultural ties to Native American tribes in the American Southwest.

Sent from my iPhone

On Jul 11, 2016, at 1:40 PM, Degroff, Amanda <amanda_degroff@ios.doi.gov> wrote:

# Interior chief headed to Utah amid divisions over proposed monument

2

*Getty Images*

By Timothy Cama - 07/11/16 11:06 AM EDT

Interior Secretary **Sally Jewell** is traveling to Utah this week amid divisions over a proposal for a new national monument to protect land in the state.

Jewell's meeting, planned for Saturday, comes after years of calls from American Indian tribes and environmentalists to create the Bear's Ears National Monument, which would protect nearly 2 million acres in southwestern Utah that tribes believe to be sacred and historic.

The meeting is far from an endorsement of the proposed land protections, however.

It's part of Jewell's effort on the 100th anniversary of the National Park Service to hear from local residents around the country about their visions for public lands for the next century.

"The goal of her travel is to find and highlight opportunities where we can make progress in ensuring our parks and public lands are benefiting all Americans," Interior spokeswoman Jessica Kershaw said.

The Utah travel is meant for Jewell "to meet with and listen to community members, local leaders and stakeholders about a range of conservation proposals… to further protect Utah public lands," she added.

Congressional Republicans, the oil and gas industry and business interests oppose the national monument designation, which President Obama can do unilaterally. They say such a designation would unnecessarily restrict various uses of the land, including energy production.

A bill from Utah Reps. **Rob Bishop** and **Jason Chaffetz**, both Republicans, proposes various land protections around Utah, including 1 million acres in the Bear's Ears area, in part as an attempt to push back at a potential monument. But

the monument's supporters say the GOP bill would allow too much development and wouldn't go far enough in protecting the land.

Bishop, chairman of the House Natural Resources Committee, plans to unveil a revised version of the legislation this week, The Salt Lake Tribune **reported**.

"As we have repeatedly stated, legislation ensures local participation and guarantees a balanced product," Bishop and Chaffetz wrote Friday to Jewell. Utah Sens. **Mike Lee** and **Orrin Hatch**, also Republicans, signed on to that letter as well.

"The [Utah federal] delegation, local elected officials and many local tribal organizations remain unified in our opposition to the unilateral use of the Antiquities Act in Utah."

On Fri, Jul 8, 2016 at 9:41 PM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

**Salt Lake Tribune: Next week could be turning point in Bears Ears debate: Bishop to unveil bill; Interior Secretary Jewell to visit Utah**

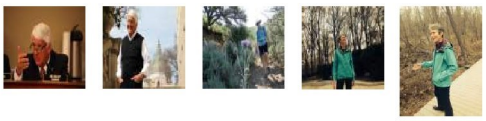
By THOMAS BURR | The Salt Lake Tribune CONNECT

First Published 2 hours ago • Updated 59 minutes ago

Courtesy | House Committee on Natural Resources Rep. Rob Bishop, R-Utah.

Share This Article

ARTICLE PHOTO GALLERY (5)



Washington • Rep. Rob Bishop plans to unveil long-awaited legislation next week to preserve some areas of the Bears Ears region in southeastern Utah just ahead of a visit by Interior Secretary Sally Jewell.

ADVERTISEMENT

Bishop also plans to fast-track his much-anticipated Public Lands Initiative (PLI) — which critics worry won't go far enough to protect Bears Ears — by holding hearings in August and September and put it before the House by the end of the latter month.

The Utah Republican — joined by Utah's senators, Mike Lee and Orrin Hatch, and Rep. Jason Chaffetz — hopes the measure will blunt any attempt by President Barack Obama's administration to use the 1908 Antiquities Act to unilaterally create a national monument as several tribal leaders have called for to safeguard nearly 2 million acres.

---

---

"As we have repeatedly stated, legislation ensures local participation and guarantees a balanced product," the four Utah members of Congress wrote Friday to Jewell. "The [Utah federal] delegation, local elected officials and many local tribal organizations remain unified in our opposition to the unilateral use of the Antiquities Act in Utah."

Jewell's July 16 visit, which will include a public meeting in the Bears Ears area, is aimed at allowing the secretary to hear the various proposals, including the PLI and a push for a national monument, and see the area in person, her spokeswoman, Jessica Kershaw, said Friday.

ADVERTISEMENT

The meeting shouldn't be read as the administration ramping up any move to name a monument, Kershaw cautioned. A visit by the interior secretary to an area under consideration for a monument had previewed action by Obama in recent years, but Kershaw said this Utah trip will be a listening tour.

"This is an opportunity to hear form the community from a variety of stakeholders — land managers, representatives, local officials — about their concerns and desires to protect places that hold special meaning to them," Kershaw said. "It is not an indication of an imminent monument decision."

Bishop has been working on the PLI for years, saying at the start he wanted to bring together all the parties — from environmentalists to oil and gas leaders to local officials and residents — to find a solution to preserving areas that need

protection and opening up other mineral-rich spots for development.

He released a draft plan in January, though several conservation groups said it didn't go far enough and offered too much for development. Utah's members of Congress noted in their letter to Jewell that they appreciated suggested changes to the draft PLI from the administration as well as nongovernmental organizations.

Several tribal leaders have withdrawn from Bishop's effort and said they supported Obama naming a new monument. The president, who has designated several monuments during his seven years in office, has said he will move to preserve areas that are in need, though he has not publicly mentioned the Utah area.

Josh Ewing, executive director of Friends of Cedar Mesa, which seeks to set aside the Bears Ears area, said his group is excited to see the legislation. It is an important step to inform the debate about what should be preserved, he said, and whether it should be through congressional or presidential action.

Ewing added that he does not expect any monument designation to be forthcoming while the Utah delegation pursues a legislative solution.

"I hope that [Jewell's] visit signals the administration's serious consideration for considering a monument if the Public Lands Initiative can't protect this area," Ewing said. "I do not think a monument is imminent. I think they are going to allow the Public Lands Initiative to succeed or fail."

Sent from my iPhone

On Jul 8, 2016, at 7:46 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

# AP: Secretary Jewell to visit Utah to discuss conservation plans

Posted 6:10 p.m. today

1

**SALT LAKE CITY** — U.S. Interior Secretary Sally Jewell will visit Utah on July 16 for a public meeting to discuss conservation proposals that include a plan backed by a Tribal coalition and environmentalist to create a new national monument.

Interior spokeswoman Jessica Kershaw said Friday by email that Jewell will meet with community members and local leaders about how to ensure public lands are "benefiting all Americans."

She said the time and location will be announced next week.

Proponents of the proposed 1.9-million acre Bears Ears National Monument in southeastern Utah say ancient artifacts and sacred lands need protection from looting and development.

Utah's top Republican leaders oppose the designation and back a plan set to be introduced in Congress next week that would protect parts of the Bears Ears area and other lands while opening up some lands for recreation and oil and gas development.

Read more at http://www.wral.com/secretary-jewell-to-visit-utah-to-discuss-conservation-plans/15838975/#m5zvgysVTQrM2Q0p.99

On Thu, Jul 7, 2016 at 7:08 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

Hi folks -

Below/attached is a draft joint DOI/USDA media advisory for release *on Monday*.

Please let me know what edits/concerns you might have here before 4pm tomorrow (Friday).

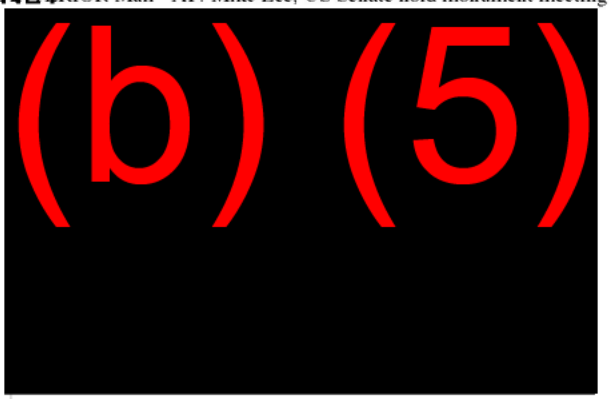
In addition, this is the if-asked statement DOI comms will use over the weekend, if-asked, since public invitations will go out tomorrow/Sat.

(b) (5)

-Jessica

(b) (5)

(b) (5)




###

---

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

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

--
Amanda DeGroff
U.S. Department of the Interior
202-208-5205 (Desk)
202-568-0168 (Cell)

--
Amanda DeGroff
U.S. Department of the Interior
202-208-5205 (Desk)
202-568-0168 (Cell)

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

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

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

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

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

---

**Crandall, Megan** <mcrandal@blm.gov> Tue, Jul 26, 2016 at 11:35 AM
To: "Kershaw, Jessica" <jessica_kershaw@ios.doi.gov>
Cc: Neil Kornze <nkornze@blm.gov>, Jonathan Jarvis <Jon_Jarvis@nps.gov>, Lawrence Roberts <lawrence_roberts@ios.doi.gov>, Jenna Whitlock <jwhitloc@blm.gov>, Maria Najera <maria_najera@ios.doi.gov>, Felipe Mendoza <felipe_mendoza@ios.doi.gov>, Sarah Neimeyer <sarah_neimeyer@ios.doi.gov>, Kevin Thompson <kevin_thompson@ios.doi.gov>, "interior_press@ios.doi.gov" <interior_press@ios.doi.gov>, Nikki Buffa <nicole_buffa@ios.doi.gov>, Androff Blake <blake_androff@ios.doi.gov>, Laura Pardue <lpardue@blm.gov>

Hi, Jessica. You may already know this, but I thought I'd pass it on anyway. According to Gov. Herbert's official schedule, he will be in San Juan County attending Sen. Lee's hearing tomorrow.

Megan

On Mon, Jul 25, 2016 at 4:05 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

# AP: Mike Lee, US Senate hold monument meeting near Bears Ears

Published 10:27 am, Monday, July 25, 2016

BLANDING, Utah (AP) — U.S. Sen. Mike Lee of Utah and members of the Senate's Energy and Natural Resources Committee will hold a hearing in Utah on Wednesday amid a push for a new national monument in the state.

Utah Gov. Gary Herbert, U.S. Rep. Rob Bishop and representatives of San Juan County, the Navajo Nation and Blue Mountain Diné are all scheduled to testify at the Wednesday afternoon hearing in Blanding.

Lee, Herbert, Bishop and other Utah Republicans and local officials oppose a monument in the Bears Ears region, saying it would be overly broad and close access to the area for development and recreation.

A coalition of tribes says the sacred Native American site 1.9 million-acre area needs bolstered protections because it's under threat from looting and damage from ATVs.

U.S. Interior Secretary Sally Jewell visited the area early this month.

On Fri, Jul 22, 2016 at 12:20 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

# Salt Lake Tribune: Herbert fully backs Bishop lands bill after aide suggested setting it aside

Gov. Gary Herbert says he fully backs legislation by two Utah congressmen to preserve parts of the Bears Ears region as a top Herbert aide attempted to clarify comments he made that there might be a better solution.

Cody Stewart, Herbert's policy director, spoke at a public meeting in Bluff on Saturday about efforts to protect millions of acres in southeastern Utah and suggested that it might be worth setting aside both the proposal of a national monument, as well as legislation by Reps. Rob Bishop and Jason Chaffetz to preserve some areas and open others to development.

There might be another option, he hinted.

"We have four or five months," Stewart, a former Bishop aide, told the crowd. "We can do it."

The comments suggested that perhaps the governor's office wasn't fully on board with the Public Lands Initiative, a bill three years in the making that had originally sought to bring all sides together to find consensus on setting aside parts of the region for protection and openly other swaths for development.

But Herbert this week rejected any notion of starting over — "heavens no," he said — and that the legislation introduced last week is the best path forward.

"We've spent three years to get to this point," Herbert said in an interview. "Rather than starting over, we'd be better amending here or there and making some modifications."

Stewart said that he only had two minutes to make his comments and was trying to play a peacemaker role in the somewhat divisive hearing between a pro-monument faction and others with their own ideas about what to do with Bears Ears, an area sacred to Native Americans but also potentially rich in mineral reserves.

Stewart said his intent was to point out that while the sides appear polarized, they are actually much closer to their goals than they think, and perhaps, if they just focused on common ground and not specific legislation, they'd be able to achieve compromise.

He believes his comments were misunderstood.

"Gov. Herbert's support for the PLI is unwavering," Stewart said this week. "He has worked with Utah's congressional delegation on this legislation for many years and is committed to seeing it become law."

The governor, Stewart added, also is willing to explore any option that will prevent President Barack Obama from using unilateral authority under the Antiquities Act of 1906 to name a new national monument covering nearly 2 million acres, as some tribal leaders and environmentalists have urged.

Obama has named several national monuments during his tenure and has promised to take additional action if congressional measures continue to stall.

Interior Secretary Sally Jewell, who participated in the public hearings last week and explored the area in question, has said that the administration wants to gather input from residents and interested parties and had long been asking Bishop and Chaffetz to unveil their legislation, which finally was introduced last week.

Tribal leaders and conservation groups quickly denounced the measure as not going far enough to preserve land and ignoring the tribes' request to have a role in managing the area.

For his part, Bishop said he paid no heed to Stewart's comments: "He was just floating ideas."

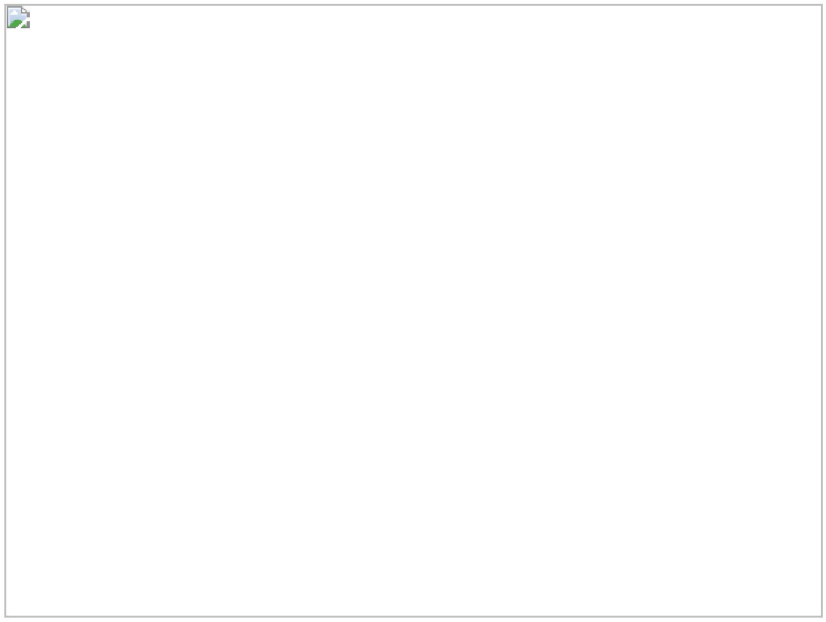
And the congressman says he will be able to push his legislation through Congress this year while there's no other proposal that could do the same.

"I have plenty of time to do this bill. You don't have plenty of time to start from scratch with another bill," Bishop said. "The worst thing you can do is a monument."

tburr@sltrib.com

http://www.sltrib.com/home/4133538-155/herbert-fully-backs-bishop-lands-bill

On Mon, Jul 18, 2016 at 6:45 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:



*Kim Baca*

This structure under the overhang is one of the thousands throughout the San Juan region. Many are being threatened by looters or irresponsible visitors.

## Indian Country Today: Sally Jewell Visits Bears Ears, Says Obama Will Decide on National Monument Before Leaving Office

Kim Baca
7/18/16

President Barack Obama could decide whether to designate the 1.9 million–acre region known as Bears Ears as a national monument by the end of the year, according to U.S. Secretary of the Interior Sally Jewell.

If not by then, Obama will definitely decide before he leaves office, Jewell told Indian Country Media Network during a three-day tour of the area.

Five tribes are asking for the designation under the 1906 Antiquities Act, which gives the President signing power to create such monuments on federal land. The proposal drew criticism and support as its creators and the opposition had a chance to speak directly with Jewell and other top federal officials at a public hearing in Bluff, Utah. People spoke passionately about the area and its history, which dates back thousands of years.

“We have not made up our minds on what way to go,” said Jewell during the hearing. “We’re here to listen.”

Jewell, directors of the Bureau of Land Management (BLM), the National Park Service and government officials did just that, listening to more than 50 people representing local tribes, ranchers, politicians, recreationalists and environmentalists. A total of 150 people crammed into the hearing room in Bluff, Utah, about 60 miles south of Bears Ears. Outside, more than 1,000 people who had traveled from around the region listened on a PA system. Jewell and her colleagues also hiked portions of Bears Ears, observing petroglyphs and the terrain firsthand.

Those who gave testimony—from descendants of Mormon pioneers who settled in the area, to rock climbers discovering ancient sites, to Native people who have seen their wells depleted and water contaminated by area natural resource development—spoke passionately about this largely pristine desert, a blanket of red-brick earth, waves of mesas, large, jutting rock formations and juniper dotting the land.

Many Navajos, Utes and other tribes who support the Bears Ears monument, named after two 9,000-foot twin buttes, say the land is sacred and important for medicine gathering, wood and ceremonies.

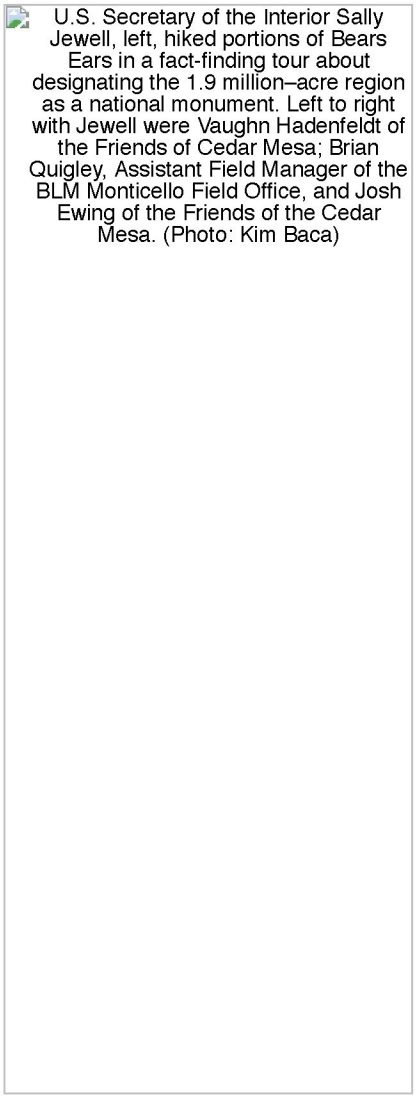
“There is nothing more important about tribal sovereignty than protecting Indian nations’ languages, cultures, beliefs, and indeed our existence as Indian people,” Navajo Attorney General Ethel B. Branch said.

“Our proposal is not about exclusion—it’s about education and partnership,” said Carleton Bowekaty of the Pueblo of Zuñi, one of the five tribes requesting the designation.

But several Navajos and at least one Ute, including a group from Blue Mountain Dine and San Juan County Commissioner Rebecca Benally, spoke against the designation, citing general distrust with the federal government.

“We have suffered from all the treaties that have been broken,” Benally said. “I’m very disheartened by the misinformation and also by the dividing the sisters and brothers in this community.”

Benally, a Republican, supports a bill filed by Utah’s congressional delegation and introduced in the House as an ostensible alternative to the tribal proposal. The bill would designate 4.6 million acres of land for conservation, and allocate 1.1 million acres for recreation and natural resource



U.S. Secretary of the Interior Sally Jewell, left, hiked portions of Bears Ears in a fact-finding tour about designating the 1.9 million–acre region as a national monument. Left to right with Jewell were Vaughn Hadenfeldt of the Friends of Cedar Mesa; Brian Quigley, Assistant Field Manager of the BLM Monticello Field Office, and Josh Ewing of the Friends of the Cedar Mesa. (Photo: Kim Baca)

*U.S. Secretary of the Interior Sally Jewell, left, hiked portions of Bears Ears in a fact-finding tour about designating the 1.9 million–acre region as a national monument. Left to right with Jewell were Vaughn Hadenfeldt of the Friends of Cedar Mesa; Brian Quigley, Assistant Field Manager of the BLM Monticello Field Office, and Josh Ewing of the Friends of the Cedar Mesa. (Photo: Kim Baca)*

development. The Public Lands Initiative also ensures tribal input, protection of archaeological sites, preserves traditional gathering of plants, and gives managing agencies digression to hire tribal managers to help manage the land, said Casey Snider of U.S. House Rep. Rob Bishop's office (R-UT).

Though Congress is ready to wrap up its current session in a matter of months, Snider said that hearings on the bill are planned this month and August, with Bishop scheduling bill changes and a congressional hearing in September.

Environmentalists oppose the bill because they say it allows too much for gas and oil development. Tribal leaders have also criticized the bill, saying that their input has not been sought. Initially tribes were working with Utah lawmakers on a proposal, but when communications fizzled earlier this year, tribes broke off and created their own proposal. The Hopi, Zuñi, Ute Mountain Ute, Uinta-Ouray Ute and the Navajo Nation formally asked Obama to designate the area as a national monument last year.

RELATED:Bears Ears Coalition Splits From 'Disrespectful' Congressional Reps

This is the first time that a tribal coalition has proposed a national monument, although other tribes have requested joint management of public lands, said Larry Roberts, Acting Assistant Secretary for Indian Affairs, who also toured the area and attended the hearing.

RELATED:Bears Ears 1.9 Million–Acre Monument Would Be Unique Tribal-Federal Collaboration

The hearing culminated a three-day trip to the area for Jewell and other top federal officials to talk to residents and learn more about the land and its uses. The area falls under jurisdiction of the BLM, which has two law enforcement rangers and a handful of staff to oversee the 1.9 million acres of land containing 100,000 archaeological sites. BLM staff members admit that looting and site disturbance have been a problem. That is corroborated by Josh Ewing of Friends of the Cedar Mesa, a nonprofit organization created to help the BLM manage the area, who said he has seen bones from some of the gravesites thrown about as looters look for pottery or other items to sell.

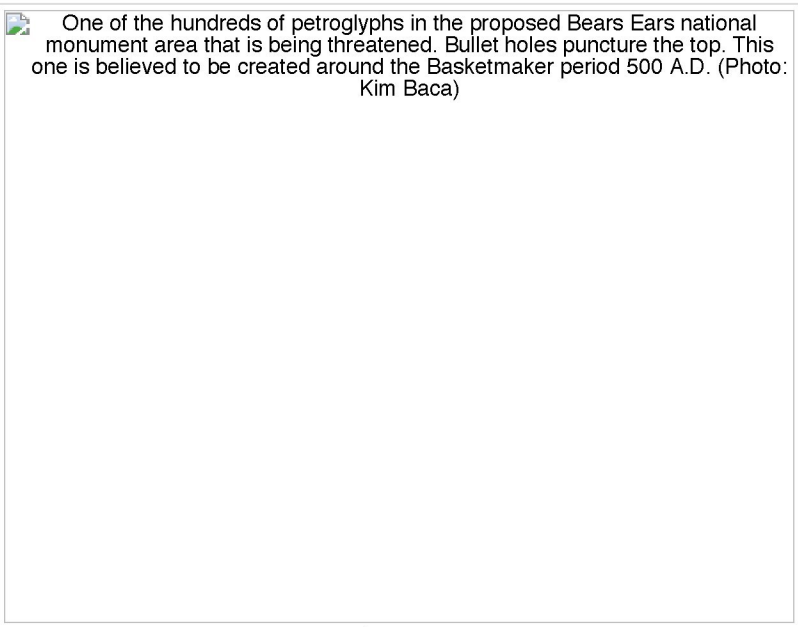
Ranchers and other area residents told Jewel that creating a monument will bring more visitors and will not stop desecration. As the day wore on, however, a common theme emerged.

"The one thing that we are all consistent on—those of us supporting and opposing—we all want to preserve the land for the younger generation," area resident Kevin Maryboy said.

Read more athttp://indiancountrytodaymedianetwork.com/2016/07/18/sally-jewell-visits-bears-ears-says-obama-will-decide-national-monument-leaving-office

###

On Mon, Jul 18, 2016 at 7:59 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:



One of the hundreds of petroglyphs in the proposed Bears Ears national monument area that is being threatened. Bullet holes puncture the top. This one is believed to be created around the Basketmaker period 500 A.D. (Photo: Kim Baca)

*One of the hundreds of petroglyphs in the proposed Bears Ears national monument area that is being threatened. Bullet holes puncture the top. This one is believed to be created around the Basketmaker period 500 A.D. (Photo: Kim Baca)*

In our opinion: PLI revisions are welcome but time is running out

**Deseret News editorial**

Published: Mon, July 18, 2016, 12:00 a.m. MDT

0 comment

Secretary Jewell addressing tribal leaders during a meeting on top of the Bears Ears meadow. (Photo: Kim Baca)

FILE - Interior Secretary Sally Jewell stands on Comb Ridge as she visits rock art sites, some of witch have been vandalized in southern Utah on Saturday, July 16, 2016.
((Scott G Winterton, Deseret News))

*Secretary Jewell addressing tribal leaders during a meeting on top of the Bears Ears meadow. (Photo: Kim Baca)*

A- A+

The best news to come out of a revised Public Lands Initiative announced this week by Utah Reps. Rob Bishop and Jason Chaffetz is that it omits language that would have made seven counties in eastern Utah exempt from any monument designations under the Antiquities Act.

Despite our dislike of the Antiquities Act, that exemption, a part of the original bill announced earlier this year, would have guaranteed the initiative's defeat — if not in Congress, then certainly under a presidential veto.

Beyond that, the bill's release, and Interior Secretary Sally Jewell's visit to the state this week, highlight just how quickly the clock is ticking on finding solutions to vexing land-management issues in the southeastern part of the state. The implication of Jewell's comments at various meetings is that either the state's representatives and the stakeholders involved find and pass a solution through Congress soon, or the president will summarily create a new national monument in the Bears Ears region.

The former clearly is preferable to the latter. Unfortunately, some stakeholders have more to gain from a monument designation than a brokered deal that would give them less than what they want.

That isn't to say the Public Lands Initiative is a perfect solution. If anything is clear after many years of trying to broker a grand compromise, it is that the myriad land-use issues in that part of the state are complicated and intertwined.

But it's also true that more is at stake here than just one bill. A successful compromise solution, passed by Congress and signed by the president, would stand as a powerful template for resolving the many other land-use issues in the West.

Bishop and Chaffetz's latest proposal would set up two national conservation areas in Bears Ears, protecting 1.4 million acres while allowing native tribes to access the area for sacred rituals. While tribal leaders have voiced support for a national monument, they want such a designation to continue allowing them access for rituals. It's unclear whether a monument designation would allow this, although Jewell said final language has not yet been prepared.

The rest of the Public Lands Initiative attempts to find compromise on other contentious issues on recreation, conservation and economic development. It would expand Arches National Park and create a Jurassic National Monument at the Cleveland-Lloyd Dinosaur Quarry. It would expand the Goblin Valley State Park, increasing staffing necessary to manage it.

But it also would allow for more economic development through energy extraction, which has several environmental groups voicing opposition.

The Obama administration has insisted it won't treat a monument designation the way President Bill Clinton did when he took all parties by surprise in creating the Grand Staircase-Escalante National Monument in 1996. Jewell's visit to the state this week is a good-faith indication this is true.

Jewell traveled the state, listening to the emotion-charged concerns of many stakeholders and gaining a greater appreciation for the complexities involved. She made it clear, however, that time is running out.

Bishop and Chaffetz have much hard work ahead and little time to do it. But success would go far toward making the West a more peaceful place.

Sent from my iPhone

On Jul 17, 2016, at 10:56 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:



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

First Published Jul 16 2016 03:03PM • Last Updated Jul 16 2016 09:01 pm

(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.

Share This Article

ARTICLE PHOTO GALLERY (1)

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.

ADVERTISEMENT

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."

ADVERTISEMENT

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 iPhone

On Jul 15, 2016, at 9:57 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

# Salt Lake Tribune Op-Ed: Terry Tempest Williams: With monument proposal, tribes open door to new way of seeing public lands

By Terry Tempest Williams

First Published Jul 15 2016 08:51AM • Last Updated Jul 15 2016 10:55 am

Courtesy of Ted C. Brummo Terry Tempest Williams

Share This Article

It is time for a monumental idea. Secretary of the Interior Sally Jewell will be in Bluff tomorrow conducting a site hearing on the Bears Ears National Monument proposal. Her presence honors the strength and dignity of tribal leadership expressed through the coalition of Navajo, Hopi, Zuni and the Mountain and Ouray Ute nations who are calling for the protection of 1.9 million acres adjacent to Canyonlands National Park in the remote region of Cedar Mesa.

The coalition of five tribes — supported by more than 20 tribes within the American Southwest and the National Congress of American Indians, comprised of more than 250 tribes — is asking the United States government to see their home ground through the lenses of traditional knowledge gleaned through relationships cultivated over time.

On Thu, Jul 14, 2016 at 11:52 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

Sharing some additional clips with the team this evening on top of what Amanda sent earlier tonight, this is some of the radio/TV coverage.

I'd first like to flag however this amazing photo album on the Salt Lake Tribune website. Many of us will relive our entire day in these photos - it's a stunning album for many reasons. Please take a peak tonight:

**Salt Lake Tribune Photo Album:**

http://www.sltrib.com/csp/mediapool/sites/sltrib/Pages/gallery.csp?cid=4117685&pid=3542680

-Jessica

Additional TV/Radio Coverage (just clink the links below):

VIDEOS

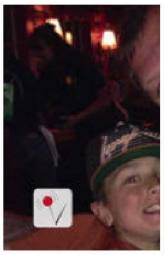
ITN

Otero County sheriff says homes apparently burned by fire near Timberon

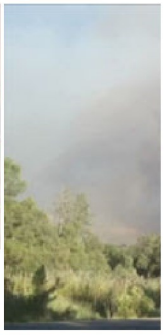
KOB - Albuquerque, NM

**More videos:**

Atlanta teen's poem 'White Boy Privilege' goes viral



American Father and Son Killed in Nice Truck Terror Attack



Otero County sheriff says homes apparently burned by fire near Timberon

TOP JOBS

TribTopJobs

**Great Western Leasing & Sales Inc.**
Sales Representative...

**Schmeuser Associates Inc.**
Safety Manager...

**Great Western Leasing & Sales Inc.**
Sales Representative...

**Pioneers Medical Center**
Registered Nurse...

**Idaho Truck Service, Inc.**
Over The Road Truck Drivers...

Check out all of the Trib Top Jobs

I do not profess to know how Indian people feel. I only know how I feel when I am with them. I am drawn into a circle of relationships that widens my own sense of community that includes all living things. My debt is large to Indian people and all the ways they have shaped and influenced my own sense of home.

I believe the Bears Ears National Monument proposal honors the deep residency of native peoples living inside the Colorado Plateau. The tribes are asking each of us to acknowledge an embodied intelligence born of the land that warrants as much respect and protection as the wilderness, itself.

The Bears Ears National Monument Proposal has the potential to transform Utah's rancorous politics of place into an ethic of place for generations to come.

Not long ago, 15 students gathered in our living room with Jonah Yellowman, a Navajo spiritual leader from Monument Valley. When Jonah arrived, coyotes began howling, a rarity at nine o'clock in the morning.

He entered our home, the students sat near him, and he began his remarks with a blessing. After the blessing, he spoke about how one learns, how his father taught him as a young boy to bring in wood and water at night, so that in the morning you will have dry wood to make a fire for warmth, and water to boil a cup of tea.

"You will not be caught short in a blizzard," he said.

He shared how he became a medicine person, how the ashes spoke to him, how if one holds a crystal up to the stars for guidance and then peers back into the ashes, one can see into the soul of the person in need. One of the students bluntly asked Jonah why he was sharing this sacred knowledge.

"It is time," Jonah said.

Jonah spoke about why these lands on Cedar Mesa remain sacred to the Navajo; how the bones of his ancestors are buried here, how their ancient songs are still carried by the winds, and how the Diné see these lands as their medicine cabinets. This is the home of their ceremonies. This is the place where he remembers the source of his dreams.

"I have dreamed of being in this place before," Jonah said.

He pointed north toward the Colorado River. "The elders told me that this canyon where the great river flows was created by the bison from scraping the Earth with his hoof."

"It is time to go outside," he said. We followed him on to the patio in Castle Valley, where we witnessed a rare horizontal rainbow above the mesa.

It is time for us to go outside our own places of comfort and dare to embrace a new way of seeing. The tribes are opening the door, inviting us to cross a threshold where a more expansive conversation about land protection awaits us. They are taking us beyond the rhetoric of wilderness designation to a wider view of how we can live in place with reverence and restraint. Leaders like Jim Enote from the Zuni Pueblo remind us how these desert lands are "source, not resource."

In this centennial year of the National Park Service, it is hard to imagine a more profound act that could provide a greater healing between indigenous people and the federal government than this bold national monument. At a time when race has created a wedge and a wound within our communities in the United States of America that is anything but united, Bears Ears National Monument becomes a gesture of peace extended to disenfranchised people still held captive by the violence of our shadowed history.

The partisan politics that continues to plague public land policy in the 21st century is being offered a powerful corrective by collaborating with the tribes in a co-management model of cooperation where traditional knowledge is embedded within current land agency governing principles and practices. It will not be easy, but it will be transformative and right.

Our national parks and monuments are not simply "America's best idea" but an evolving idea. In their quiet and dignified manner, the tribes are leading the way forward with a vision of land protection in Utah that is at its core, spiritual. We are the sum of all our relations, both human and wild.

May Jewell listen to the collective wisdom of the tribes and carry it back to Washington and return to their native home ground with a monumental decision.

Terry Tempest Williams is the author of "The Hour of Land: A Personal Topography of America's National Parks," published by Farrar, Straus & Giroux, currently a New York Times bestseller.

###

### Sally Jewell on KSL-AM (Radio) - Salt Lake City, UT
07/14/2016 15:31:40

... High 80 to around 24 100 seats Mark Jackson I top story this hour Interior Secretary Sally Jewell has arrived in southern Utah forward tour the area which could become a new national monument if President Obama turned a deaf ear to the state Republican leaders ...

### Sally Jewell on KSL-AM (Radio) - Salt Lake City, UT
07/14/2016 13:02:33

(click thumbnail to play)

... coalition's proposal for Bears years official says his bill protects 1.4 million acres about 5 terror Secretary Sally Jewell is in southern Utah for a look at the area which could become a new national monument he's been meeting with representatives of the ...

(click thumbnail to play)

**Sally Jewell on KSL-AM (Radio) - Salt Lake City, UT**
07/14/2016 13:20:17
... 100 and an American clerk recreation with 3 think you needed Alison Grimes got your first interior Secretary Sally Jewell was on a trip to southern Utah he's meeting with those for and against possible bears years national monument second state Department of Environmental quality is

(click thumbnail to play)

**Sally Jewell on KSTU-SLC (FOX) - Salt Lake City, UT**
07/14/2016 16:07:14
FOX 13 News at Four (News)
... weekend.. governor gary herbert met privately with interior secretary sally jewell. fox 13 is told the two chatted about her visit to bears ears in the four corners area.. which could ...

On Thu, Jul 14, 2016 at 8:28 PM, Degroff, Amanda <amanda_degroff@ios.doi.gov> wrote:

Interior Secretary Sally Jewell visits southern Utah, vows she's 'here to listen'
The Salt Lake Tribune // Matthew Piper // July 14
As Reps. Rob Bishop and Jason Chaffetz unveiled their long-awaited public lands plan, Interior Secretary Sally Jewell came face to face with critics of the proposed national monument Utah's delegation hopes to stave off. The second day of Jewell's whirlwind tour of southeastern Utah saw her drive from Moab's airport to Big Flats, to Gemini Bridges, to Dead Horse Point, to Indian Creek and finally to Monticello, where about 50 protesters welcomed her outside the Hideout Community Center with chants of "No national monument!" "We protect it just fine," shouted one. Another: "Communist!" The mood inside was lighter, but more than 150 people gathered to hear San Juan County commissioners share their concerns about the Bears Ears National Monument proposal, brought by a coalition of five tribes that late last year stopped participating in discussions about Bishop and Chaffetz's Public Lands Initiative and appealed to President Barack Obama to protect 1.9 million acres by using the Antiquities Act.

As Interior secretary tours sacred tribal site, Utah Republicans push to protect it
Washington Post // Juliet Eilperin // July 14
Utah Republican lawmakers introduced legislation Thursday that would protect 1.4 million acres of a sacred Native American site in the state's southeast, as Interior Secretary Sally Jewell toured the area to solicit ideas on how to address the threats it faces. Bears Ears — an expanse of land in San Juan County that boasts both archeological treasures and critical environmental habitats — has come under pressure from looters and vandalism over the years. Utah's congressional delegation has spent three years working to craft a compromise bill that would encompass not only that area but six other counties, providing opportunities for energy development, grazing and motorized recreation while designating some parts for conservation. The new flurry of activity, including the bill introduction and Jewell's four-day visit to meet with tribal leaders, local officials and environmentalists, underscores that time is running out to forge a legislative deal.

Secretary Of The Interior To Tour Bears Ears
Utah Public Radio // Jon Kovash // July 14
This week Interior Secretary Sally Jewell is visiting multiple towns in Southeast Utah to hear local concerns about federal lands. Jewell is traveling with a delegation of high ranking federal officials. Wednesday she met with Governor Herbert, toured the San Rafael Swell with Emery County officials, and attended a meeting in Moab, where she was greeted with a sea of T-shirts and signs supporting the Bears Ears as a new national monument. "This is democracy," she said. "I mean, this is how our country works, and, you know, listening to each other in a respectful way. Having a large group of people that have different points of view by the shirts they're wearing and the signs they're carrying, and being very respectful of each other, I appreciate."

The Latest: House bill blocking monuments faces veto threat
AP // July 14

House Republicans have passed a spending bill that could block a new national monument in southeastern Utah. But the effort faces a White House veto threat. Republican Rep. Chris Stewart of Utah added a provision to an Interior Department spending bill that blocks money for any new monuments in portions of eight states, including 17 Utah counties. The House passed the bill Thursday, but the measure is expected to run into a filibuster from Senate Democrats and the White House veto threat. The vote comes as U.S. Interior Secretary Sally Jewell is visiting Utah to meet with supporters and opponents of the Bears Ears monument.

GOP Lawmakers Unveil Utah Land Use Plan

WSJ // Jim Carlton // July 14

Two Utah Republicans unveiled a long-awaited bill aimed at protecting vast parts of the state's spectacular canyon country, while allowing development in other areas. The bill's backers say it is a compromise that could serve as a model for brokering disputes over federal land ownership in the West, while potentially lowering the temperature on a legal feud between Utah and the U.S. The Obama administration hasn't taken a stand on the monument. Interior Secretary Sally Jewell is set to host a community meeting Saturday in Bluff, Utah, on the dueling proposals.

Interior Secretary Jewell meets with Grand County Council

Moab Sun News // Eric Trenbeath // July 14

Interior Secretary Sally Jewell heard comments from the Grand County Council on Rep. Rob Bishop's Utah Public Lands Initiative (PLI), and the Bureau of Land Management's Master Leasing Plan (MLP) at a special meeting held on Wednesday, July 13. More than 50 local citizens attended, many wearing t-shirts, or carrying signs either in support of, or opposed to, the creation of a Bears Ears National Monument. "I am here to listen, that is the primary reason for this visit," Jewell said. "You have an incredible place here, and I know that it's got lots of different elements to the economy, and things that are important to people of this region."

Push to create Utah monument marks latest Western land fight

AP // Brady McCombs // July 14

Laminated sheets of paper held in place by rocks rest inside ancient cliff dwellings nestled underneath a spectacular red rock overhang in southeastern Utah. "Don't erase the traces of America's past," the signs read. "Please do not enter interior rooms." The weathered signs and a similar warning at the trailhead are the only protections in place for these easily accessible ruins along a canyon hiking path. The cliff dwellings are part of an estimated 100,000 archaeological sites within a 1.9 million-acre area that a coalition of American Indian tribes wants President Barack Obama to designate a national monument to ensure protections for lands considered sacred. U.S. Interior Secretary Sally Jewell is visiting the area this week to meet with proponents and opponents — the latest indication the Obama administration is giving serious consideration to the "Bears Ears" monument proposal.

Public lands bill unveiled without controversial Antiquities Act provision

KSL // Amy Joi O'Donoghue // July 14

Utah Republican Reps. Rob Bishop and Jason Chaffetz unveiled the final version of the much awaited Public Lands Initiative Thursday, eliminating a mandate that seven counties in eastern Utah are off-limits for any future monument designation under the Antiquities Act. The elimination of the controversial provision acknowledges it was a deal breaker for environmental groups and recognition that no president would endorse a law that relinquishes such a sweeping executive power. Bishop, chairman of the House Committee on Natural Resources, a veteran GOP faithful and states' right defender, released the Public Lands Initiative on the day of the start of Jewell's three-day, whirlwind tour of Grand and San Juan counties. His bills, and her visits, come as the debate over a potential monument designation of 1.9 million acres in the Bears Ears region reaches a fervent pitch, with certain tribes and environmental groups calling for presidential action.

Bishop, Chaffetz unveil long-awaited lands bill in bid to block a Bears Ears National Monument

The Salt Lake Tribune // Thomas Burr and Matt Canham // July 14

Reps. Rob Bishop and Jason Chaffetz introduced a package of bills Thursday with the immediate hope of preventing President Barack Obama from creating a Bears Ears National Monument in San Juan County. But the larger goal of the Public Lands Initiative (PLI) is to end decades of acrimony among environmentalists, ranchers, oil and gas drillers, recreationalists and tribal leaders, with a plan that brings certainty to the seven rural counties that took part in this grueling three-year process. The bill's introduction comes as Interior Secretary Sally Jewell and other federal officials are touring southeastern Utah to look at the Bears Ears region, a culturally sensitive area to many tribal nations.

Can a trove of Native American ruins be saved from eBay and 'white people' ideology?

Fusion // Ari Phillips // July 14

When I asked Josh Ewing, my tour guide through the countless Native American ruin sites nestled in the remote cliffsides of southeastern Utah, about the coolest thing he'd ever discovered here, he barely paused before answering. "I climbed

down from the rim of this cliff dwelling site and found an intact painted bowl, black and white—just perfect. It had been sitting there for about 800 years," he said, as we summited a large rubble pile of what is believed to be a four-story Ancestral Pueblo structure. "One of our big problems is everyone takes a shard of a pot and puts it on their mantle or something. And if everyone takes a piece home with them pretty soon there's nothing left." Interior Secretary Sally Jewell will be visiting Utah this weekend to meet with stakeholders involved in the debate and to try and smooth a path forward. This year is the centennial celebration of the National Park Service, and the agency is using the occasion to highlight the important role that it plays in preserving both natural beauty and human history. Jessica Kershaw, spokesperson for the DOI, said that the goal of Jewell's cross-country travels this summer is to find opportunities to ensure "our parks and public lands are benefiting all Americans."

On Thu, Jul 14, 2016 at 12:54 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

> **Journal News Editorial: Bears Ears may finally get the protection it so clearly deserves**
>
> Cedar Mesa, Dark Canyon, Grand Gulch and Valley of the Gods are all places with names that evoke the almost mythical natural landscape familiar to many residents and visitors of the Four Corners who have hiked, hunted, floated and appreciated the archaeology in them. They are big places with open spaces one can imagine not looking too much different than they did millions of years ago.
>
> Bounded to the west by the Green and Colorado rivers, to the east by Highway 191 from Moab to Bluff, and along the southern edge by the San Juan River, the 1.9 million acres of public and ancestral lands known as the Bears Ears may soon receive permanent protection. Some say this is long overdue – by a century or more.
>
> In 1906, Congress established the Antiquities Act, largely in response to rampant looting of archaeological sites in the Four Corners, including the Bears Ears region, which continues today. It gives the president the authority to create national monuments from public lands to protect significant natural, cultural or scientific resources. To date, presidents have used the act over 100 times to establish monuments, including Canyon of the Ancients west of Cortez, but not yet for an area for which it was perfectly designed.
>
> Secretary of the Interior Sally Jewell and Department of Agriculture Under Secretary Robert Bonnie will hold a public meeting on Saturday, July 16, in Bluff, Utah, to receive comments on community visions for the management of Southern Utah's public lands, including Utah Republican Congressmen Rob Bishop's and Jason Chaffetz's Public Lands Initiative and the Bears Ears Inter-Tribal Coalition's proposal to designate a new national monument. Their visit is an important step toward ensuring the Bears Ears region receives the protection it deserves.
>
> Stakeholders, including conservation, off-highway vehicle and recreation groups, have spent the past three years working with tribal leaders and Utah's congressional delegation on legislation that would protect this area, but to date, no legislation has been introduced in Congress. The draft legislation to be released this week is anticipated to be much improved but may still not be acceptable to stakeholders and tribes. Time is running out.
>
> Frustrated by legislative inaction, the Bears Ears Inter-Tribal Coalition came together to conserve the Bears Ears cultural landscape and requested that President Obama proclaim it a national monument. The historic consortium of sovereign nations includes leaders of the Hopi, Navajo, Ute Mountain Utes, Zuni and Ute Indian Tribe of northeastern Utah. It is also the first time the conservation community is following the lead of and supporting a proposal developed by Native Americans.
>
> Dozens of conservation and recreation groups and a total of 26 tribes have expressed support and are united in their vision for protecting the Bears Ears region. The Bears Ears National Monument proposal presents an extraordinary opportunity to protect a scenically spectacular and archaeologically rich landscape and to do something that has never been done before by creating a national monument that protects Native American ancestral homelands and provides the tribes a meaningful role in their management.
>
> To add your voice to those seeking to do what is right for the land and the people that trace their heritage to it, take a drive to Bluff on Saturday.

Sent from my iPhone

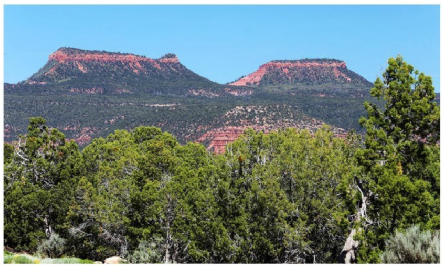
On Jul 13, 2016, at 3:57 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

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

**By Amy Joi O'Donoghue, Deseret News**

Published: Tue, July 12, 2016, 8:30 p.m. MDT

2 comments



The Bears Ears area is seen on Thursday, June 2, 2016. The proposed 1.4 million acres of the Bears Ears region contained in a massive public lands bill being unveiled this week would actually be split in two, with the southern portion set aside for traditional Native American uses.
(Scott G Winterton, Deseret News)

SALT LAKE CITY — The proposed 1.4 million acres of the Bears Ears region contained in a massive public lands bill being unveiled this week would actually be split in two, with the southern portion set aside for traditional Native American uses.

A- A+

Rep. Rob Bishop, R-Utah, and chief architect of the measure, said the region on federal lands in southeastern Utah will come with a new management structure that includes a tribal committee to ensure traditional access for wood gathering, ceremonies and gathering of plants.

"We spell out what the management practices will be and the purpose of those," Bishop said. "The lower half is strictly for conservation. … They will be able to continue those traditional activities in a way that would not be guaranteed under a monument designation."

The final version of Bishop's bill is due to be released late this week, coinciding with a three-day, packed tour of San Juan and Grand counties by Interior Secretary Sally Jewell.

Jewell will meet with tribal leaders of the Bears Ears Inter-Tribal Coalition, visit with San Juan County commissioners and hear from congressional staffers from Bishop's and Rep. Jason Chaffetz's offices.

Cody Stewart, Gov. Gary Herbert's policy adviser, will also be at the talks, with Herbert already committed to attend a meeting of the National Governors' Association.

As the tempo accelerates around the Bears Ears controversy — the coalition is pushing President Barack Obama to declare 1.9 million acres a national monument — all sides in the issue are scrambling for the ear of Jewell, who has promised no designation will be made without local input.

To that end, beyond the intense slate of meetings, tours and hikes, Jewell will host a three-hour community meeting in Bluff to hear from residents on the issue.

Bishop mapped out some of his plans for the Bears Ears region, saying no one disputes the need for federal conservation area protections. The 1.4 million acres of the Bears Ears region would be divided into two roughly equal portions and managed as separate national conservation areas.

While the southern portion would be managed strictly with Native American uses and traditions in mind, the northern half would come under an administrative approach that recognizes existing outdoor recreation uses such as rock climbing in the Indian Creek corridor. The footprint also includes the Mancos Wilderness Area.

The divided conservation area model came at the request of The Nature Conservancy, which owns the 5,200-acre working Dugout Ranch that is also home to scientific research and ancestral Puebloan rock art and dwellings. The concept was pursued in consultation with San Juan County and some tribal representatives.

"This is a dramatic change from January," said Fred Ferguson, Chaffetz's chief of staff. "If you don't recognize the different conditions on the ground, management will be extremely difficult."

The northern region is already heavily used for outdoor recreation and includes some grazing, Ferguson said. Under the new management structure envisioned to protect cultural resources, the tribes will have a co-management position, elevated to cooperating partners in land-use planning, he said, and not simply consulted.

"They will have a seat at the table," Ferguson said. "Candidly, that is very difficult to be created through a monument designation."

The delegation asked the leaders of the Bears Ears Inter-Tribal Coalition to sit down and review the changes in late June, but the offer was rebuffed.

"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," the coalition's letter said.

Coalition leaders bowed out of talks in December, accusing Bishop and Chaffetz of ignoring their input, leaving them out of the public lands initiative process and continually missing deadlines.

Bishop said the latest reaction was disappointing but not surprising.

"I think that is more indicative of the entire issue at hand," he said. "This was an organization whose first priority may not have been trying to sit down and work something out."

Gavin Noyes, executive director of Utah Dine Bikeyah, a nonprofit advocacy organization for indigenous people, said the group long supported a national conservation area for Bears Ears because of the ability to write more language into that approach rather than a proclamation. The group, however, is deferring decisions to the coalition and supporting its position for a monument.

The public lands bill will be the subject of a formal hearing in August by the committee Bishop heads, the House Committee on Natural Resources, which will also hold a markup session on the bill in September.

Bishop's public lands bill, dubbed the "Grand Bargain," has been in the making for more than three years. It was released in draft form in January amid a swell of criticism from environmental groups who say it favored industry over conservation.

Sent from my iPhone

On Jul 12, 2016, at 10:23 PM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

Updated AP short story on this week's public meeting:

**Top Obama officials head to Bluff for Bears Ears meeting**

Associated Press

**Interior Secretary Sally Jewell and other top officials from the Obama administration will host a public meeting in Bluff, Utah, on Saturday, July 16 to discuss future management of the Bears Ears region.**

---

**By Jim Mimiaga Journal staff writer**

Interior Secretary Sally Jewell and other top officials from the Obama administration will host a public meeting in Bluff, Utah, on Saturday, July 16 to discuss future management of the Bears Ears region.

The meeting will be from 1–4 p.m at the Bluff Community Center at the corner of Third Street and Mulberry Avenue.

According according to a July 12 Department of Interior announcement, the meeting is “regarding community visions for management of southern Utah’s public lands, members of the public are invited to attend and comment.”

Participating federal agency representatives will also attend the meeting, including Department of Agriculture Undersecretary Robert Bonnie, Bureau of Land Management Director Neil Kornze, National Parks Service Director Jonathan Jarvis, and acting U.S. Assistant Secretary for Indian Affairs Larry Roberts. U.S. Forest Chief Tom Tidwell has also been invited.

The protection of cultural and natural resources of the vast area of public lands in southeast Utah has been a hot topic for the last few years.

Conservation groups and Native American tribes — including the Ute Mountain Utes, Navajos, Uintah-Ouray Utes, Hopi, and Zuni — have been advocating that President Barack Obama declare a 1.9 million-acre Bears Ears National Monument under the Antiquities Act.

Utah legislators are pushing for a federal bill to form the Bears Ears National Conservation Area on 1.1 million acres.

"We're excited that D.C. officials are coming out to hear different viewpoints and what the issues are for protecting this area," said Gavin Noyes, executive director of Utah Dine Bikeyah, a grassroots nonprofit that supports the Bears Ears Coalition of five tribes.

The Bears Ears area contains more than 100,000 archaeological sites with cultural ties to Native American tribes in the American Southwest.

Sent from my iPhone

On Jul 11, 2016, at 1:40 PM, Degroff, Amanda <amanda_degroff@ios.doi.gov> wrote:

# Interior chief headed to Utah amid divisions over proposed monument

2

*Getty Images*

**By Timothy Cama** - 07/11/16 11:06 AM EDT

Interior Secretary **Sally Jewell** is traveling to Utah this week amid divisions over a proposal for a new national monument to protect land in the state.

Jewell's meeting, planned for Saturday, comes after years of calls from American Indian tribes and environmentalists to create the Bear's Ears National Monument, which would protect nearly 2 million acres in southwestern Utah that tribes believe to be sacred and historic.

The meeting is far from an endorsement of the proposed land protections, however.

It's part of Jewell's effort on the 100th anniversary of the National Park Service to hear from local residents around the country about their visions for public lands for the next century.

"The goal of her travel is to find and highlight opportunities where we can make progress in ensuring our parks and public lands are benefiting all Americans," Interior spokeswoman Jessica Kershaw said.

The Utah travel is meant for Jewell "to meet with and listen to community members, local leaders and stakeholders about a range of conservation proposals... to further protect Utah public lands," she added.

Congressional Republicans, the oil and gas industry and business interests oppose the national monument designation, which President Obama can do unilaterally. They say such a designation would unnecessarily restrict various uses of the land, including energy production.

A bill from Utah Reps. **Rob Bishop** and **Jason Chaffetz**, both Republicans, proposes various land protections around Utah, including 1 million acres in the Bear's Ears area, in part as an attempt to push back at a potential monument. But the monument's supporters say the GOP bill would allow too much development and wouldn't go far enough in protecting the land.

Bishop, chairman of the House Natural Resources Committee, plans to unveil a revised version of the legislation this week, The Salt Lake Tribune **reported**.

"As we have repeatedly stated, legislation ensures local participation and guarantees a balanced product," Bishop and Chaffetz wrote Friday to Jewell. Utah Sens. **Mike Lee** and **Orrin Hatch**, also Republicans, signed on to that letter as well.

"The [Utah federal] delegation, local elected officials and many local tribal organizations remain unified in our opposition to the unilateral use of the Antiquities Act in Utah."

On Fri, Jul 8, 2016 at 9:41 PM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

**Salt Lake Tribune: Next week could be turning point in Bears Ears debate: Bishop to unveil bill; Interior Secretary Jewell to visit Utah**

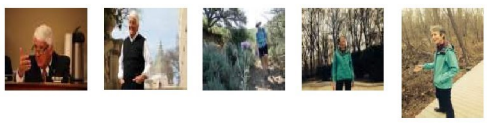
By THOMAS BURR | The Salt Lake Tribune CONNECT

First Published 2 hours ago • Updated 59 minutes ago

Courtesy | House Committee on Natural Resources Rep. Rob Bishop, R-Utah.

Share This Article

ARTICLE PHOTO GALLERY (5)



Washington • Rep. Rob Bishop plans to unveil long-awaited legislation next week to preserve some areas of the Bears

Ears region in southeastern Utah just ahead of a visit by Interior Secretary Sally Jewell.

ADVERTISEMENT

Bishop also plans to fast-track his much-anticipated Public Lands Initiative (PLI) — which critics worry won't go far enough to protect Bears Ears — by holding hearings in August and September and put it before the House by the end of the latter month.

The Utah Republican — joined by Utah's senators, Mike Lee and Orrin Hatch, and Rep. Jason Chaffetz — hopes the measure will blunt any attempt by President Barack Obama's administration to use the 1908 Antiquities Act to unilaterally create a national monument as several tribal leaders have called for to safeguard nearly 2 million acres.

---

---

"As we have repeatedly stated, legislation ensures local participation and guarantees a balanced product," the four Utah members of Congress wrote Friday to Jewell. "The [Utah federal] delegation, local elected officials and many local tribal organizations remain unified in our opposition to the unilateral use of the Antiquities Act in Utah."

Jewell's July 16 visit, which will include a public meeting in the Bears Ears area, is aimed at allowing the secretary to hear the various proposals, including the PLI and a push for a national monument, and see the area in person, her spokeswoman, Jessica Kershaw, said Friday.

ADVERTISEMENT

The meeting shouldn't be read as the administration ramping up any move to name a monument, Kershaw cautioned. A visit by the interior secretary to an area under consideration for a monument had previewed action by Obama in recent years, but Kershaw said this Utah trip will be a listening tour.

"This is an opportunity to hear form the community from a variety of stakeholders — land managers, representatives, local officials — about their concerns and desires to protect places that hold special meaning to them," Kershaw said. "It is not an indication of an imminent monument decision."

Bishop has been working on the PLI for years, saying at the start he wanted to bring together all the parties — from environmentalists to oil and gas leaders to local officials and residents — to find a solution to preserving areas that need protection and opening up other mineral-rich spots for development.

He released a draft plan in January, though several conservation groups said it didn't go far enough and offered too much for development. Utah's members of Congress noted in their letter to Jewell that they appreciated suggested changes to the draft PLI from the administration as well as nongovernmental organizations.

Several tribal leaders have withdrawn from Bishop's effort and said they supported Obama naming a new monument. The president, who has designated several monuments during his seven years in office, has said he will move to preserve areas that are in need, though he has not publicly mentioned the Utah area.

Josh Ewing, executive director of Friends of Cedar Mesa, which seeks to set aside the Bears Ears area, said his group is excited to see the legislation. It is an important step to inform the debate about what should be preserved, he said, and whether it should be through congressional or presidential action.

Ewing added that he does not expect any monument designation to be forthcoming while the Utah delegation pursues a legislative solution.

"I hope that [Jewell's] visit signals the administration's serious consideration for considering a monument if the Public Lands Initiative can't protect this area," Ewing said. "I do not think a monument is imminent. I think they are going to allow the Public Lands Initiative to succeed or fail."

Sent from my iPhone

On Jul 8, 2016, at 7:46 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

# AP: Secretary Jewell to visit Utah to discuss conservation plans

Posted 6:10 p.m. today

1

**SALT LAKE CITY** — U.S. Interior Secretary Sally Jewell will visit Utah on July 16 for a public meeting to discuss conservation proposals that include a plan backed by a Tribal coalition and environmentalist to create a new national monument.

Interior spokeswoman Jessica Kershaw said Friday by email that Jewell will meet with community members and local leaders about how to ensure public lands are "benefiting all Americans."

She said the time and location will be announced next week.

Proponents of the proposed 1.9-million acre Bears Ears National Monument in southeastern Utah say ancient artifacts and sacred lands need protection from looting and development.

Utah's top Republican leaders oppose the designation and back a plan set to be introduced in Congress next week that would protect parts of the Bears Ears area and other lands while opening up some lands for recreation and oil and gas development.

Read more at http://www.wral.com/secretary-jewell-to-visit-utah-to-discuss-conservation-plans/15838975/#m5zvgysVTQrM2Q0p.99

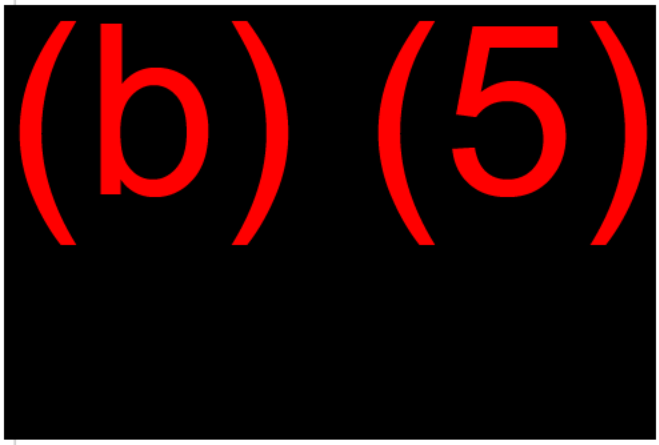
On Thu, Jul 7, 2016 at 7:08 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

Hi folks -

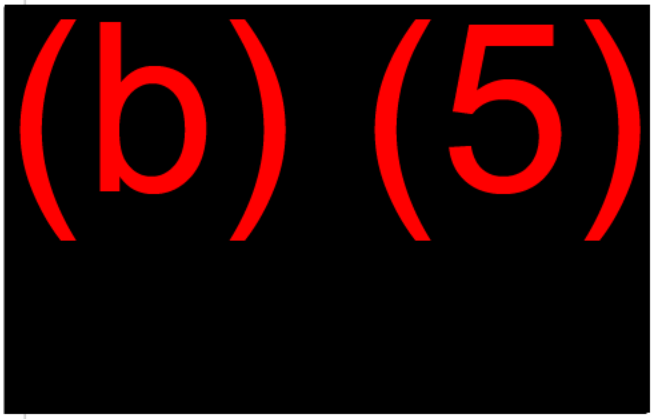
Below/attached is a draft joint DOI/USDA media advisory for release *on Monday*.

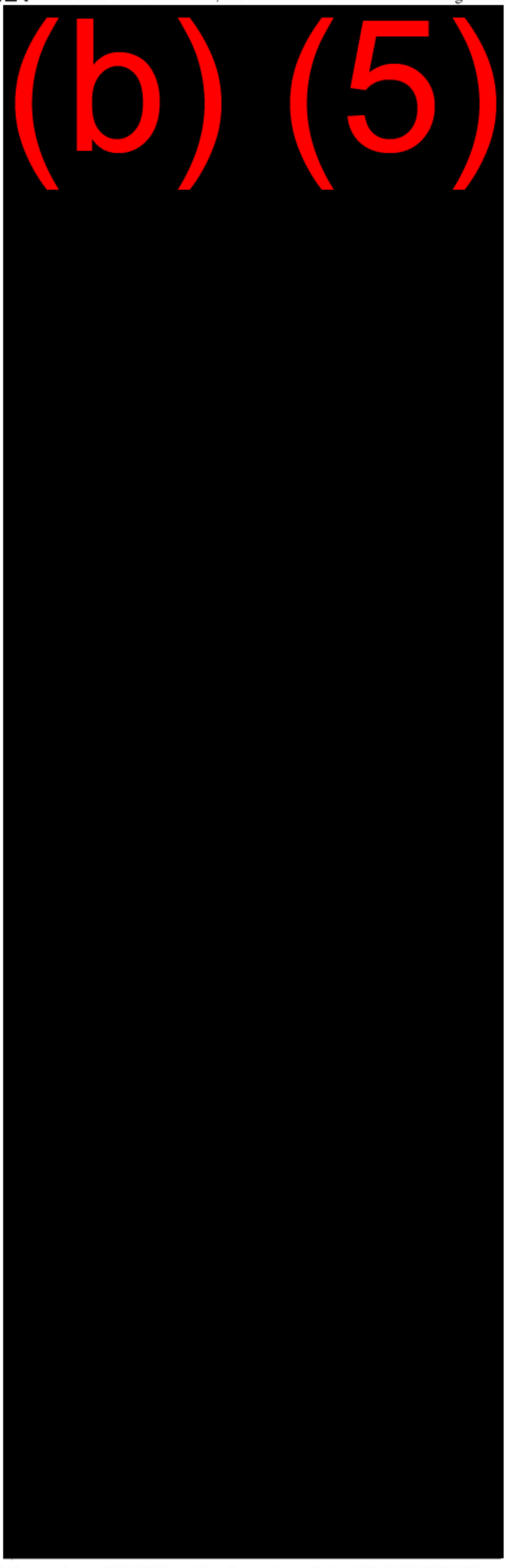
Please let me know what edits/concerns you might have here before 4pm tomorrow (Friday).

In addition, this is the if-asked statement DOI comms will use over the weekend, if-asked, since public invitations will go out tomorrow/Sat.

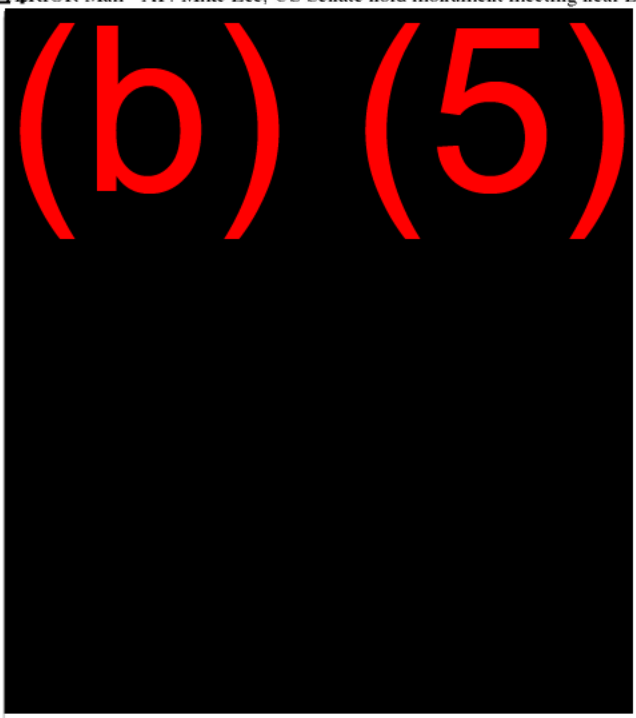



-Jessica




(b) (5)

(b) (5)



###

---

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

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

--
Amanda DeGroff
U.S. Department of the Interior
202-208-5205 (Desk)
202-568-0168 (Cell)

--
Amanda DeGroff
U.S. Department of the Interior
202-208-5205 (Desk)
202-568-0168 (Cell)

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

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

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

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

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

--

**Megan M. Crandall**
Bureau of Land Management
Communications

Ph: 801-539-4018
Cell: 385-315-5271
Fax: 801-539-4013

**Join the Conversation!**

**Kornze, Neil** <nkornze@blm.gov> Tue, Jul 26, 2016 at 11:35 AM

To: mcrandal@blm.gov

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

Kornze, Neil <nkornze@blm.gov>

# Salt Lake Tribune: Herbert fully backs Bishop lands bill after aide suggested setting it aside

1 message

**Kershaw, Jessica** <jessica_kershaw@ios.doi.gov> Fri, Jul 22, 2016 at 12:20 PM
Cc: Neil Kornze <nkornze@blm.gov>, Jonathan Jarvis <Jon_Jarvis@nps.gov>, Lawrence Roberts <lawrence_roberts@ios.doi.gov>, Sarah Walters <sarah_walters@ios.doi.gov>, Nedra Darling <Nedra_Darling@ios.doi.gov>, Maureen Foster <maureen_foster@nps.gov>, Thomas Crosson <thomas_crosson@nps.gov>, Kimberly Brubeck <kbrubeck@blm.gov>, Anita Bilbao <abilbao@blm.gov>, Jenna Whitlock <jwhitloc@blm.gov>, Megan Crandall <mcrandal@blm.gov>, John Blair <john_blair@ios.doi.gov>, Maria Najera <maria_najera@ios.doi.gov>, William Mcintee <william_mcintee@ios.doi.gov>, April Slayton <april_slayton@nps.gov>, Felipe Mendoza <felipe_mendoza@ios.doi.gov>, Sarah Neimeyer <sarah_neimeyer@ios.doi.gov>, Kevin Thompson <kevin_thompson@ios.doi.gov>, Elizabeth Klein <Elizabeth_Klein@ios.doi.gov>, Benjamin Milakofsky <benjamin_milakofsky@ios.doi.gov>, "Degroff, Amanda" <amanda_degroff@ios.doi.gov>, "interior_press@ios.doi.gov" <interior_press@ios.doi.gov>, Nikki Buffa <nicole_buffa@ios.doi.gov>, Francis Iacobucci <francis_iacobucci@ios.doi.gov>, Kerry McNellis <kerry_mcnellis@ios.doi.gov>, Androff Blake <blake_androff@ios.doi.gov>, Sally Jewell <SRJ2@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Laura Pardue <lpardue@blm.gov>

# Salt Lake Tribune: Herbert fully backs Bishop lands bill after aide suggested setting it aside

Gov. Gary Herbert says he fully backs legislation by two Utah congressmen to preserve parts of the Bears Ears region as a top Herbert aide attempted to clarify comments he made that there might be a better solution.

Cody Stewart, Herbert's policy director, spoke at a public meeting in Bluff on Saturday about efforts to protect millions of acres in southeastern Utah and suggested that it might be worth setting aside both the proposal of a national monument, as well as legislation by Reps. Rob Bishop and Jason Chaffetz to preserve some areas and open others to development.

There might be another option, he hinted.

"We have four or five months," Stewart, a former Bishop aide, told the crowd. "We can do it."

The comments suggested that perhaps the governor's office wasn't fully on board with the Public Lands Initiative, a bill three years in the making that had originally sought to bring all sides together to find consensus on setting aside parts of the region for protection and openly other swaths for development.

But Herbert this week rejected any notion of starting over — "heavens no," he said — and that the legislation introduced last week is the best path forward.

"We've spent three years to get to this point," Herbert said in an interview. "Rather than starting over, we'd be better amending here or there and making some modifications."

Stewart said that he only had two minutes to make his comments and was trying to play a peacemaker role in the somewhat divisive hearing between a pro-monument faction and others with their own ideas about what to do with Bears Ears, an area sacred to Native Americans but also potentially rich in mineral reserves.

Stewart said his intent was to point out that while the sides appear polarized, they are actually much closer to their goals than they think, and perhaps, if they just focused on common ground and not specific legislation, they'd be able to achieve compromise.

He believes his comments were misunderstood.

"Gov. Herbert's support for the PLI is unwavering," Stewart said this week. "He has worked with Utah's congressional delegation on this legislation for many years and is committed to seeing it become law."

The governor, Stewart added, also is willing to explore any option that will prevent President Barack Obama from using unilateral authority under the Antiquities Act of 1906 to name a new national monument covering nearly 2 million acres, as some tribal leaders and environmentalists have urged.

Obama has named several national monuments during his tenure and has promised to take additional action if congressional measures continue to stall.

Interior Secretary Sally Jewell, who participated in the public hearings last week and explored the area in question, has said that the administration wants to gather input from residents and interested parties and had long been asking Bishop and Chaffetz to unveil their legislation, which finally was introduced last week.

Tribal leaders and conservation groups quickly denounced the measure as not going far enough to preserve land and ignoring the tribes' request to have a role in managing the area.

For his part, Bishop said he paid no heed to Stewart's comments: "He was just floating ideas."

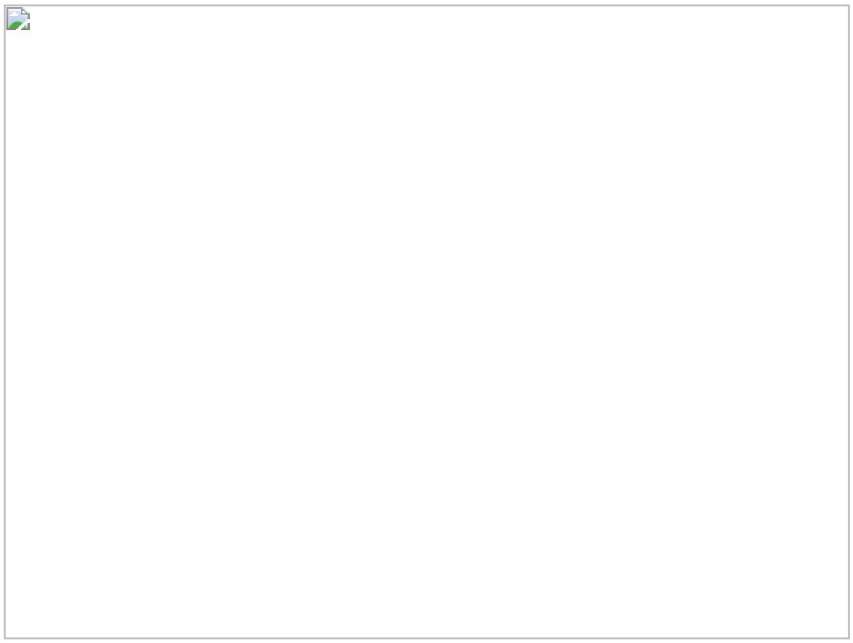
And the congressman says he will be able to push his legislation through Congress this year while there's no other proposal that could do the same.

"I have plenty of time to do this bill. You don't have plenty of time to start from scratch with another bill," Bishop said. "The worst thing you can do is a monument."

tburr@sltrib.com

http://www.sltrib.com/home/4133538-155/herbert-fully-backs-bishop-lands-bill

On Mon, Jul 18, 2016 at 6:45 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:



*Kim Baca*

This structure under the overhang is one of the thousands throughout the San Juan region. Many are being threatened by looters or irresponsible visitors.

## Indian Country Today: Sally Jewell Visits Bears Ears, Says Obama Will Decide on National Monument Before Leaving Office

Kim Baca
7/18/16

President Barack Obama could decide whether to designate the 1.9 million–acre region known as Bears Ears as a national monument by the end of the year, according to U.S. Secretary of the Interior Sally Jewell.

If not by then, Obama will definitely decide before he leaves office, Jewell told Indian Country Media Network during a three-day tour of the area.

Five tribes are asking for the designation under the 1906 Antiquities Act, which gives the President signing power to create such monuments on federal land. The proposal drew criticism and support as its creators and the opposition had a chance to speak directly with Jewell and other top federal officials at a public hearing in Bluff, Utah. People spoke passionately about the area and its history, which dates back thousands of years.

“We have not made up our minds on what way to go,” said Jewell during the hearing. “We’re here to listen.”

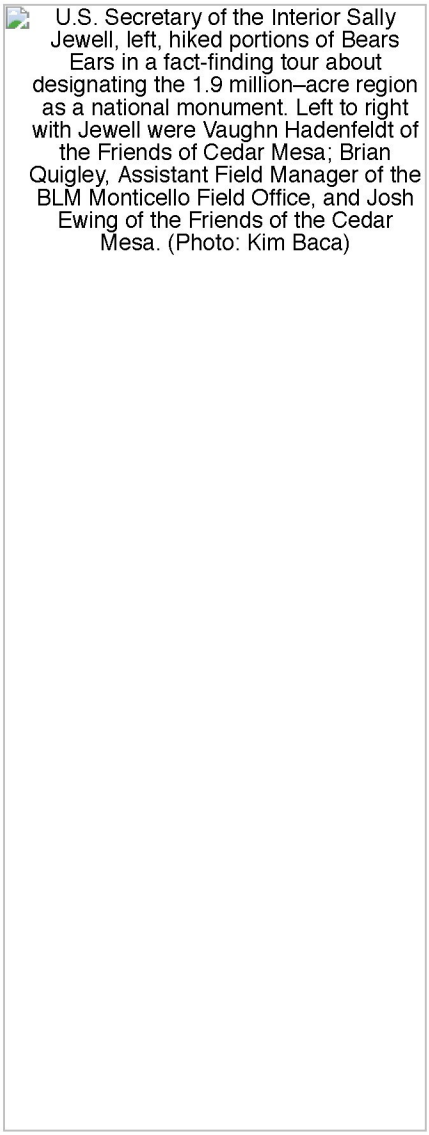
Jewell, directors of the Bureau of Land Management (BLM), the National Park Service and government officials did just that, listening to more than 50 people representing local tribes, ranchers, politicians, recreationalists and environmentalists. A total of 150 people crammed into the hearing room in Bluff, Utah, about 60 miles south of Bears Ears. Outside, more than 1,000 people who had traveled from around the region listened on a PA system. Jewell and her colleagues also hiked portions of Bears Ears, observing petroglyphs and the terrain firsthand.

Those who gave testimony—from descendants of Mormon pioneers who settled in the area, to rock climbers discovering ancient sites, to Native people who have seen their wells depleted and water contaminated by area natural resource development—spoke passionately about this largely pristine desert, a blanket of red-brick earth, waves of mesas, large, jutting rock formations and juniper dotting the land.

Many Navajos, Utes and other tribes who support the Bears Ears monument, named after two 9,000-foot twin buttes, say the land is sacred and important for medicine gathering, wood and ceremonies.

“There is nothing more important about tribal sovereignty than protecting Indian nations’ languages, cultures, beliefs, and indeed our existence as Indian people,” Navajo Attorney General Ethel B. Branch said.

“Our proposal is not about exclusion—it’s about education and partnership,” said Carleton Bowekaty of the Pueblo of Zuñi, one of the five tribes requesting the designation.



U.S. Secretary of the Interior Sally Jewell, left, hiked portions of Bears Ears in a fact-finding tour about designating the 1.9 million–acre region as a national monument. Left to right with Jewell were Vaughn Hadenfeldt of the Friends of Cedar Mesa; Brian Quigley, Assistant Field Manager of the BLM Monticello Field Office, and Josh Ewing of the Friends of the Cedar Mesa. (Photo: Kim Baca)

*U.S. Secretary of the Interior Sally Jewell, left, hiked portions of Bears Ears in a fact-finding tour about designating the 1.9 million–acre region as a national monument. Left to right with Jewell were Vaughn Hadenfeldt of the Friends of Cedar Mesa; Brian Quigley, Assistant Field Manager of the BLM Monticello Field Office, and Josh Ewing of the Friends of the Cedar Mesa. (Photo: Kim Baca)*

But several Navajos and at least one Ute, including a group from Blue Mountain Dine and San Juan County Commissioner Rebecca Benally, spoke against the designation, citing general distrust with the federal government.

"We have suffered from all the treaties that have been broken," Benally said. "I'm very disheartened by the misinformation and also by the dividing the sisters and brothers in this community."

Benally, a Republican, supports a bill filed by Utah's congressional delegation and introduced in the House as an ostensible alternative to the tribal proposal. The bill would designate 4.6 million acres of land for conservation, and allocate 1.1 million acres for recreation and natural resource development. The Public Lands Initiative also ensures tribal input, protection of archaeological sites, preserves traditional gathering of plants, and gives managing agencies digression to hire tribal managers to help manage the land, said Casey Snider of U.S. House Rep. Rob Bishop's office (R-UT).

Though Congress is ready to wrap up its current session in a matter of months, Snider said that hearings on the bill are planned this month and August, with Bishop scheduling bill changes and a congressional hearing in September.

Environmentalists oppose the bill because they say it allows too much for gas and oil development. Tribal leaders have also criticized the bill, saying that their input has not been sought. Initially tribes were working with Utah lawmakers on a proposal, but when communications fizzled earlier this year, tribes broke off and created their own proposal. The Hopi, Zuñi, Ute Mountain Ute, Uinta-Ouray Ute and the Navajo Nation formally asked Obama to designate the area as a national monument last year.

RELATED:Bears Ears Coalition Splits From 'Disrespectful' Congressional Reps

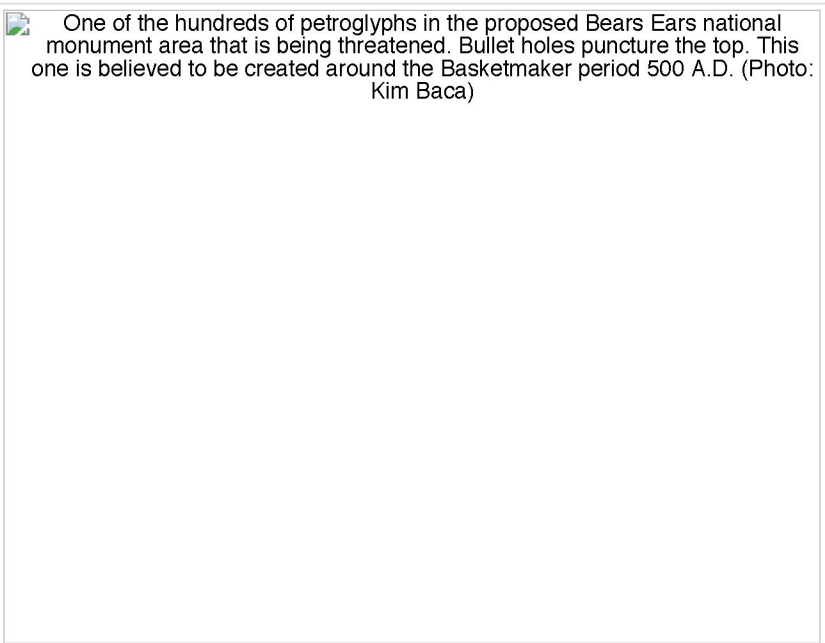
This is the first time that a tribal coalition has proposed a national monument, although other tribes have requested joint management of public lands, said Larry Roberts, Acting Assistant Secretary for Indian Affairs, who also toured the area and attended the hearing.

RELATED:Bears Ears 1.9 Million–Acre Monument Would Be Unique Tribal-Federal Collaboration

The hearing culminated a three-day trip to the area for Jewell and other top federal officials to talk to residents and learn more about the land and its uses. The area falls under jurisdiction of the BLM, which has two law enforcement rangers and a handful of staff to oversee the 1.9 million acres of land containing 100,000 archaeological sites. BLM staff members admit that looting and site disturbance have been a problem. That is corroborated by Josh Ewing of Friends of the Cedar Mesa, a nonprofit organization created to help the BLM manage the area, who said he has seen bones from some of the gravesites thrown about as looters look for pottery or other items to sell.

Ranchers and other area residents told Jewel that creating a monument will bring more visitors and will not stop desecration. As the day wore on, however, a common theme emerged.

"The one thing that we are all consistent on—those of us supporting and opposing—we all want to preserve the land for the younger generation," area resident Kevin Maryboy said.



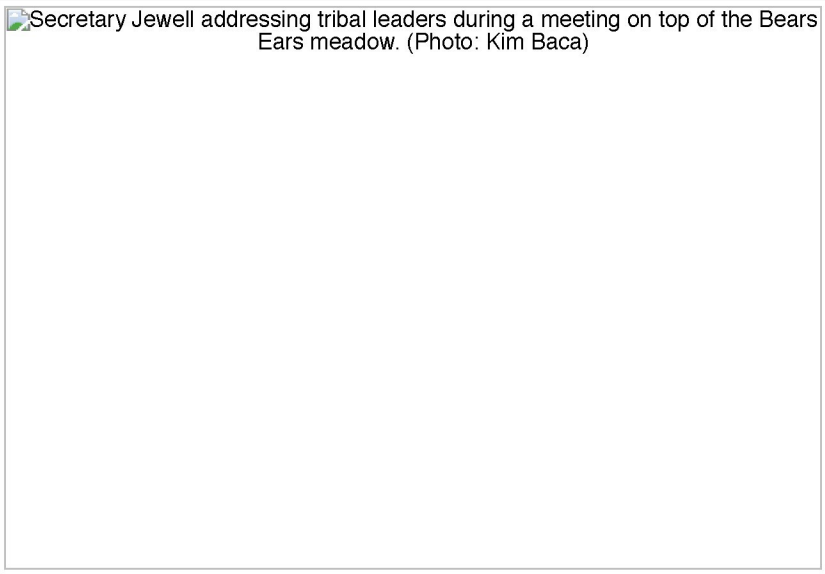
One of the hundreds of petroglyphs in the proposed Bears Ears national monument area that is being threatened. Bullet holes puncture the top. This one is believed to be created around the Basketmaker period 500 A.D. (Photo: Kim Baca)

*One of the hundreds of petroglyphs in the proposed Bears Ears national monument area that is being threatened. Bullet holes puncture the top. This one is believed to be created around the Basketmaker period 500 A.D. (Photo: Kim Baca)*

Read more athttp://indiancountrytodaymedianetwork.com/2016/07/18/sally-jewell-visits-bears-ears-says-obama-will-decide-national-monument-leaving-office

###

On Mon, Jul 18, 2016 at 7:59 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:




*Secretary Jewell addressing tribal leaders during a meeting on top of the Bears Ears meadow. (Photo: Kim Baca)*

# In our opinion: PLI revisions are welcome but time is running out

**Deseret News editorial**

Published: Mon, July 18, 2016, 12:00 a.m. MDT

0 comment

FILE - Interior Secretary Sally Jewell stands on Comb Ridge as she visits rock art sites, some of witch have been vandalized in southern Utah on Saturday, July 16, 2016.
((Scott G Winterton, Deseret News))

A- A+

The best news to come out of a revised Public Lands Initiative announced this week by Utah Reps. Rob Bishop and Jason Chaffetz is that it omits language that would have made seven counties in eastern Utah exempt from any monument designations under the Antiquities Act.

Despite our dislike of the Antiquities Act, that exemption, a part of the original bill announced earlier this year, would have guaranteed the initiative's defeat — if not in Congress, then certainly under a presidential veto.

Beyond that, the bill's release, and Interior Secretary Sally Jewell's visit to the state this week, highlight just how quickly the clock is ticking on finding solutions to vexing land-management issues in the southeastern part of the state. The implication of Jewell's comments at various meetings is that either the state's representatives and the stakeholders involved find and

pass a solution through Congress soon, or the president will summarily create a new national monument in the Bears Ears region.

The former clearly is preferable to the latter. Unfortunately, some stakeholders have more to gain from a monument designation than a brokered deal that would give them less than what they want.

That isn't to say the Public Lands Initiative is a perfect solution. If anything is clear after many years of trying to broker a grand compromise, it is that the myriad land-use issues in that part of the state are complicated and intertwined.

But it's also true that more is at stake here than just one bill. A successful compromise solution, passed by Congress and signed by the president, would stand as a powerful template for resolving the many other land-use issues in the West.

Bishop and Chaffetz's latest proposal would set up two national conservation areas in Bears Ears, protecting 1.4 million acres while allowing native tribes to access the area for sacred rituals. While tribal leaders have voiced support for a national monument, they want such a designation to continue allowing them access for rituals. It's unclear whether a monument designation would allow this, although Jewell said final language has not yet been prepared.

The rest of the Public Lands Initiative attempts to find compromise on other contentious issues on recreation, conservation and economic development. It would expand Arches National Park and create a Jurassic National Monument at the Cleveland-Lloyd Dinosaur Quarry. It would expand the Goblin Valley State Park, increasing staffing necessary to manage it.

But it also would allow for more economic development through energy extraction, which has several environmental groups voicing opposition.

The Obama administration has insisted it won't treat a monument designation the way President Bill Clinton did when he took all parties by surprise in creating the Grand Staircase-Escalante National Monument in 1996. Jewell's visit to the state this week is a good-faith indication this is true.

Jewell traveled the state, listening to the emotion-charged concerns of many stakeholders and gaining a greater appreciation for the complexities involved. She made it clear, however, that time is running out.

Bishop and Chaffetz have much hard work ahead and little time to do it. But success would go far toward making the West a more peaceful place.

Sent from my iPhone

On Jul 17, 2016, at 10:56 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

Home » Opinion
Become a Member | Ad-Free Login

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

First Published Jul 16 2016 03:03PM • Last Updated Jul 16 2016 09:01 pm

(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.

Share This Article

ARTICLE PHOTO GALLERY (1)

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.

ADVERTISEMENT

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."

ADVERTISEMENT

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 iPhone

On Jul 15, 2016, at 9:57 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

# Salt Lake Tribune Op-Ed: Terry Tempest Williams: With monument proposal, tribes open door to new way of seeing public lands

By Terry Tempest Williams

First Published Jul 15 2016 08:51AM • Last Updated Jul 15 2016 10:55 am

Courtesy of Ted C. Brummo Terry Tempest Williams

Share This Article

It is time for a monumental idea. Secretary of the Interior Sally Jewell will be in Bluff tomorrow conducting a site hearing on the Bears Ears National Monument proposal. Her presence honors the strength and dignity of tribal leadership expressed through the coalition of Navajo, Hopi, Zuni and the Mountain and Ouray Ute nations who are calling for the protection of 1.9 million acres adjacent to Canyonlands National Park in the remote region of Cedar Mesa.

The coalition of five tribes — supported by more than 20 tribes within the American Southwest and the National Congress of American Indians, comprised of more than 250 tribes — is asking the United States government to see their home ground through the lenses of traditional knowledge gleaned through relationships cultivated over time.

On Thu, Jul 14, 2016 at 11:52 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

> Sharing some additional clips with the team this evening on top of what Amanda sent earlier tonight, this is some of the radio/TV coverage.
>
> I'd first like to flag however this amazing photo album on the Salt Lake Tribune website. Many of us will relive our entire day in these photos - it's a stunning album for many reasons. Please take a peak tonight:
>
> **Salt Lake Tribune Photo Album:**
>
> http://www.sltrib.com/csp/mediapool/sites/sltrib/Pages/gallery.csp?cid=4117685&pid=3542680
>
> -Jessica
>
> Additional TV/Radio Coverage (just clink the links below):

VIDEOS

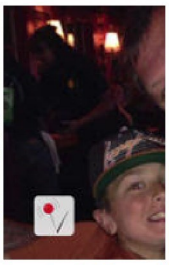
ITN

Otero County
sheriff says homes apparently burned by fire near Timberon

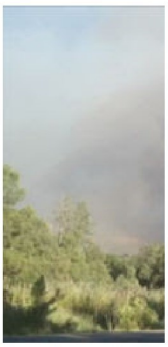
KOB - Albuquerque, NM

**More videos:**

Atlanta teen's poem 'White Boy Privilege' goes viral



American Father and Son Killed in Nice Truck Terror Attack



Otero County sheriff says homes apparently burned by fire near Timberon

TOP JOBS

TribTopJobs

**Great Western Leasing & Sales Inc.**
Sales Representative...

**Schmeuser Associates Inc.**
Safety Manager...

**Great Western Leasing & Sales Inc.**
Sales Representative...

**Pioneers Medical Center**
Registered Nurse...

**Idaho Truck Service, Inc.**
Over The Road Truck Drivers...

Check out all of the Trib Top Jobs

I do not profess to know how Indian people feel. I only know how I feel when I am with them. I am drawn into a circle of relationships that widens my own sense of community that includes all living things. My debt is large to Indian people and all the ways they have shaped and influenced my own sense of home.

I believe the Bears Ears National Monument proposal honors the deep residency of native peoples living inside the Colorado Plateau. The tribes are asking each of us to acknowledge an embodied intelligence born of the land that warrants as much respect and protection as the wilderness, itself.

The Bears Ears National Monument Proposal has the potential to transform Utah's rancorous politics of place into an ethic of place for generations to come.

Not long ago, 15 students gathered in our living room with Jonah Yellowman, a Navajo spiritual leader from Monument Valley. When Jonah arrived, coyotes began howling, a rarity at nine o'clock in the morning.

He entered our home, the students sat near him, and he began his remarks with a blessing. After the blessing, he spoke about how one learns, how his father taught him as a young boy to bring in wood and water at night, so that in the morning you will have dry wood to make a fire for warmth, and water to boil a cup of tea.

"You will not be caught short in a blizzard," he said.

He shared how he became a medicine person, how the ashes spoke to him, how if one holds a crystal up to the stars for guidance and then peers back into the ashes, one can see into the soul of the person in need. One of the students bluntly asked Jonah why he was sharing this sacred knowledge.

"It is time," Jonah said.

Jonah spoke about why these lands on Cedar Mesa remain sacred to the Navajo; how the bones of his ancestors are buried here, how their ancient songs are still carried by the winds, and how the Diné see these lands as their medicine cabinets. This is the home of their ceremonies. This is the place where he remembers the source of his dreams.

"I have dreamed of being in this place before," Jonah said.

He pointed north toward the Colorado River. "The elders told me that this canyon where the great river flows was created by the bison from scraping the Earth with his hoof."

"It is time to go outside," he said. We followed him on to the patio in Castle Valley, where we witnessed a rare horizontal rainbow above the mesa.

It is time for us to go outside our own places of comfort and dare to embrace a new way of seeing. The tribes are opening the door, inviting us to cross a threshold where a more expansive conversation about land protection awaits us. They are taking us beyond the rhetoric of wilderness designation to a wider view of how we can live in place with reverence and restraint. Leaders like Jim Enote from the Zuni Pueblo remind us how these desert lands are "source, not resource."

In this centennial year of the National Park Service, it is hard to imagine a more profound act that could provide a greater healing between indigenous people and the federal government than this bold national monument. At a time when race has created a wedge and a wound within our communities in the United States of America that is anything but united, Bears Ears National Monument becomes a gesture of peace extended to disenfranchised people still held captive by the violence of our shadowed history.

The partisan politics that continues to plague public land policy in the 21st century is being offered a powerful corrective by collaborating with the tribes in a co-management model of cooperation where traditional knowledge is embedded within current land agency governing principles and practices. It will not be easy, but it will be transformative and right.

Our national parks and monuments are not simply "America's best idea" but an evolving idea. In their quiet and dignified manner, the tribes are leading the way forward with a vision of land protection in Utah that is at its core, spiritual. We are the sum of all our relations, both human and wild.

May Jewell listen to the collective wisdom of the tribes and carry it back to Washington and return to their native home ground with a monumental decision.

Terry Tempest Williams is the author of "The Hour of Land: A Personal Topography of America's National Parks," published by Farrar, Straus & Giroux, currently a New York Times bestseller.

###

## Sally Jewell on KSL-AM (Radio) - Salt Lake City, UT

07/14/2016 15:31:40

... High 80 to around 24 100 seats Mark Jackson I top story this hour Interior Secretary Sally Jewell has arrived in southern Utah forward tour the area which could become a new national monument if President Obama turned a deaf ear to the state Republican leaders ...

(click thumbnail to play)

## Sally Jewell on KSL-AM (Radio) - Salt Lake City, UT

07/14/2016 13:02:33

... coalition's proposal for Bears years official says his bill protects 1.4 million acres about 5 terror Secretary Sally Jewell is in southern Utah for a look at the area which could become a new national monument he's been meeting with representatives of the ...

(click thumbnail to play)

## Sally Jewell on KSL-AM (Radio) - Salt Lake City, UT

07/14/2016 13:20:17

... 100 and an American clerk recreation with 3 think you needed Alison Grimes got your first interior Secretary Sally Jewell was on a trip to southern Utah he's meeting with those for and against possible bears years national monument second state Department of Environmental quality is

(click thumbnail to play)

**Sally Jewell on KSTU-SLC (FOX) - Salt Lake City, UT**
07/14/2016 16:07:14
FOX 13 News at Four (News)
... weekend.. governor gary herbert met privately with interior secretary sally jewell. fox 13 is told the two chatted about her visit to bears ears in the four corners area.. which could ...

On Thu, Jul 14, 2016 at 8:28 PM, Degroff, Amanda <amanda_degroff@ios.doi.gov> wrote:

Interior Secretary Sally Jewell visits southern Utah, vows she's 'here to listen'
The Salt Lake Tribune // Matthew Piper // July 14
As Reps. Rob Bishop and Jason Chaffetz unveiled their long-awaited public lands plan, Interior Secretary Sally Jewell came face to face with critics of the proposed national monument Utah's delegation hopes to stave off. The second day of Jewell's whirlwind tour of southeastern Utah saw her drive from Moab's airport to Big Flats, to Gemini Bridges, to Dead Horse Point, to Indian Creek and finally to Monticello, where about 50 protesters welcomed her outside the Hideout Community Center with chants of "No national monument!" "We protect it just fine," shouted one. Another: "Communist!" The mood inside was lighter, but more than 150 people gathered to hear San Juan County commissioners share their concerns about the Bears Ears National Monument proposal, brought by a coalition of five tribes that late last year stopped participating in discussions about Bishop and Chaffetz's Public Lands Initiative and appealed to President Barack Obama to protect 1.9 million acres by using the Antiquities Act.

As Interior secretary tours sacred tribal site, Utah Republicans push to protect it
Washington Post // Juliet Eilperin // July 14
Utah Republican lawmakers introduced legislation Thursday that would protect 1.4 million acres of a sacred Native American site in the state's southeast, as Interior Secretary Sally Jewell toured the area to solicit ideas on how to address the threats it faces. Bears Ears — an expanse of land in San Juan County that boasts both archeological treasures and critical environmental habitats — has come under pressure from looters and vandalism over the years. Utah's congressional delegation has spent three years working to craft a compromise bill that would encompass not only that area but six other counties, providing opportunities for energy development, grazing and motorized recreation while designating some parts for conservation. The new flurry of activity, including the bill introduction and Jewell's four-day visit to meet with tribal leaders, local officials and environmentalists, underscores that time is running out to forge a legislative deal.

Secretary Of The Interior To Tour Bears Ears
Utah Public Radio // Jon Kovash // July 14
This week Interior Secretary Sally Jewell is visiting multiple towns in Southeast Utah to hear local concerns about federal lands. Jewell is traveling with a delegation of high ranking federal officials. Wednesday she met with Governor Herbert, toured the San Rafael Swell with Emery County officials, and attended a meeting in Moab, where she was greeted with a sea of T-shirts and signs supporting the Bears Ears as a new national monument. "This is democracy," she said. "I mean, this is how our country works, and, you know, listening to each other in a respectful way. Having a large group of people that have different points of view by the shirts they're wearing and the signs they're carrying, and being very respectful of each other, I appreciate."

The Latest: House bill blocking monuments faces veto threat
AP // July 14
House Republicans have passed a spending bill that could block a new national monument in southeastern Utah. But the effort faces a White House veto threat. Republican Rep. Chris Stewart of Utah added a provision to an Interior Department spending bill that blocks money for any new monuments in portions of eight states, including 17 Utah

counties. The House passed the bill Thursday, but the measure is expected to run into a filibuster from Senate Democrats and the White House veto threat. The vote comes as U.S. Interior Secretary Sally Jewell is visiting Utah to meet with supporters and opponents of the Bears Ears monument.

GOP Lawmakers Unveil Utah Land Use Plan

WSJ // Jim Carlton // July 14

Two Utah Republicans unveiled a long-awaited bill aimed at protecting vast parts of the state's spectacular canyon country, while allowing development in other areas. The bill's backers say it is a compromise that could serve as a model for brokering disputes over federal land ownership in the West, while potentially lowering the temperature on a legal feud between Utah and the U.S. The Obama administration hasn't taken a stand on the monument. Interior Secretary Sally Jewell is set to host a community meeting Saturday in Bluff, Utah, on the dueling proposals.

Interior Secretary Jewell meets with Grand County Council

Moab Sun News // Eric Trenbeath // July 14

Interior Secretary Sally Jewell heard comments from the Grand County Council on Rep. Rob Bishop's Utah Public Lands Initiative (PLI), and the Bureau of Land Management's Master Leasing Plan (MLP) at a special meeting held on Wednesday, July 13. More than 50 local citizens attended, many wearing t-shirts, or carrying signs either in support of, or opposed to, the creation of a Bears Ears National Monument. "I am here to listen, that is the primary reason for this visit," Jewell said. "You have an incredible place here, and I know that it's got lots of different elements to the economy, and things that are important to people of this region."

Push to create Utah monument marks latest Western land fight

AP // Brady McCombs // July 14

Laminated sheets of paper held in place by rocks rest inside ancient cliff dwellings nestled underneath a spectacular red rock overhang in southeastern Utah. "Don't erase the traces of America's past," the signs read. "Please do not enter interior rooms." The weathered signs and a similar warning at the trailhead are the only protections in place for these easily accessible ruins along a canyon hiking path. The cliff dwellings are part of an estimated 100,000 archaeological sites within a 1.9 million-acre area that a coalition of American Indian tribes wants President Barack Obama to designate a national monument to ensure protections for lands considered sacred. U.S. Interior Secretary Sally Jewell is visiting the area this week to meet with proponents and opponents — the latest indication the Obama administration is giving serious consideration to the "Bears Ears" monument proposal.

Public lands bill unveiled without controversial Antiquities Act provision

KSL // Amy Joi O'Donoghue // July 14

Utah Republican Reps. Rob Bishop and Jason Chaffetz unveiled the final version of the much awaited Public Lands Initiative Thursday, eliminating a mandate that seven counties in eastern Utah are off-limits for any future monument designation under the Antiquities Act. The elimination of the controversial provision acknowledges it was a deal breaker for environmental groups and recognition that no president would endorse a law that relinquishes such a sweeping executive power. Bishop, chairman of the House Committee on Natural Resources, a veteran GOP faithful and states' right defender, released the Public Lands Initiative on the day of the start of Jewell's three-day, whirlwind tour of Grand and San Juan counties. His bills, and her visits, come as the debate over a potential monument designation of 1.9 million acres in the Bears Ears region reaches a fervent pitch, with certain tribes and environmental groups calling for presidential action.

Bishop, Chaffetz unveil long-awaited lands bill in bid to block a Bears Ears National Monument

The Salt Lake Tribune // Thomas Burr and Matt Canham // July 14

Reps. Rob Bishop and Jason Chaffetz introduced a package of bills Thursday with the immediate hope of preventing President Barack Obama from creating a Bears Ears National Monument in San Juan County. But the larger goal of the Public Lands Initiative (PLI) is to end decades of acrimony among environmentalists, ranchers, oil and gas drillers, recreationalists and tribal leaders, with a plan that brings certainty to the seven rural counties that took part in this grueling three-year process. The bill's introduction comes as Interior Secretary Sally Jewell and other federal officials are touring southeastern Utah to look at the Bears Ears region, a culturally sensitive area to many tribal nations.

Can a trove of Native American ruins be saved from eBay and 'white people' ideology?

Fusion // Ari Phillips // July 14

When I asked Josh Ewing, my tour guide through the countless Native American ruin sites nestled in the remote cliffsides of southeastern Utah, about the coolest thing he'd ever discovered here, he barely paused before answering. "I climbed down from the rim of this cliff dwelling site and found an intact painted bowl, black and white—just perfect. It had been

sitting there for about 800 years," he said, as we summited a large rubble pile of what is believed to be a four-story Ancestral Pueblo structure. "One of our big problems is everyone takes a shard of a pot and puts it on their mantle or something. And if everyone takes a piece home with them pretty soon there's nothing left." Interior Secretary Sally Jewell will be visiting Utah this weekend to meet with stakeholders involved in the debate and to try and smooth a path forward. This year is the centennial celebration of the National Park Service, and the agency is using the occasion to highlight the important role that it plays in preserving both natural beauty and human history. Jessica Kershaw, spokesperson for the DOI, said that the goal of Jewell's cross-country travels this summer is to find opportunities to ensure "our parks and public lands are benefiting all Americans."

On Thu, Jul 14, 2016 at 12:54 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

**Journal News Editorial: Bears Ears may finally get the protection it so clearly deserves**

Cedar Mesa, Dark Canyon, Grand Gulch and Valley of the Gods are all places with names that evoke the almost mythical natural landscape familiar to many residents and visitors of the Four Corners who have hiked, hunted, floated and appreciated the archaeology in them. They are big places with open spaces one can imagine not looking too much different than they did millions of years ago.

Bounded to the west by the Green and Colorado rivers, to the east by Highway 191 from Moab to Bluff, and along the southern edge by the San Juan River, the 1.9 million acres of public and ancestral lands known as the Bears Ears may soon receive permanent protection. Some say this is long overdue – by a century or more.

In 1906, Congress established the Antiquities Act, largely in response to rampant looting of archaeological sites in the Four Corners, including the Bears Ears region, which continues today. It gives the president the authority to create national monuments from public lands to protect significant natural, cultural or scientific resources. To date, presidents have used the act over 100 times to establish monuments, including Canyon of the Ancients west of Cortez, but not yet for an area for which it was perfectly designed.

Secretary of the Interior Sally Jewell and Department of Agriculture Under Secretary Robert Bonnie will hold a public meeting on Saturday, July 16, in Bluff, Utah, to receive comments on community visions for the management of Southern Utah's public lands, including Utah Republican Congressmen Rob Bishop's and Jason Chaffetz's Public Lands Initiative and the Bears Ears Inter-Tribal Coalition's proposal to designate a new national monument. Their visit is an important step toward ensuring the Bears Ears region receives the protection it deserves.

Stakeholders, including conservation, off-highway vehicle and recreation groups, have spent the past three years working with tribal leaders and Utah's congressional delegation on legislation that would protect this area, but to date, no legislation has been introduced in Congress. The draft legislation to be released this week is anticipated to be much improved but may still not be acceptable to stakeholders and tribes. Time is running out.

Frustrated by legislative inaction, the Bears Ears Inter-Tribal Coalition came together to conserve the Bears Ears cultural landscape and requested that President Obama proclaim it a national monument. The historic consortium of sovereign nations includes leaders of the Hopi, Navajo, Ute Mountain Utes, Zuni and Ute Indian Tribe of northeastern Utah. It is also the first time the conservation community is following the lead of and supporting a proposal developed by Native Americans.

Dozens of conservation and recreation groups and a total of 26 tribes have expressed support and are united in their vision for protecting the Bears Ears region. The Bears Ears National Monument proposal presents an extraordinary opportunity to protect a scenically spectacular and archaeologically rich landscape and to do something that has never been done before by creating a national monument that protects Native American ancestral homelands and provides the tribes a meaningful role in their management.

To add your voice to those seeking to do what is right for the land and the people that trace their heritage to it, take a drive to Bluff on Saturday.

Sent from my iPhone

On Jul 13, 2016, at 3:57 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

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

**By Amy Joi O'Donoghue, Deseret News**

Published: Tue, July 12, 2016, 8:30 p.m. MDT

2 comments

The Bears Ears area is seen on Thursday, June 2, 2016. The proposed 1.4 million acres of the Bears Ears region contained in a massive public lands bill being unveiled this week would actually be split in two, with the southern portion set aside for traditional Native American uses.
(Scott G Winterton, Deseret News)

SALT LAKE CITY — The proposed 1.4 million acres of the Bears Ears region contained in a massive public lands bill being unveiled this week would actually be split in two, with the southern portion set aside for traditional Native American uses.

A- A+

Rep. Rob Bishop, R-Utah, and chief architect of the measure, said the region on federal lands in southeastern Utah will come with a new management structure that includes a tribal committee to ensure traditional access for wood gathering, ceremonies and gathering of plants.

"We spell out what the management practices will be and the purpose of those," Bishop said. "The lower half is strictly for conservation. … They will be able to continue those traditional activities in a way that would not be guaranteed under a monument designation."

The final version of Bishop's bill is due to be released late this week, coinciding with a three-day, packed tour of San Juan and Grand counties by Interior Secretary Sally Jewell.

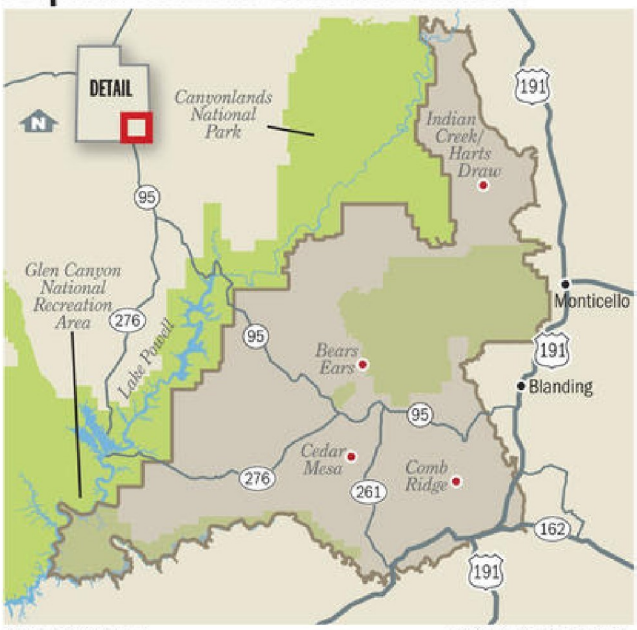
Jewell will meet with tribal leaders of the Bears Ears Inter-Tribal Coalition, visit with San Juan County commissioners and hear from congressional staffers from Bishop's and Rep. Jason Chaffetz's offices.

Cody Stewart, Gov. Gary Herbert's policy adviser, will also be at the talks, with Herbert already committed to attend a meeting of the National Governors' Association.

As the tempo accelerates around the Bears Ears controversy — the coalition is pushing President Barack Obama to declare 1.9 million acres a national monument — all sides in the issue are scrambling for the ear of Jewell, who has promised no designation will be made without local input.

To that end, beyond the intense slate of meetings, tours and hikes, Jewell will host a three-hour community meeting in Bluff to hear from residents on the issue.

**Proposed Bear Ears National Monument**




SOURCE: Utah Dine Bikeyah DESERET NEWS GRAPHIC

Bishop mapped out some of his plans for the Bears Ears region, saying no one disputes the need for federal conservation area protections. The 1.4 million acres of the Bears Ears region would be divided into two roughly equal portions and managed as separate national conservation areas.

While the southern portion would be managed strictly with Native American uses and traditions in mind, the northern half would come under an administrative approach that recognizes existing outdoor recreation uses such as rock climbing in the Indian Creek corridor. The footprint also includes the Mancos Wilderness Area.

The divided conservation area model came at the request of The Nature Conservancy, which owns the 5,200-acre working Dugout Ranch that is also home to scientific research and ancestral Puebloan rock art and dwellings. The concept was pursued in consultation with San Juan County and some tribal representatives.

"This is a dramatic change from January," said Fred Ferguson, Chaffetz's chief of staff. "If you don't recognize the different conditions on the ground, management will be extremely difficult."

The northern region is already heavily used for outdoor recreation and includes some grazing, Ferguson said. Under the new management structure envisioned to protect cultural resources, the tribes will have a co-management position, elevated to cooperating partners in land-use planning, he said, and not simply consulted.

"They will have a seat at the table," Ferguson said. "Candidly, that is very difficult to be created through a monument designation."

The delegation asked the leaders of the Bears Ears Inter-Tribal Coalition to sit down and review the changes in late June, but the offer was rebuffed.

"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," the coalition's letter said.

Coalition leaders bowed out of talks in December, accusing Bishop and Chaffetz of ignoring their input, leaving them out of the public lands initiative process and continually missing deadlines.

Bishop said the latest reaction was disappointing but not surprising.

"I think that is more indicative of the entire issue at hand," he said. "This was an organization whose first priority may not have been trying to sit down and work something out."

Gavin Noyes, executive director of Utah Dine Bikeyah, a nonprofit advocacy organization for indigenous people, said the group long supported a national conservation area for Bears Ears because of the ability to write more language into that approach rather than a proclamation. The group, however, is deferring decisions to the coalition and supporting its position for a monument.

The public lands bill will be the subject of a formal hearing in August by the committee Bishop heads, the House Committee on Natural Resources, which will also hold a markup session on the bill in September.

Bishop's public lands bill, dubbed the "Grand Bargain," has been in the making for more than three years. It was released in draft form in January amid a swell of criticism from environmental groups who say it favored industry over conservation.

Sent from my iPhone

On Jul 12, 2016, at 10:23 PM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

Updated AP short story on this week's public meeting:

## Top Obama officials head to Bluff for Bears Ears meeting

Associated Press

**Interior Secretary Sally Jewell and other top officials from the Obama administration will host a public meeting in Bluff, Utah, on Saturday, July 16 to discuss future management of the Bears Ears region.**

---

**By Jim Mimiaga Journal staff writer**

Interior Secretary Sally Jewell and other top officials from the Obama administration will host a public meeting in Bluff, Utah, on Saturday, July 16 to discuss future management of the Bears Ears region.

The meeting will be from 1–4 p.m at the Bluff Community Center at the corner of Third Street and Mulberry Avenue.

According according to a July 12 Department of Interior announcement, the meeting is “regarding community visions for management of southern Utah’s public lands, members of the public are invited to attend and comment.”

Participating federal agency representatives will also attend the meeting, including Department of Agriculture Undersecretary Robert Bonnie, Bureau of Land Management Director Neil Kornze, National Parks Service Director Jonathan Jarvis, and acting U.S. Assistant Secretary for Indian Affairs Larry Roberts. U.S. Forest Chief Tom Tidwell has also been invited.

The protection of cultural and natural resources of the vast area of public lands in southeast Utah has been a hot topic for the last few years.

Conservation groups and Native American tribes — including the Ute Mountain Utes, Navajos, Uintah-Ouray Utes, Hopi, and Zuni — have been advocating that President Barack Obama declare a 1.9 million-acre Bears Ears National Monument under the Antiquities Act.

Utah legislators are pushing for a federal bill to form the Bears Ears National Conservation Area on 1.1 million acres.

“We’re excited that D.C. officials are coming out to hear different viewpoints and what the issues are for protecting this area,” said Gavin Noyes, executive director of Utah Dine Bikeyah, a grassroots nonprofit that supports the Bears Ears Coalition of five tribes.

The Bears Ears area contains more than 100,000 archaeological sites with cultural ties to Native American tribes in the American Southwest.

Sent from my iPhone

On Jul 11, 2016, at 1:40 PM, Degroff, Amanda <amanda_degroff@ios.doi.gov> wrote:

# Interior chief headed to Utah amid divisions over proposed monument

2

*Getty Images*

By Timothy Cama - 07/11/16 11:06 AM EDT

Interior Secretary **Sally Jewell** is traveling to Utah this week amid divisions over a proposal for a new national monument to protect land in the state.

Jewell’s meeting, planned for Saturday, comes after years of calls from American Indian tribes and environmentalists to create the Bear’s Ears National Monument, which would protect nearly 2 million acres in southwestern Utah that tribes believe to be sacred and historic.

The meeting is far from an endorsement of the proposed land protections, however.

It's part of Jewell's effort on the 100th anniversary of the National Park Service to hear from local residents around the country about their visions for public lands for the next century.

"The goal of her travel is to find and highlight opportunities where we can make progress in ensuring our parks and public lands are benefiting all Americans," Interior spokeswoman Jessica Kershaw said.

The Utah travel is meant for Jewell "to meet with and listen to community members, local leaders and stakeholders about a range of conservation proposals... to further protect Utah public lands," she added.

Congressional Republicans, the oil and gas industry and business interests oppose the national monument designation, which President Obama can do unilaterally. They say such a designation would unnecessarily restrict various uses of the land, including energy production.

A bill from Utah Reps. **Rob Bishop** and **Jason Chaffetz**, both Republicans, proposes various land protections around Utah, including 1 million acres in the Bear's Ears area, in part as an attempt to push back at a potential monument. But the monument's supporters say the GOP bill would allow too much development and wouldn't go far enough in protecting the land.

Bishop, chairman of the House Natural Resources Committee, plans to unveil a revised version of the legislation this week, The Salt Lake Tribune **reported**.

"As we have repeatedly stated, legislation ensures local participation and guarantees a balanced product," Bishop and Chaffetz wrote Friday to Jewell. Utah Sens. **Mike Lee** and **Orrin Hatch**, also Republicans, signed on to that letter as well.

"The [Utah federal] delegation, local elected officials and many local tribal organizations remain unified in our opposition to the unilateral use of the Antiquities Act in Utah."

On Fri, Jul 8, 2016 at 9:41 PM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

> **Salt Lake Tribune: Next week could be turning point in Bears Ears debate: Bishop to unveil bill; Interior Secretary Jewell to visit Utah**
>
> By THOMAS BURR | The Salt Lake Tribune CONNECT
>
> First Published 2 hours ago • Updated 59 minutes ago
>
>
> 
>
> Courtesy | House Committee on Natural Resources Rep. Rob Bishop, R-Utah.
>
> Share This Article

ARTICLE PHOTO GALLERY (5)

Washington • Rep. Rob Bishop plans to unveil long-awaited legislation next week to preserve some areas of the Bears Ears region in southeastern Utah just ahead of a visit by Interior Secretary Sally Jewell.

ADVERTISEMENT

Bishop also plans to fast-track his much-anticipated Public Lands Initiative (PLI) — which critics worry won't go far enough to protect Bears Ears — by holding hearings in August and September and put it before the House by the end of the latter month.

The Utah Republican — joined by Utah's senators, Mike Lee and Orrin Hatch, and Rep. Jason Chaffetz — hopes the measure will blunt any attempt by President Barack Obama's administration to use the 1908 Antiquities Act to unilaterally create a national monument as several tribal leaders have called for to safeguard nearly 2 million acres.

"As we have repeatedly stated, legislation ensures local participation and guarantees a balanced product," the four Utah members of Congress wrote Friday to Jewell. "The [Utah federal] delegation, local elected officials and many local tribal organizations remain unified in our opposition to the unilateral use of the Antiquities Act in Utah."

Jewell's July 16 visit, which will include a public meeting in the Bears Ears area, is aimed at allowing the secretary to hear the various proposals, including the PLI and a push for a national monument, and see the area in person, her spokeswoman, Jessica Kershaw, said Friday.

ADVERTISEMENT

The meeting shouldn't be read as the administration ramping up any move to name a monument, Kershaw cautioned. A visit by the interior secretary to an area under consideration for a monument had previewed action by Obama in recent years, but Kershaw said this Utah trip will be a listening tour.

"This is an opportunity to hear form the community from a variety of stakeholders — land managers, representatives, local officials — about their concerns and desires to protect places that hold special meaning to them," Kershaw said. "It is not an indication of an imminent monument decision."

Bishop has been working on the PLI for years, saying at the start he wanted to bring together all the parties — from environmentalists to oil and gas leaders to local officials and residents — to find a solution to preserving areas that need protection and opening up other mineral-rich spots for development.

He released a draft plan in January, though several conservation groups said it didn't go far enough and offered too much for development. Utah's members of Congress noted in their letter to Jewell that they appreciated suggested changes to the draft PLI from the administration as well as nongovernmental organizations.

Several tribal leaders have withdrawn from Bishop's effort and said they supported Obama naming a new monument. The president, who has designated several monuments during his seven years in office, has said he will move to preserve areas that are in need, though he has not publicly mentioned the Utah area.

Josh Ewing, executive director of Friends of Cedar Mesa, which seeks to set aside the Bears Ears area, said his group is excited to see the legislation. It is an important step to inform the debate about what should be preserved, he said, and whether it should be through congressional or presidential action.

Ewing added that he does not expect any monument designation to be forthcoming while the Utah delegation pursues a legislative solution.

"I hope that [Jewell's] visit signals the administration's serious consideration for considering a monument if the Public Lands Initiative can't protect this area," Ewing said. "I do not think a monument is imminent. I think they are going to allow the Public Lands Initiative to succeed or fail."

Sent from my iPhone

On Jul 8, 2016, at 7:46 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

# AP: Secretary Jewell to visit Utah to

# discuss conservation plans

Posted 6:10 p.m. today

1

**SALT LAKE CITY** — U.S. Interior Secretary Sally Jewell will visit Utah on July 16 for a public meeting to discuss conservation proposals that include a plan backed by a Tribal coalition and environmentalist to create a new national monument.

Interior spokeswoman Jessica Kershaw said Friday by email that Jewell will meet with community members and local leaders about how to ensure public lands are "benefiting all Americans."

She said the time and location will be announced next week.

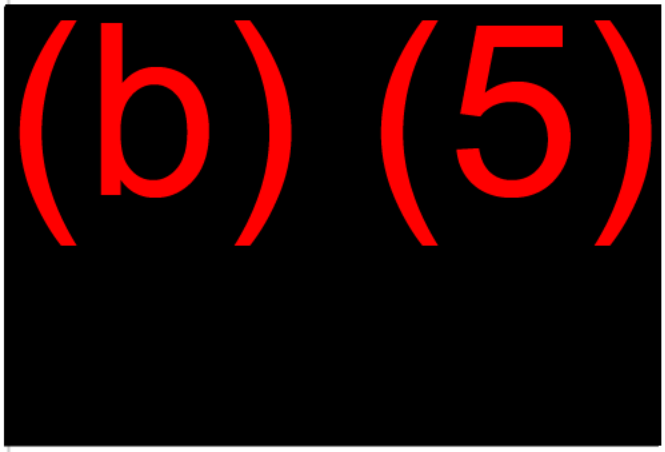
Proponents of the proposed 1.9-million acre Bears Ears National Monument in southeastern Utah say ancient artifacts and sacred lands need protection from looting and development.

Utah's top Republican leaders oppose the designation and back a plan set to be introduced in Congress next week that would protect parts of the Bears Ears area and other lands while opening up some lands for recreation and oil and gas development.

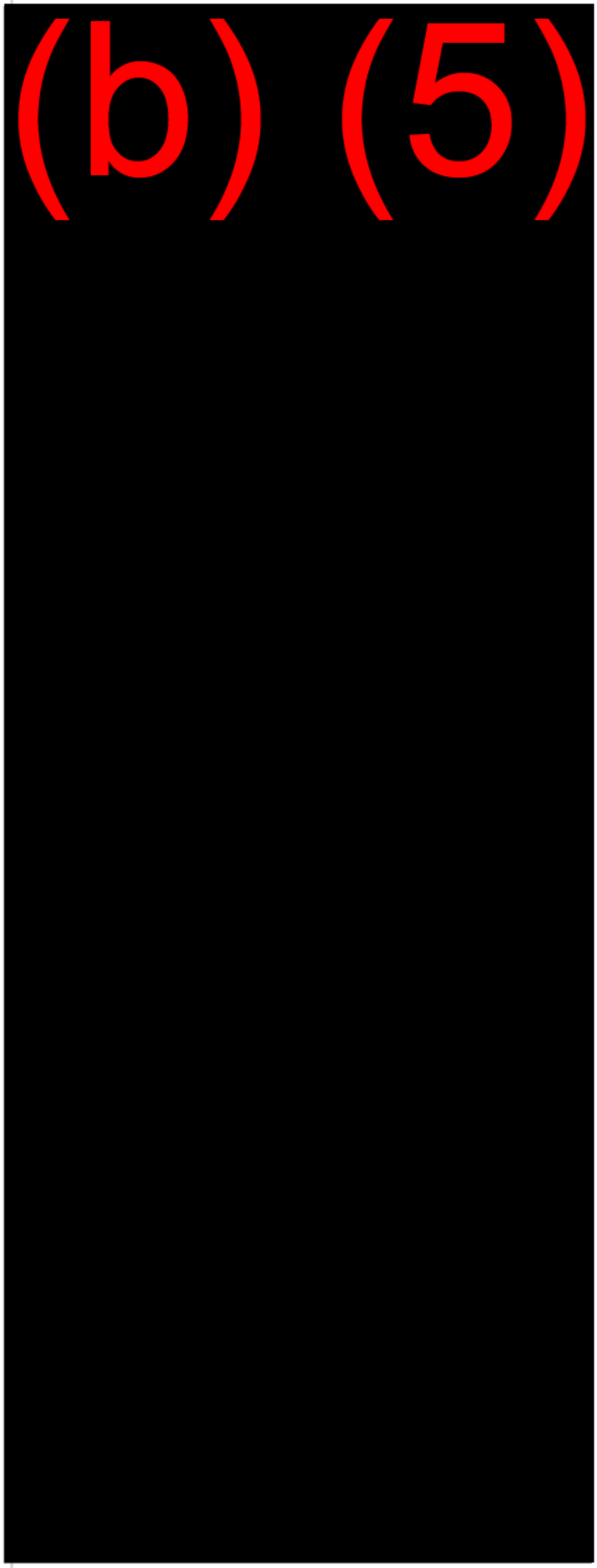
Read more at http://www.wral.com/secretary-jewell-to-visit-utah-to-discuss-conservation-plans/15838975/#m5zvgysVTQrM2Q0p.99

On Thu, Jul 7, 2016 at 7:08 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

> Hi folks -
>
> Below/attached is a draft joint DOI/USDA media advisory for release *on Monday*.
>
> Please let me know what edits/concerns you might have here before 4pm tomorrow (Friday).
>
> In addition, this is the if-asked statement DOI comms will use over the weekend, if-asked, since public invitations will go out tomorrow/Sat.




> -Jessica


(b) (5)

(b) (5)

[redacted]

###

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

--
Jessica Kershaw

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

--
Amanda DeGroff
U.S. Department of the Interior
202-208-5205 (Desk)
202-568-0168 (Cell)

--
Amanda DeGroff
U.S. Department of the Interior
202-208-5205 (Desk)
202-568-0168 (Cell)

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

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

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

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

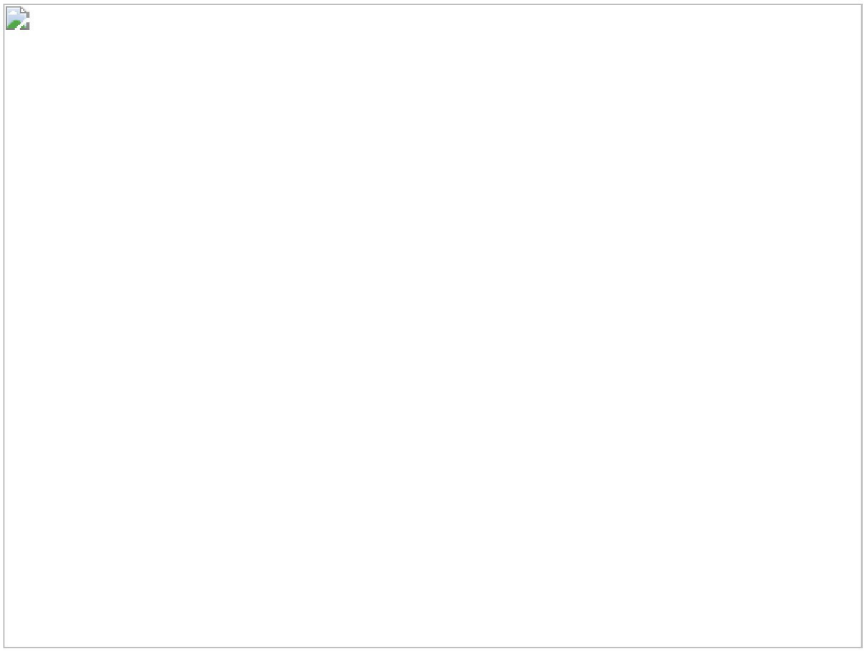
FOR COMMITTEE USE ONLY

Kornze, Neil <nkornze@blm.gov>

# Indian Country Today: Sally Jewell Visits Bears Ears, Says Obama Will Decide on National Monument Before Leaving Office

1 message

**Kershaw, Jessica** <jessica_kershaw@ios.doi.gov> Mon, Jul 18, 2016 at 6:45 PM
Cc: Neil Kornze <nkornze@blm.gov>, Jonathan Jarvis <Jon_Jarvis@nps.gov>, Lawrence Roberts <lawrence_roberts@ios.doi.gov>, Sarah Walters <sarah_walters@ios.doi.gov>, Nedra Darling <Nedra_Darling@ios.doi.gov>, Maureen Foster <maureen_foster@nps.gov>, Thomas Crosson <thomas_crosson@nps.gov>, Kimberly Brubeck <kbrubeck@blm.gov>, Anita Bilbao <abilbao@blm.gov>, Jenna Whitlock <jwhitloc@blm.gov>, Megan Crandall <mcrandal@blm.gov>, John Blair <john_blair@ios.doi.gov>, Maria Najera <maria_najera@ios.doi.gov>, William Mcintee <william_mcintee@ios.doi.gov>, April Slayton <april_slayton@nps.gov>, Felipe Mendoza <felipe_mendoza@ios.doi.gov>, Sarah Neimeyer <sarah_neimeyer@ios.doi.gov>, Kevin Thompson <kevin_thompson@ios.doi.gov>, Elizabeth Klein <Elizabeth_Klein@ios.doi.gov>, Benjamin Milakofsky <benjamin_milakofsky@ios.doi.gov>, "Degroff, Amanda" <amanda_degroff@ios.doi.gov>, "interior_press@ios.doi.gov" <interior_press@ios.doi.gov>, Nikki Buffa <nicole_buffa@ios.doi.gov>, Francis Iacobucci <francis_iacobucci@ios.doi.gov>, Kerry McNellis <kerry_mcnellis@ios.doi.gov>, Androff Blake <blake_androff@ios.doi.gov>, Sally Jewell <SRJ2@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Laura Pardue <lpardue@blm.gov>



*Kim Baca*

This structure under the overhang is one of the thousands throughout the San Juan region. Many are being threatened by looters or irresponsible visitors.

## Indian Country Today: Sally Jewell Visits Bears Ears, Says Obama Will Decide on National Monument Before Leaving Office

Kim Baca
7/18/16

President Barack Obama could decide whether to designate the 1.9 million–acre region known as Bears Ears as a national monument by the end of the year, according to U.S. Secretary of the Interior Sally Jewell.

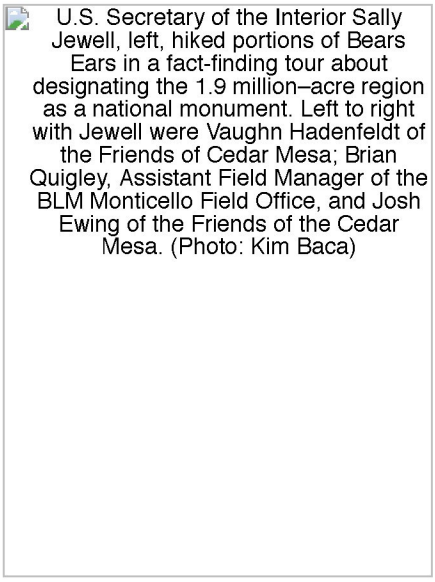
If not by then, Obama will definitely decide before he leaves office, Jewell told Indian Country Media Network during a three-day tour of the area.

Five tribes are asking for the designation under the 1906 Antiquities Act, which gives the President signing power to create such monuments on federal land. The proposal drew criticism and support as its creators and the opposition had a chance to speak directly with Jewell and other top federal officials at a public hearing in Bluff, Utah. People spoke passionately about the area and its history, which dates back thousands of years.

“We have not made up our minds on what way to go,” said Jewell during the hearing. “We’re here to listen.”

Jewell, directors of the Bureau of Land Management (BLM), the National Park Service and government officials did just that, listening to more than 50 people representing local tribes, ranchers, politicians, recreationalists and environmentalists. A total of 150 people crammed into

FOR COMMITTEE USE ONLY


U.S. Secretary of the Interior Sally Jewell, left, hiked portions of Bears Ears in a fact-finding tour about designating the 1.9 million–acre region as a national monument. Left to right with Jewell were Vaughn Hadenfeldt of the Friends of Cedar Mesa; Brian Quigley, Assistant Field Manager of the BLM Monticello Field Office, and Josh Ewing of the Friends of the Cedar Mesa. (Photo: Kim Baca)

*U.S. Secretary of the Interior Sally Jewell, left, hiked portions of Bears Ears in a fact-finding tour about designating the 1.9 million–acre region as a national monument. Left to right with Jewell were Vaughn Hadenfeldt of the Friends of Cedar Mesa; Brian Quigley, Assistant Field Manager of the BLM Monticello Field Office, and Josh Ewing of the Friends of the Cedar Mesa. (Photo: Kim Baca)*

the hearing room in Bluff, Utah, about 60 miles south of Bears Ears. Outside, more than 1,000 people who had traveled from around the region listened on a PA system. Jewell and her colleagues also hiked portions of Bears Ears, observing petroglyphs and the terrain firsthand.

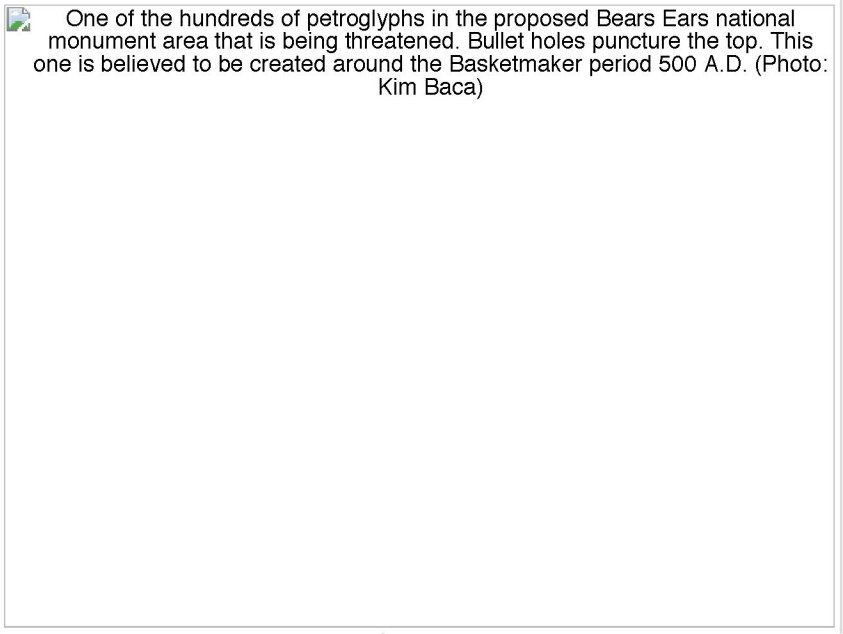
Those who gave testimony—from descendants of Mormon pioneers who settled in the area, to rock climbers discovering ancient sites, to Native people who have seen their wells depleted and water contaminated by area natural resource development—spoke passionately about this largely pristine desert, a blanket of red-brick earth, waves of mesas, large, jutting rock formations and juniper dotting the land.

Many Navajos, Utes and other tribes who support the Bears Ears monument, named after two 9,000-foot twin buttes, say the land is sacred and important for medicine gathering, wood and ceremonies.

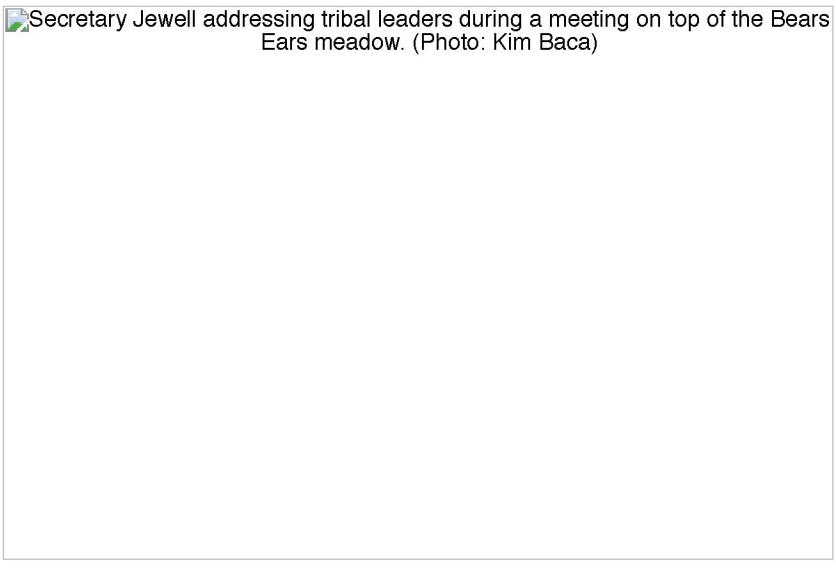
“There is nothing more important about tribal sovereignty than protecting Indian nations’ languages, cultures, beliefs, and indeed our existence as Indian people,” Navajo Attorney General Ethel B. Branch said.

“Our proposal is not about exclusion—it’s about education and partnership,” said Carleton Bowekaty of the Pueblo of Zuñi, one of the five tribes requesting the designation.

But several Navajos and at least one Ute, including a group from Blue Mountain Dine and San Juan County Commissioner Rebecca Benally, spoke against the designation, citing general distrust with the federal government.


One of the hundreds of petroglyphs in the proposed Bears Ears national monument area that is being threatened. Bullet holes puncture the top. This one is believed to be created around the Basketmaker period 500 A.D. (Photo: Kim Baca)

*One of the hundreds of petroglyphs in the proposed Bears Ears national monument area that is being threatened. Bullet holes puncture the top. This one is believed to be created around the Basketmaker period 500 A.D. (Photo: Kim Baca)*


Secretary Jewell addressing tribal leaders during a meeting on top of the Bears Ears meadow. (Photo: Kim Baca)

*Secretary Jewell addressing tribal leaders during a meeting on top of the Bears Ears meadow. (Photo: Kim Baca)*

“We have suffered from all the treaties that have been broken,” Benally said. “I’m very disheartened by the misinformation and also by the dividing the sisters and brothers in this community.”

Benally, a Republican, supports a bill filed by Utah’s congressional delegation and introduced in the House as an ostensible alternative to the tribal proposal. The bill would designate 4.6 million acres of land for conservation, and allocate 1.1 million acres for recreation and natural resource development. The Public Lands Initiative also ensures tribal input, protection of archaeological sites, preserves traditional gathering of plants, and gives managing agencies digression to hire tribal managers to help manage the land, said Casey Snider of U.S. House Rep. Rob Bishop’s office (R-UT).

Though Congress is ready to wrap up its current session in a matter of months, Snider said that hearings on the bill are planned this month and August, with Bishop scheduling bill changes and a congressional hearing in September.

Environmentalists oppose the bill because they say it allows too much for gas and oil development. Tribal leaders have also criticized the bill, saying that their input has not been sought. Initially tribes were working with Utah lawmakers on a proposal, but when communications fizzled earlier this year, tribes broke off and created their own proposal. The Hopi, Zuñi, Ute

FOR COMMITTEE USE ONLY

Mountain Ute, Uinta-Ouray Ute and the Navajo Nation formally asked Obama to designate the area as a national monument last year.

RELATED:Bears Ears Coalition Splits From 'Disrespectful' Congressional Reps

This is the first time that a tribal coalition has proposed a national monument, although other tribes have requested joint management of public lands, said Larry Roberts, Acting Assistant Secretary for Indian Affairs, who also toured the area and attended the hearing.

RELATED:Bears Ears 1.9 Million–Acre Monument Would Be Unique Tribal-Federal Collaboration

The hearing culminated a three-day trip to the area for Jewell and other top federal officials to talk to residents and learn more about the land and its uses. The area falls under jurisdiction of the BLM, which has two law enforcement rangers and a handful of staff to oversee the 1.9 million acres of land containing 100,000 archaeological sites. BLM staff members admit that looting and site disturbance have been a problem. That is corroborated by Josh Ewing of Friends of the Cedar Mesa, a nonprofit organization created to help the BLM manage the area, who said he has seen bones from some of the gravesites thrown about as looters look for pottery or other items to sell.

Ranchers and other area residents told Jewel that creating a monument will bring more visitors and will not stop desecration. As the day wore on, however, a common theme emerged.

"The one thing that we are all consistent on—those of us supporting and opposing—we all want to preserve the land for the younger generation," area resident Kevin Maryboy said.

Read more athttp://indiancountrytodaymedianetwork.com/2016/07/18/sally-jewell-visits-bears-ears-says-obama-will-decide-national-monument-leaving-office

###

On Mon, Jul 18, 2016 at 7:59 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

> In our opinion: PLI revisions are welcome but time is running out
>
> **Deseret News editorial**
>
> Published: Mon, July 18, 2016, 12:00 a.m. MDT
>
> 0 comment
>
>
>
> FILE - Interior Secretary Sally Jewell stands on Comb Ridge as she visits rock art sites, some of witch have been vandalized in southern Utah on Saturday, July 16, 2016.
> ((Scott G Winterton, Deseret News))
>
> The best news to come out of a revised Public Lands Initiative announced this week by Utah Reps. Rob Bishop and Jason Chaffetz is that it omits language that would have made seven counties in eastern Utah exempt from any monument designations under the Antiquities Act.
>
> A- A+
>
> Despite our dislike of the Antiquities Act, that exemption, a part of the original bill announced earlier this year, would have guaranteed the initiative's defeat — if not in Congress, then certainly under a presidential veto.

FOR COMMITTEE USE ONLY

Beyond that, the bill's release, and Interior Secretary Sally Jewell's visit to the state this week, highlight just how quickly the clock is ticking on finding solutions to vexing land-management issues in the southeastern part of the state. The implication of Jewell's comments at various meetings is that either the state's representatives and the stakeholders involved find and pass a solution through Congress soon, or the president will summarily create a new national monument in the Bears Ears region.

The former clearly is preferable to the latter. Unfortunately, some stakeholders have more to gain from a monument designation than a brokered deal that would give them less than what they want.

That isn't to say the Public Lands Initiative is a perfect solution. If anything is clear after many years of trying to broker a grand compromise, it is that the myriad land-use issues in that part of the state are complicated and intertwined.

But it's also true that more is at stake here than just one bill. A successful compromise solution, passed by Congress and signed by the president, would stand as a powerful template for resolving the many other land-use issues in the West.

Bishop and Chaffetz's latest proposal would set up two national conservation areas in Bears Ears, protecting 1.4 million acres while allowing native tribes to access the area for sacred rituals. While tribal leaders have voiced support for a national monument, they want such a designation to continue allowing them access for rituals. It's unclear whether a monument designation would allow this, although Jewell said final language has not yet been prepared.

The rest of the Public Lands Initiative attempts to find compromise on other contentious issues on recreation, conservation and economic development. It would expand Arches National Park and create a Jurassic National Monument at the Cleveland-Lloyd Dinosaur Quarry. It would expand the Goblin Valley State Park, increasing staffing necessary to manage it.

But it also would allow for more economic development through energy extraction, which has several environmental groups voicing opposition.

The Obama administration has insisted it won't treat a monument designation the way President Bill Clinton did when he took all parties by surprise in creating the Grand Staircase-Escalante National Monument in 1996. Jewell's visit to the state this week is a good-faith indication this is true.

Jewell traveled the state, listening to the emotion-charged concerns of many stakeholders and gaining a greater appreciation for the complexities involved. She made it clear, however, that time is running out.

Bishop and Chaffetz have much hard work ahead and little time to do it. But success would go far toward making the West a more peaceful place.

Sent from my iPhone

On Jul 17, 2016, at 10:56 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:



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

First Published Jul 16 2016 03:03PM • Last Updated Jul 16 2016 09:01 pm

FOR COMMITTEE USE ONLY

(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.

Share This Article

ARTICLE PHOTO GALLERY (1)

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

FOR COMMITTEE USE ONLY

to declare the monument under the Antiquities Act.

ADVERTISEMENT

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."

ADVERTISEMENT

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 iPhone

On Jul 15, 2016, at 9:57 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

# Salt Lake Tribune Op-Ed: Terry Tempest Williams: With monument proposal, tribes open door to new way of seeing public lands

FOR COMMITTEE USE ONLY

By Terry Tempest Williams

First Published Jul 15 2016 08:51AM • Last Updated Jul 15 2016 10:55 am

Courtesy of Ted C. Brummo Terry Tempest Williams

Share This Article

It is time for a monumental idea. Secretary of the Interior Sally Jewell will be in Bluff tomorrow conducting a site hearing on the Bears Ears National Monument proposal. Her presence honors the strength and dignity of tribal leadership expressed through the coalition of Navajo, Hopi, Zuni and the Mountain and Ouray Ute nations who are calling for the protection of 1.9 million acres adjacent to Canyonlands National Park in the remote region of Cedar Mesa.

The coalition of five tribes — supported by more than 20 tribes within the American Southwest and the National Congress of American Indians, comprised of more than 250 tribes — is asking the United States government to see their home ground through the lenses of traditional knowledge gleaned through relationships cultivated over time.

On Thu, Jul 14, 2016 at 11:52 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

> Sharing some additional clips with the team this evening on top of what Amanda sent earlier tonight, this is some of the radio/TV coverage.
>
> I'd first like to flag however this amazing photo album on the Salt Lake Tribune website. Many of us will relive our entire day in these photos - it's a stunning album for many reasons. Please take a peak tonight:
>
> **Salt Lake Tribune Photo Album:**
>
> http://www.sltrib.com/csp/mediapool/sites/sltrib/Pages/gallery.csp?cid=4117685&pid=3542680
>
> -Jessica

FOR COMMITTEE USE ONLY

Additional TV/Radio Coverage (just clink the links below):

VIDEOS

ITN

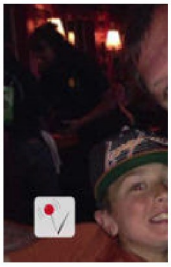
Otero County sheriff says homes apparently burned by fire near Timberon

KOB - Albuquerque, NM

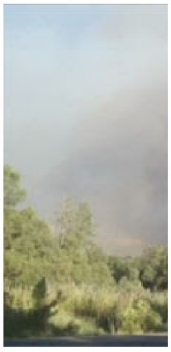
FOR COMMITTEE USE ONLY

**More videos:**

Atlanta teen's poem 'White Boy Privilege' goes viral



American Father and Son Killed in Nice Truck Terror Attack



Otero County sheriff says homes apparently burned by fire near Timberon

TOP JOBS

TribTopJobs

**Great Western Leasing & Sales Inc.**
Sales Representative...

**Schmeuser Associates Inc.**
Safety Manager...

**Great Western Leasing & Sales Inc.**
Sales Representative...

**Pioneers Medical Center**
Registered Nurse...

**Idaho Truck Service, Inc.**
Over The Road Truck Drivers...

Check out all of the Trib Top Jobs

FOR COMMITTEE USE ONLY

I do not profess to know how Indian people feel. I only know how I feel when I am with them. I am drawn into a circle of relationships that widens my own sense of community that includes all living things. My debt is large to Indian people and all the ways they have shaped and influenced my own sense of home.

I believe the Bears Ears National Monument proposal honors the deep residency of native peoples living inside the Colorado Plateau. The tribes are asking each of us to acknowledge an embodied intelligence born of the land that warrants as much respect and protection as the wilderness, itself.

The Bears Ears National Monument Proposal has the potential to transform Utah's rancorous politics of place into an ethic of place for generations to come.

Not long ago, 15 students gathered in our living room with Jonah Yellowman, a Navajo spiritual leader from Monument Valley. When Jonah arrived, coyotes began howling, a rarity at nine o'clock in the morning.

He entered our home, the students sat near him, and he began his remarks with a blessing. After the blessing, he spoke about how one learns, how his father taught him as a young boy to bring in wood and water at night, so that in the morning you will have dry wood to make a fire for warmth, and water to boil a cup of tea.

"You will not be caught short in a blizzard," he said.

He shared how he became a medicine person, how the ashes spoke to him, how if one holds a crystal up to the stars for guidance and then peers back into the ashes, one can see into the soul of the person in need. One of the students bluntly asked Jonah why he was sharing this sacred knowledge.

"It is time," Jonah said.

Jonah spoke about why these lands on Cedar Mesa remain sacred to the Navajo; how the bones of his ancestors are buried here, how their ancient songs are still carried by the winds, and how the Diné see these lands as their medicine cabinets. This is the home of their ceremonies. This is the place where he remembers the source of his dreams.

"I have dreamed of being in this place before," Jonah said.

He pointed north toward the Colorado River. "The elders told me that this canyon where the great river flows was created by the bison from scraping the Earth with his hoof."

FOR COMMITTEE USE ONLY

"It is time to go outside," he said. We followed him on to the patio in Castle Valley, where we witnessed a rare horizontal rainbow above the mesa.

It is time for us to go outside our own places of comfort and dare to embrace a new way of seeing. The tribes are opening the door, inviting us to cross a threshold where a more expansive conversation about land protection awaits us. They are taking us beyond the rhetoric of wilderness designation to a wider view of how we can live in place with reverence and restraint. Leaders like Jim Enote from the Zuni Pueblo remind us how these desert lands are "source, not resource."

In this centennial year of the National Park Service, it is hard to imagine a more profound act that could provide a greater healing between indigenous people and the federal government than this bold national monument. At a time when race has created a wedge and a wound within our communities in the United States of America that is anything but united, Bears Ears National Monument becomes a gesture of peace extended to disenfranchised people still held captive by the violence of our shadowed history.

The partisan politics that continues to plague public land policy in the 21st century is being offered a powerful corrective by collaborating with the tribes in a co-management model of cooperation where traditional knowledge is embedded within current land agency governing principles and practices. It will not be easy, but it will be transformative and right.

Our national parks and monuments are not simply "America's best idea" but an evolving idea. In their quiet and dignified manner, the tribes are leading the way forward with a vision of land protection in Utah that is at its core, spiritual. We are the sum of all our relations, both human and wild.

May Jewell listen to the collective wisdom of the tribes and carry it back to Washington and return to their native home ground with a monumental decision.

Terry Tempest Williams is the author of "The Hour of Land: A Personal Topography of America's National Parks," published by Farrar, Straus & Giroux, currently a New York Times bestseller.

###

## Sally Jewell on KSL-AM (Radio) - Salt Lake City, UT

07/14/2016 15:31:40

... High 80 to around 24 100 seats Mark Jackson I top story this hour Interior Secretary Sally Jewell has arrived in southern Utah forward tour the area which could become a new national monument if President Obama turned a deaf ear to the state Republican leaders ...

## Sally Jewell on KSL-AM (Radio) - Salt Lake City, UT

07/14/2016 13:02:33

(click thumbnail to play)

... coalition's proposal for Bears years official says his bill protects 1.4 million acres about 5 terror Secretary Sally Jewell is in southern Utah for a look at the area which could become a new national monument he's been meeting with representatives of the ...

(click

FOR COMMITTEE USE ONLY

thumbnail to play)

**Sally Jewell on KSL-AM (Radio) - Salt Lake City, UT**
07/14/2016 13:20:17
... 100 and an American clerk recreation with 3 think you needed Alison Grimes got your first interior Secretary Sally Jewell was on a trip to southern Utah he's meeting with those for and against possible bears years national monument second state Department of Environmental quality is

(click thumbnail to play)

**Sally Jewell on KSTU-SLC (FOX) - Salt Lake City, UT**
07/14/2016 16:07:14
FOX 13 News at Four (News)
... weekend.. governor gary herbert met privately with interior secretary sally jewell. fox 13 is told the two chatted about her visit to bears ears in the four corners area.. which could ...

On Thu, Jul 14, 2016 at 8:28 PM, Degroff, Amanda <amanda_degroff@ios.doi.gov> wrote:

Interior Secretary Sally Jewell visits southern Utah, vows she's 'here to listen'
The Salt Lake Tribune // Matthew Piper // July 14
As Reps. Rob Bishop and Jason Chaffetz unveiled their long-awaited public lands plan, Interior Secretary Sally Jewell came face to face with critics of the proposed national monument Utah's delegation hopes to stave off. The second day of Jewell's whirlwind tour of southeastern Utah saw her drive from Moab's airport to Big Flats, to Gemini Bridges, to Dead Horse Point, to Indian Creek and finally to Monticello, where about 50 protesters welcomed her outside the Hideout Community Center with chants of "No national monument!" "We protect it just fine," shouted one. Another: "Communist!" The mood inside was lighter, but more than 150 people gathered to hear San Juan County commissioners share their concerns about the Bears Ears National Monument proposal, brought by a coalition of five tribes that late last year stopped participating in discussions about Bishop and Chaffetz's Public Lands Initiative and appealed to President Barack Obama to protect 1.9 million acres by using the Antiquities Act.

As Interior secretary tours sacred tribal site, Utah Republicans push to protect it
Washington Post // Juliet Eilperin // July 14
Utah Republican lawmakers introduced legislation Thursday that would protect 1.4 million acres of a sacred Native American site in the state's southeast, as Interior Secretary Sally Jewell toured the area to solicit ideas on how to address the threats it faces. Bears Ears — an expanse of land in San Juan County that boasts both archeological treasures and critical environmental habitats — has come under pressure from looters and vandalism over the years. Utah's congressional delegation has spent three years working to craft a compromise bill that would encompass not only that area but six other counties, providing opportunities for energy development, grazing and motorized recreation while designating some parts for conservation. The new flurry of activity, including the bill introduction and Jewell's four-day visit to meet with tribal leaders, local officials and environmentalists, underscores that time is running out to forge a legislative deal.

Secretary Of The Interior To Tour Bears Ears
Utah Public Radio // Jon Kovash // July 14
This week Interior Secretary Sally Jewell is visiting multiple towns in Southeast Utah to hear local concerns about federal lands. Jewell is traveling with a delegation of high ranking federal officials. Wednesday she met with Governor Herbert, toured the San Rafael Swell with Emery County officials, and attended a meeting in Moab, where she was greeted with a sea of T-shirts and signs supporting the Bears Ears as a new national monument. "This is democracy," she said. "I mean, this is how our country works, and, you know, listening to each other in a respectful way. Having a large group of people that have different points of view by the shirts they're wearing and the signs they're carrying, and being very respectful of each other, I appreciate."

The Latest: House bill blocking monuments faces veto threat

FOR COMMITTEE USE ONLY

AP // July 14

House Republicans have passed a spending bill that could block a new national monument in southeastern Utah. But the effort faces a White House veto threat. Republican Rep. Chris Stewart of Utah added a provision to an Interior Department spending bill that blocks money for any new monuments in portions of eight states, including 17 Utah counties. The House passed the bill Thursday, but the measure is expected to run into a filibuster from Senate Democrats and the White House veto threat. The vote comes as U.S. Interior Secretary Sally Jewell is visiting Utah to meet with supporters and opponents of the Bears Ears monument.

GOP Lawmakers Unveil Utah Land Use Plan

WSJ // Jim Carlton // July 14

Two Utah Republicans unveiled a long-awaited bill aimed at protecting vast parts of the state's spectacular canyon country, while allowing development in other areas. The bill's backers say it is a compromise that could serve as a model for brokering disputes over federal land ownership in the West, while potentially lowering the temperature on a legal feud between Utah and the U.S. The Obama administration hasn't taken a stand on the monument. Interior Secretary Sally Jewell is set to host a community meeting Saturday in Bluff, Utah, on the dueling proposals.

Interior Secretary Jewell meets with Grand County Council

Moab Sun News // Eric Trenbeath // July 14

Interior Secretary Sally Jewell heard comments from the Grand County Council on Rep. Rob Bishop's Utah Public Lands Initiative (PLI), and the Bureau of Land Management's Master Leasing Plan (MLP) at a special meeting held on Wednesday, July 13. More than 50 local citizens attended, many wearing t-shirts, or carrying signs either in support of, or opposed to, the creation of a Bears Ears National Monument. "I am here to listen, that is the primary reason for this visit," Jewell said. "You have an incredible place here, and I know that it's got lots of different elements to the economy, and things that are important to people of this region."

Push to create Utah monument marks latest Western land fight

AP // Brady McCombs // July 14

Laminated sheets of paper held in place by rocks rest inside ancient cliff dwellings nestled underneath a spectacular red rock overhang in southeastern Utah. "Don't erase the traces of America's past," the signs read. "Please do not enter interior rooms." The weathered signs and a similar warning at the trailhead are the only protections in place for these easily accessible ruins along a canyon hiking path. The cliff dwellings are part of an estimated 100,000 archaeological sites within a 1.9 million-acre area that a coalition of American Indian tribes wants President Barack Obama to designate a national monument to ensure protections for lands considered sacred. U.S. Interior Secretary Sally Jewell is visiting the area this week to meet with proponents and opponents — the latest indication the Obama administration is giving serious consideration to the "Bears Ears" monument proposal.

Public lands bill unveiled without controversial Antiquities Act provision

KSL // Amy Joi O'Donoghue // July 14

Utah Republican Reps. Rob Bishop and Jason Chaffetz unveiled the final version of the much awaited Public Lands Initiative Thursday, eliminating a mandate that seven counties in eastern Utah are off-limits for any future monument designation under the Antiquities Act. The elimination of the controversial provision acknowledges it was a deal breaker for environmental groups and recognition that no president would endorse a law that relinquishes such a sweeping executive power. Bishop, chairman of the House Committee on Natural Resources, a veteran GOP faithful and states' right defender, released the Public Lands Initiative on the day of the start of Jewell's three-day, whirlwind tour of Grand and San Juan counties. His bills, and her visits, come as the debate over a potential monument designation of 1.9 million acres in the Bears Ears region reaches a fervent pitch, with certain tribes and environmental groups calling for presidential action.

Bishop, Chaffetz unveil long-awaited lands bill in bid to block a Bears Ears National Monument

The Salt Lake Tribune // Thomas Burr and Matt Canham // July 14

Reps. Rob Bishop and Jason Chaffetz introduced a package of bills Thursday with the immediate hope of preventing President Barack Obama from creating a Bears Ears National Monument in San Juan County. But the larger goal of the Public Lands Initiative (PLI) is to end decades of acrimony among environmentalists, ranchers, oil and gas drillers, recreationalists and tribal leaders, with a plan that brings certainty to the seven rural counties that took part in this grueling three-year process. The bill's introduction comes as Interior Secretary Sally Jewell and other federal officials are touring southeastern Utah to look at the Bears Ears region, a culturally sensitive area to many tribal nations.

FOR COMMITTEE USE ONLY

Can a trove of Native American ruins be saved from eBay and 'white people' ideology?

Fusion // Ari Phillips // July 14

When I asked Josh Ewing, my tour guide through the countless Native American ruin sites nestled in the remote cliffsides of southeastern Utah, about the coolest thing he'd ever discovered here, he barely paused before answering. "I climbed down from the rim of this cliff dwelling site and found an intact painted bowl, black and white—just perfect. It had been sitting there for about 800 years," he said, as we summited a large rubble pile of what is believed to be a four-story Ancestral Pueblo structure. "One of our big problems is everyone takes a shard of a pot and puts it on their mantle or something. And if everyone takes a piece home with them pretty soon there's nothing left." Interior Secretary Sally Jewell will be visiting Utah this weekend to meet with stakeholders involved in the debate and to try and smooth a path forward. This year is the centennial celebration of the National Park Service, and the agency is using the occasion to highlight the important role that it plays in preserving both natural beauty and human history. Jessica Kershaw, spokesperson for the DOI, said that the goal of Jewell's cross-country travels this summer is to find opportunities to ensure "our parks and public lands are benefiting all Americans."

On Thu, Jul 14, 2016 at 12:54 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

## Journal News Editorial: Bears Ears may finally get the protection it so clearly deserves

Cedar Mesa, Dark Canyon, Grand Gulch and Valley of the Gods are all places with names that evoke the almost mythical natural landscape familiar to many residents and visitors of the Four Corners who have hiked, hunted, floated and appreciated the archaeology in them. They are big places with open spaces one can imagine not looking too much different than they did millions of years ago.

Bounded to the west by the Green and Colorado rivers, to the east by Highway 191 from Moab to Bluff, and along the southern edge by the San Juan River, the 1.9 million acres of public and ancestral lands known as the Bears Ears may soon receive permanent protection. Some say this is long overdue – by a century or more.

In 1906, Congress established the Antiquities Act, largely in response to rampant looting of archaeological sites in the Four Corners, including the Bears Ears region, which continues today. It gives the president the authority to create national monuments from public lands to protect significant natural, cultural or scientific resources. To date, presidents have used the act over 100 times to establish monuments, including Canyon of the Ancients west of Cortez, but not yet for an area for which it was perfectly designed.

Secretary of the Interior Sally Jewell and Department of Agriculture Under Secretary Robert Bonnie will hold a public meeting on Saturday, July 16, in Bluff, Utah, to receive comments on community visions for the management of Southern Utah's public lands, including Utah Republican Congressmen Rob Bishop's and Jason Chaffetz's Public Lands Initiative and the Bears Ears Inter-Tribal Coalition's proposal to designate a new national monument. Their visit is an important step toward ensuring the Bears Ears region receives the protection it deserves.

Stakeholders, including conservation, off-highway vehicle and recreation groups, have spent the past three years working with tribal leaders and Utah's congressional delegation on legislation that would protect this area, but to date, no legislation has been introduced in Congress. The draft legislation to be released this week is anticipated to be much improved but may still not be acceptable to stakeholders and tribes. Time is running out.

Frustrated by legislative inaction, the Bears Ears Inter-Tribal Coalition came together to conserve the Bears Ears cultural landscape and requested that President Obama proclaim it a national monument. The historic consortium of sovereign nations includes leaders of the Hopi, Navajo, Ute Mountain Utes, Zuni and Ute Indian Tribe of northeastern Utah. It is also the first time the conservation community is following the lead of and supporting a proposal developed by Native Americans.

Dozens of conservation and recreation groups and a total of 26 tribes have expressed support and are united in their vision for protecting the Bears Ears region. The Bears Ears National Monument proposal presents an extraordinary opportunity to protect a scenically spectacular

FOR COMMITTEE USE ONLY

and archaeologically rich landscape and to do something that has never been done before by creating a national monument that protects Native American ancestral homelands and provides the tribes a meaningful role in their management.

To add your voice to those seeking to do what is right for the land and the people that trace their heritage to it, take a drive to Bluff on Saturday.

Sent from my iPhone

On Jul 13, 2016, at 3:57 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

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

**By Amy Joi O'Donoghue, Deseret News**

Published: Tue, July 12, 2016, 8:30 p.m. MDT

2 comments

The Bears Ears area is seen on Thursday, June 2, 2016. The proposed 1.4 million acres of the Bears Ears region contained in a massive public lands bill being unveiled this week would actually be split in two, with the southern portion set aside for traditional Native American uses.
(Scott G Winterton, Deseret News)

SALT LAKE CITY — The proposed 1.4 million acres of the Bears Ears region contained in a massive public lands bill being unveiled this week would actually be split in two, with the southern portion set aside for traditional Native American uses.

A- A+

Rep. Rob Bishop, R-Utah, and chief architect of the measure, said the region on federal lands in southeastern Utah will come with a new management structure that includes a tribal committee to ensure traditional access for wood gathering, ceremonies and gathering of plants.

"We spell out what the management practices will be and the purpose of those," Bishop said. "The lower half is strictly for conservation. … They will be able to continue those traditional activities in a way that would not be guaranteed under a monument designation."

FOR COMMITTEE USE ONLY

The final version of Bishop's bill is due to be released late this week, coinciding with a three-day, packed tour of San Juan and Grand counties by Interior Secretary Sally Jewell.

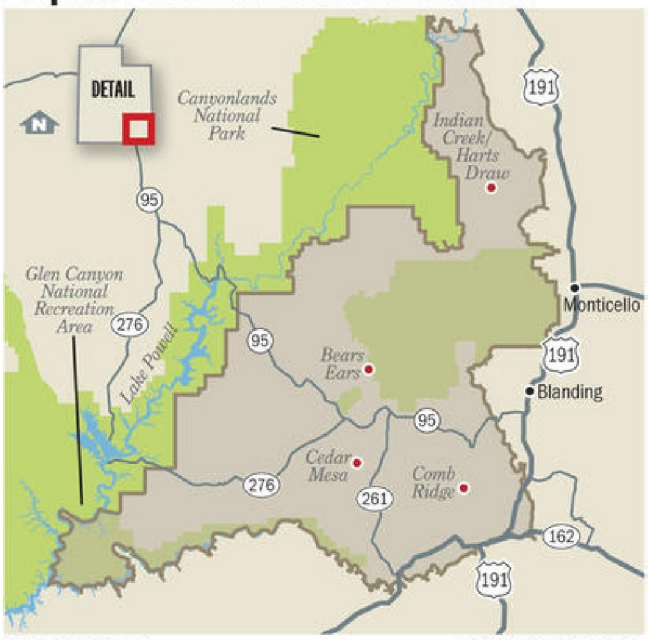
Jewell will meet with tribal leaders of the Bears Ears Inter-Tribal Coalition, visit with San Juan County commissioners and hear from congressional staffers from Bishop's and Rep. Jason Chaffetz's offices.

Cody Stewart, Gov. Gary Herbert's policy adviser, will also be at the talks, with Herbert already committed to attend a meeting of the National Governors' Association.

As the tempo accelerates around the Bears Ears controversy — the coalition is pushing President Barack Obama to declare 1.9 million acres a national monument — all sides in the issue are scrambling for the ear of Jewell, who has promised no designation will be made without local input.

To that end, beyond the intense slate of meetings, tours and hikes, Jewell will host a three-hour community meeting in Bluff to hear from residents on the issue.

**Proposed Bear Ears National Monument**




SOURCE: Utah Dine Bikeyah DESERET NEWS GRAPHIC

Bishop mapped out some of his plans for the Bears Ears region, saying no one disputes the need for federal conservation area protections. The 1.4 million acres of the Bears Ears region would be divided into two roughly equal portions and managed as separate national conservation areas.

While the southern portion would be managed strictly with Native American uses and traditions in mind, the northern half would come under an administrative approach that recognizes existing outdoor recreation uses such as rock climbing in the Indian Creek corridor. The footprint also includes the Mancos Wilderness Area.

The divided conservation area model came at the request of The Nature Conservancy, which owns the 5,200-acre working Dugout Ranch that is also home to scientific research and ancestral Puebloan rock art and dwellings. The concept was pursued in consultation with San Juan County and some tribal representatives.

"This is a dramatic change from January," said Fred Ferguson, Chaffetz's chief of staff. "If you don't recognize the different conditions on the ground, management will be extremely difficult."

The northern region is already heavily used for outdoor recreation and includes some grazing, Ferguson said. Under the new management structure envisioned to protect cultural resources, the tribes will have a co-management position, elevated to cooperating partners in land-use planning, he said, and not simply consulted.

FOR COMMITTEE USE ONLY

"They will have a seat at the table," Ferguson said. "Candidly, that is very difficult to be created through a monument designation."

The delegation asked the leaders of the Bears Ears Inter-Tribal Coalition to sit down and review the changes in late June, but the offer was rebuffed.

"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," the coalition's letter said.

Coalition leaders bowed out of talks in December, accusing Bishop and Chaffetz of ignoring their input, leaving them out of the public lands initiative process and continually missing deadlines.

Bishop said the latest reaction was disappointing but not surprising.

"I think that is more indicative of the entire issue at hand," he said. "This was an organization whose first priority may not have been trying to sit down and work something out."

Gavin Noyes, executive director of Utah Dine Bikeyah, a nonprofit advocacy organization for indigenous people, said the group long supported a national conservation area for Bears Ears because of the ability to write more language into that approach rather than a proclamation. The group, however, is deferring decisions to the coalition and supporting its position for a monument.

The public lands bill will be the subject of a formal hearing in August by the committee Bishop heads, the House Committee on Natural Resources, which will also hold a markup session on the bill in September.

Bishop's public lands bill, dubbed the "Grand Bargain," has been in the making for more than three years. It was released in draft form in January amid a swell of criticism from environmental groups who say it favored industry over conservation.

Sent from my iPhone

On Jul 12, 2016, at 10:23 PM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

Updated AP short story on this week's public meeting:

**Top Obama officials head to Bluff for Bears Ears meeting**

Associated Press

**Interior Secretary Sally Jewell and other top officials from the Obama administration will host a public meeting in Bluff, Utah, on Saturday, July 16 to discuss future management of the Bears Ears region.**

---

**By Jim Mimiaga Journal staff writer**

Interior Secretary Sally Jewell and other top officials from the Obama administration will host a public meeting in Bluff, Utah, on Saturday, July 16 to discuss future management of the Bears Ears region.

FOR COMMITTEE USE ONLY

The meeting will be from 1–4 p.m at the Bluff Community Center at the corner of Third Street and Mulberry Avenue.

According according to a July 12 Department of Interior announcement, the meeting is "regarding community visions for management of southern Utah's public lands, members of the public are invited to attend and comment."

Participating federal agency representatives will also attend the meeting, including Department of Agriculture Undersecretary Robert Bonnie, Bureau of Land Management Director Neil Kornze, National Parks Service Director Jonathan Jarvis, and acting U.S. Assistant Secretary for Indian Affairs Larry Roberts. U.S. Forest Chief Tom Tidwell has also been invited.

The protection of cultural and natural resources of the vast area of public lands in southeast Utah has been a hot topic for the last few years.

Conservation groups and Native American tribes — including the Ute Mountain Utes, Navajos, Uintah-Ouray Utes, Hopi, and Zuni — have been advocating that President Barack Obama declare a 1.9 million-acre Bears Ears National Monument under the Antiquities Act.

Utah legislators are pushing for a federal bill to form the Bears Ears National Conservation Area on 1.1 million acres.

"We're excited that D.C. officials are coming out to hear different viewpoints and what the issues are for protecting this area," said Gavin Noyes, executive director of Utah Dine Bikeyah, a grassroots nonprofit that supports the Bears Ears Coalition of five tribes.

The Bears Ears area contains more than 100,000 archaeological sites with cultural ties to Native American tribes in the American Southwest.

Sent from my iPhone

On Jul 11, 2016, at 1:40 PM, Degroff, Amanda <amanda_degroff@ios.doi.gov> wrote:

# Interior chief headed to Utah amid divisions over proposed monument

2

FOR COMMITTEE USE ONLY

*Getty Images*

By Timothy Cama - 07/11/16 11:06 AM EDT

Interior Secretary **Sally Jewell** is traveling to Utah this week amid divisions over a proposal for a new national monument to protect land in the state.

Jewell's meeting, planned for Saturday, comes after years of calls from American Indian tribes and environmentalists to create the Bear's Ears National Monument, which would protect nearly 2 million acres in southwestern Utah that tribes believe to be sacred and historic.

The meeting is far from an endorsement of the proposed land protections, however.

It's part of Jewell's effort on the 100th anniversary of the National Park Service to hear from local residents around the country about their visions for public lands for the next century.

"The goal of her travel is to find and highlight opportunities where we can make progress in ensuring our parks and public lands are benefiting all Americans," Interior spokeswoman Jessica Kershaw said.

The Utah travel is meant for Jewell "to meet with and listen to community members, local leaders and stakeholders about a range of conservation proposals... to further protect Utah public lands," she added.

Congressional Republicans, the oil and gas industry and business interests oppose the national monument designation, which President Obama can do unilaterally. They say such a designation would unnecessarily restrict various uses of the land, including energy production.

A bill from Utah Reps. **Rob Bishop** and **Jason Chaffetz**, both Republicans, proposes various land protections around Utah, including 1 million acres in the Bear's Ears area, in part as an attempt to push back at a potential monument. But the monument's supporters say the GOP bill would allow too much development and wouldn't go far enough in protecting the land.

Bishop, chairman of the House Natural Resources Committee, plans to unveil a revised version of the legislation this week, The Salt Lake Tribune **reported**.

"As we have repeatedly stated, legislation ensures local participation and guarantees a balanced product," Bishop and Chaffetz wrote Friday to Jewell. Utah Sens. **Mike Lee** and **Orrin Hatch**, also Republicans, signed on to that letter as well.

"The [Utah federal] delegation, local elected officials and many local tribal organizations remain unified in our opposition to the unilateral use of the Antiquities Act in Utah."

On Fri, Jul 8, 2016 at 9:41 PM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

> **Salt Lake Tribune: Next week could be turning point in Bears Ears debate: Bishop to unveil bill; Interior Secretary Jewell to visit Utah**
>
> By THOMAS BURR | The Salt Lake Tribune CONNECT
>
> First Published 2 hours ago • Updated 59 minutes ago

FOR COMMITTEE USE ONLY

Courtesy | House Committee on Natural Resources Rep. Rob Bishop, R-Utah.

Share This Article

ARTICLE PHOTO GALLERY (5)

Washington • Rep. Rob Bishop plans to unveil long-awaited legislation next week to preserve some areas of the Bears Ears region in southeastern Utah just ahead of a visit by Interior Secretary Sally Jewell.

ADVERTISEMENT

Bishop also plans to fast-track his much-anticipated Public Lands Initiative (PLI) — which critics worry won't go far enough to protect Bears Ears — by holding hearings in August and September and put it before the House by the end of the latter month.

The Utah Republican — joined by Utah's senators, Mike Lee and Orrin Hatch, and Rep. Jason Chaffetz — hopes the measure will blunt any attempt by President Barack Obama's administration to use the 1908 Antiquities Act to unilaterally create a national monument as several tribal leaders have called for to safeguard nearly 2 million acres.

FOR COMMITTEE USE ONLY

"As we have repeatedly stated, legislation ensures local participation and guarantees a balanced product," the four Utah members of Congress wrote Friday to Jewell. "The [Utah federal] delegation, local elected officials and many local tribal organizations remain unified in our opposition to the unilateral use of the Antiquities Act in Utah."

Jewell's July 16 visit, which will include a public meeting in the Bears Ears area, is aimed at allowing the secretary to hear the various proposals, including the PLI and a push for a national monument, and see the area in person, her spokeswoman, Jessica Kershaw, said Friday.

ADVERTISEMENT

The meeting shouldn't be read as the administration ramping up any move to name a monument, Kershaw cautioned. A visit by the interior secretary to an area under consideration for a monument had previewed action by Obama in recent years, but Kershaw said this Utah trip will be a listening tour.

"This is an opportunity to hear form the community from a variety of stakeholders — land managers, representatives, local officials — about their concerns and desires to protect places that hold special meaning to them," Kershaw said. "It is not an indication of an imminent monument decision."

Bishop has been working on the PLI for years, saying at the start he wanted to bring together all the parties — from environmentalists to oil and gas leaders to local officials and residents — to find a solution to preserving areas that need protection and opening up other mineral-rich spots for development.

He released a draft plan in January, though several conservation groups said it didn't go far enough and offered too much for development. Utah's members of Congress noted in their letter to Jewell that they appreciated suggested changes to the draft PLI from the administration as well as nongovernmental organizations.

Several tribal leaders have withdrawn from Bishop's effort and said they supported Obama naming a new monument. The president, who has designated several monuments during his seven years in office, has said he will move to preserve areas that are in need, though he has not publicly mentioned the Utah area.

Josh Ewing, executive director of Friends of Cedar Mesa, which seeks to set aside the Bears Ears area, said his group

FOR COMMITTEE USE ONLY

is excited to see the legislation. It is an important step to inform the debate about what should be preserved, he said, and whether it should be through congressional or presidential action.

Ewing added that he does not expect any monument designation to be forthcoming while the Utah delegation pursues a legislative solution.

"I hope that [Jewell's] visit signals the administration's serious consideration for considering a monument if the Public Lands Initiative can't protect this area," Ewing said. "I do not think a monument is imminent. I think they are going to allow the Public Lands Initiative to succeed or fail."

Sent from my iPhone

On Jul 8, 2016, at 7:46 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

# AP: Secretary Jewell to visit Utah to discuss conservation plans

Posted 6:10 p.m. today

1

**SALT LAKE CITY** — U.S. Interior Secretary Sally Jewell will visit Utah on July 16 for a public meeting to discuss conservation proposals that include a plan backed by a Tribal coalition and environmentalist to create a new national monument.

Interior spokeswoman Jessica Kershaw said Friday by email that Jewell will meet with community members and local leaders about how to ensure public lands are "benefiting all Americans."

She said the time and location will be announced next week.

Proponents of the proposed 1.9-million acre Bears Ears National Monument in southeastern Utah say ancient artifacts and sacred lands need protection from looting and development.

Utah's top Republican leaders oppose the designation and back a plan set to be introduced in Congress next week that would protect parts of the Bears Ears area and other lands while opening up some lands for recreation and oil and gas development.

Read more at http://www.wral.com/secretary-jewell-to-visit-utah-to-discuss-conservation-plans/15838975/#m5zvgysVTQrM2Q0p.99

On Thu, Jul 7, 2016 at 7:08 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

> Hi folks -

FOR COMMITTEE USE ONLY

Below/attached is a draft joint DOI/USDA media advisory for release *on Monday*.

Please let me know what edits/concerns you might have here before 4pm tomorrow (Friday).

In addition, this is the if-asked statement DOI comms will use over the weekend, if-asked, since public invitations will go out tomorrow/Sat.

(b) (5)

-Jessica

(b) (5)

FOR COMMITTEE USE ONLY

(b) (5)

FOR COMMITTEE USE ONLY

(b) (5)

###

---

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

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

--
Amanda DeGroff
U.S. Department of the Interior
202-208-5205 (Desk)
202-568-0168 (Cell)

--
Amanda DeGroff
U.S. Department of the Interior
202-208-5205 (Desk)
202-568-0168 (Cell)

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

--
Jessica Kershaw

FOR COMMITTEE USE ONLY

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

--

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