FOR COMMITTEE USE ONLY

Cotoni – Coast Dairies National Monument

PARTNERS

Sempervirens Fund

LAND TRUST OF SANTA CRUZ COUNTY

Save The Redwoods LEAGUE

POST

The Nature Conservancy

Conservation Lands Foundation

RESOURCES LEGACY FUND
Creative Solutions. Lasting Results.

GORDON AND BETTY MOORE FOUNDATION

the David & Lucile Packard FOUNDATION

FOR COMMITTEE USE ONLY

ENDORSEMENTS (partial list)

Senator Barbara Boxer
Senator Diane Fienstein

Congresswomen Anna Eshoo
Congressman Sam Farr

Governor Jerry Brown

Sectretary John Laird

Senator Bill Monning

Assembly Member Mark Stone

CITY OF WATSONVILLE

San Lorenzo Valley
Unified School District

THE TRUST for PUBLIC LAND

Coast Dairies & Land Co.

HILLTROMPER

SENTINEL PRINTERS

KUSP 88.9
CENTRAL COAST PUBLIC RADIO

MOUNTAIN BIKERS OF SANTA CRUZ

COASTAL WATERSHED COUNCIL

SURFRIDER FOUNDATION
SANTA CRUZ CHAPTER

Friends OF SantaCruz STATE PARKS
THATSMYPARK.ORG

AMAH MUTSUN TRIBAL BAND

Save Our Shores

Valley Women's Club
VWC

O'NEILL SEA odyssey

California Wildlife Foundation

SURFERS' ENVIRONMENTAL ALLIANCE SEA

The Santa Cruz Education Foundation

WATSONVILLE WETLANDS WATCH

PARKS NOW

Range of Light

CHARLIE HONG KONG SANTA CRUZ

NATIONAL BROTHERHOOD OF ELECTRICAL WORKERS INT'L 234

LOCAL 521 SEIU Stronger Together

SECOND HARVEST FOOD BANK SANTA CRUZ COUNTY

NATIONAL STEINBECK CENTER

DEMOCRATIC WOMEN are the life of the Party

Democratic Women's Club
Of Santa Cruz County

Crosson North County

Democratic Club

SANTA CRUZ SIGNS

Spokesman
BICYCLES SANTA CRUZ

KAPLAN VOLLEYBALL · NO ATTITUDES ALLOWED · SANTA CRUZ · CALIFORNIA

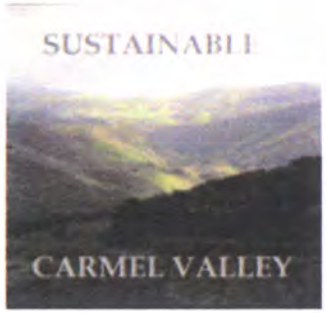
Big Sur Advocates
B-SAGE
For a Green Environment

CITIZENS for SUSTAINABLE MARINA

hOURbank
Monterey County

Monterey Green Action

SUSTAINABLE CARMEL


SUSTAINABLE
CARMEL VALLEY

COMMUNITY GARDENS
Communities for Sustainable
Monterey County

SUSTAINABLE
PACIFIC GROVE

SUSTAINABLE
SALINAS

SUSTAINABLE
SEASIDE

SANTA CRUZ
COUNTY CONFERENCE & VISITORS COUNCIL

BIKE SANTA CRUZ COUNTY

BOYS & GIRLS CLUB
OF SANTA CRUZ

FORESTS
FOREVER

THE NASIRI
FOUNDATION
A FAMILY FOUNDATION SUPPORTING
INNOVATION IN PHILANTHROPY

Santa Cruz
ROTARY
INTERNATIONAL
Sunrise

SAVE
THE
FROGS!
savethefrogs.com

THE WILDERNESS SOCIETY

Santa Cruz County Democratic Central Committee

Hula's island grill

Outdoor World SPORTING GOODS

pristine CLINICAL SKIN CARE

LATINO OUTDOORS™

SANTA CRUZ CHAMBER OF COMMERCE

Emily's GOOD THINGS TO EAT

NUT KREATIONS SANTA CRUZ

Dennis Norton Design HOME and COMMERCIAL DESIGN | PROJECT PLANNING

fortier's OPTICIANS

RESTAURANT & PUB · BEER · ON · THE · WALL · 99 BOTTLES SANTA CRUZ, CA

College Democrats at UCSC

NICKELODEON THEATRES

Well Within

BANANA SLUGS FOR ANIMALS UCSC

SOCK SHOP & SHOE COMPANY

SCOTTS VALLEY CHAMBER OF COMMERCE

Ow Family Properties

LIGHTHOUSE BANK

BACKCOUNTRY HORSEMEN OF CALIFORNIA

THE TRUE OLIVE CONNECTION

BELL

Blackburn

Girls ROCK

Westside Animal Hospital

SCORE PHYSICAL THERAPY
WWW.SCORETHERAPY.COM

PARTIAL LIST

FOR COMMITTEE USE ONLY

12/1/15 M-coastal

PIEDRAS BLANCAS CALIFORNIA COASTAL NATIONAL MONUMENT ADVOCATES

November 30, 2015

Category	Advocate
Governmental	Senator Barbara Boxer
Governmental	Senator Dianne Feinstein
Governmental	Representative Lois Capps
Governmental	Representative Anna Eshoo
Governmental	Representative Jared Huffman
Governmental	Cambria Community Service District
Governmental	Northern Chumash Tribal Council
Governmental	San Simeon Community Service District
Governmental	San Luis Obispo County Parks/Recreation Commission
Environmental	Crow Canyon Archaeological Center, Colorado
Environmental	Friends of Joshua Tree Forest, Arizona
Environmental	Friends of Organ Mountains, New Mexico
Environmental	Friends of Red Rock Canyon, Nevada
Environmental	Friends of San Pedro River, Arizona
Environmental	Grand Staircase Escalante, Utah
Environmental	Conservation Lands Foundation
Environmental	The Wilderness Society
Environmental	Friends of Fiscalini Ranch, California
Environmental	Ocean Outfall Group, California
Environmental	Pacific Coast Peregrine Watch, California
Environmental	Sierra Club, Santa Lucia Chapter, California
Chamber of Commerce	Arroyo Grande and Grover Beach, California
Chamber of Commerce	Atascadero, California
Chamber of Commerce	Big Sur, California
Chamber of Commerce	Cambria, California
Chamber of Commerce	Los Osos, California
Chamber of Commerce	Morro Bay, California
Chamber of Commerce	Nipomo, California
Chamber of Commerce	Paso Robles, California
Chamber of Commerce	Pismo Beach, California
Chamber of Commerce	San Miguel, California
Chamber of Commerce	San Luis Obispo, California
Chamber of Commerce	San Simeon, California

Business Alliance	Atascadero Tourism Board
Business Alliance	Avila Beach Tourism Board
Business Alliance	Oceano and Nipomo Tourism Board
Business Alliance	Paso Robles Wine Country Alliance
Business Alliance	San Luis Obispo Tourism Alliance
Business Alliance	San Simeon Tourism Alliance
Business Alliance	Travel Paso Robles Alliance
Business Alliance	Visit Los Osos/Baywood
Business Alliance	Visit San Luis Obispo County
Service and Fraternal	55 Plus, Morro Bay
Service and Fraternal	American Legion Post 432, Cambria
Service and Fraternal	Area Agency on Aging
Service and Fraternal	Cambria Lions Club
Service and Fraternal	Cambria Odd Fellows
Service and Fraternal	Cambria Rotary Club
Service and Fraternal	Cayucos Lions Club
Service and Fraternal	League of Women Voters, San Luis Obispo County
Service and Fraternal	Los Osos Kiwanis
Service and Fraternal	Morro Bay Lions Club
Service and Fraternal	Noon Kiwanis of San Luis Obispo
Service and Fraternal	Paso Robles Multiflora Garden Club
Service and Fraternal	The Peter and Mary Russo Family Foundation, Inc.
Service and Fraternal	Rotary Club of Los Osos
Service and Fraternal	Rotary Club of Morro Bay
Service and Fraternal	South Bay Community Center
Service and Fraternal	Sunrise Rotary Club, Cambria
Service and Fraternal	Templeton Kiwanis

change.org

Recipient: Sen. Barbara Boxer, Rep. Lois Capps, and Sen. Dianne Feinstein

Letter: Greetings,

Protect and preserve our national treasures by securing passage of legislation to designate the Piedras Blancas Outstanding Natural Area as part of the California Coastal National Monument.

Signatures

Name	Location	Date
Paul Irving	, United States	2015-06-28
Donovan Marley	Templeton, CA, United States	2015-06-29
Jerry Gregory	Los Osos, CA, United States	2015-06-29
Jessica Irving	Los Osos, CA, United States	2015-06-29
Randi Perkins	Atascadero, CA, United States	2015-06-29
Criz Lazz Cortz	'SP' (Vizkaia-Euskadi), Brazil	2015-06-29
Erica Maluski	Mapleton, IA, United States	2015-06-29
Barbara Sellers	Templeton, CA, United States	2015-06-30
Rochelle Schwartz	Danbury, CT, United States	2015-06-30
Dennis Kaplan	Mayfield Heights, OH, United States	2015-06-30
lisa andreano	Los Osos, CA, United States	2015-06-30
Chantal Buslot	Hasselt, TX, United States	2015-07-01
Misty Wycoff	Los Osos, CA, United States	2015-07-02
Valerie Estvan	Oxnard, CA, United States	2015-07-02
Margaret Probert	Reno, NV, United States	2015-07-02
Christiana Daniels	Reno, NV, United States	2015-07-02
Jeana Schlauch	San Diego, CA, United States	2015-07-02
Anneke Andries	R'veer, MI, Netherlands	2015-07-02
Olga Troyan	Taraz, Kazakhstan	2015-07-02
Corrina Parker	Toowoomba, Australia	2015-07-02
Goran Abramić	Valpovo, Croatia	2015-07-02
Theodore Spachidakis	piraeus, Greece	2015-07-02
T Frescholtz	San Jose, CA, United States	2015-07-02
Jill Beesley	Reno, NV, United States	2015-07-02
cherrie Coulon	Los Osos, CA, United States	2015-07-02
Elisabeth Bechmann	St. Pölten, Austria	2015-07-02
Robert wiehemeijer	bunde, Germany	2015-07-02
susanna minacheili	Thessalon□ki, Greece	2015-07-02
Yolanda Schultes	Dielsdorf, Switzerland	2015-07-02
Vanna Pagnozzi	goddelau, Germany	2015-07-02

Name	Location	Date
chantal wolf	Chieti, Italy	2015-07-02
manuela wolter	st-cruiz, Costa Rica	2015-07-02
sau tsang	las vegas, NV, United States	2015-07-02
Susanne Barry	Celle, Germany	2015-07-02
Silvia Steinbrecher	Germany	2015-07-02
Juani Muñoz	España - Isla Menorca, NY, Spain	2015-07-02
Damir Beros	Makarska, Croatia	2015-07-02
Baagheera An	France	2015-07-02
H Mol	Poortvliet, NE, United States	2015-07-02
Shawn Rodriguez	Mesa, AZ, United States	2015-07-02
francesca leonardi	Milano, Italy	2015-07-02
Line Ringgaard	Herning, Denmark	2015-07-02
Scodellari Paola	Roma, Italy	2015-07-02
Karin Zimmermann	, Germany	2015-07-02
Kathrin Ernstberger	München, Germany	2015-07-02
Brigitte Hoin	Aachen, Germany	2015-07-02
Guidé Coralie	Colfontaine, Belgium	2015-07-02
Roswitha Hanowski	Wedel, Germany	2015-07-02
Petra Jakubzik	Grevenbroich, Germany	2015-07-02
wendy leys	antwerpen, Belgium	2015-07-02
libby di caprio	durham, ENG, United Kingdom	2015-07-02
Marion Fitzke	Buxtehude, Germany	2015-07-02
Ursula Modoni	ahlen, Germany	2015-07-02
stephanie wernersbach	mölsheim, DE, United States	2015-07-02
Jolanda van den Bs	Delft, Netherlands	2015-07-02
AnnMarie Hodgson	Barrie, Ontario, Canada	2015-07-02
Laila Sunde	Odda, NV, United States	2015-07-02
Daniela Thiel	Monheim, Germany	2015-07-02
Jasmina Cuk	Solna, Sweden	2015-07-02
Irene Birk	Germany	2015-07-02
Amy Waz	Tampa, FL, United States	2015-07-02
elizabeth rose	zanesville, OH, United States	2015-07-02

Name	Location	Date
Andreas Thiel	Munich, Germany	2015-07-02
Kathy Vorderbruggen	overland park, KS, United States	2015-07-02
Chara Conki	Athens, Greece	2015-07-02
KONSTANTINOS STAMOS	volos, Greece	2015-07-02
krshna soneji	St Albans, ENG, United Kingdom	2015-07-02
Michael Eddy	Burlington, NC, United States	2015-07-02
lorena derebian	north dakota, ND, United States	2015-07-02
maristella capozzi	Italy	2015-07-02
chris usami	toronto, Canada	2015-07-02
Praesens Absens	Rotterdam, Netherlands	2015-07-02
Ayako Makshita	Japan	2015-07-02
Ricardo Fernandes	SÃO PAULO, Brazil	2015-07-02
鈴木 仁	Japan	2015-07-02
Delannoy Emmanuel	Paris, France	2015-07-02
anita zapata	Peru□be, Brazil	2015-07-02
Brent Morrissey	Queen Creek, AZ, United States	2015-07-02
Suzan Toma	Sittard, Netherlands	2015-07-02
Marianne von Lattre-Hertel	Germany	2015-07-02
carolyn barnes	greene, NY, United States	2015-07-02
Maggy Genc	Waalwijk, Netherlands	2015-07-02
Beate Michl	Nandlstadt, DE, United States	2015-07-02
pilar gómez	tarragona, Spain	2015-07-02
denise peterson	minneapolis, MN, United States	2015-07-02
Adrian Shiva	Trincity, Trinidad and Tobago	2015-07-02
Nicholas chatfield	Dagenham, ENG, United Kingdom	2015-07-02
Joy Stevens	Spain, Spain	2015-07-02
Maria Ines	Buenos Aires, Argentina	2015-07-02
Kristina Sedic	Zagreb, Croatia	2015-07-02
anaite briz	Guatemala, GU, Guatemala	2015-07-02
Evi Meuris	Heist op den berg, Belgium	2015-07-02
Tanja R.	NMS, Germany	2015-07-02
後藤 みどり	Japan	2015-07-02

Name	Location	Date
Gisela Gama	Portugal	2015-07-02
Wendy Jarding	Reno, NV, United States	2015-07-02
gantois liliane	Namur, Belgium	2015-07-03
Natalie Van Leekwijck	Beaverton, OR, United States	2015-07-03
claire riley	Huddersfield, ENG, United Kingdom	2015-07-03
Leigh Saunders	Hastings, New Zealand	2015-07-03
Debbie walker	London, ENG, United Kingdom	2015-07-03
Yolanda soto	Los Angeles, CA, United States	2015-07-03
Julie Teh	Georgetown Penang, Malaysia	2015-07-03
Karen Bennett	Reno, NV, United States	2015-07-03
Bobbi Parsley	Atwood, IL, United States	2015-07-03
carolyn birkbeck	preston, CT, United States	2015-07-03
Sabine Danelon	Sydney, Australia	2015-07-03
Myra Brodett	City of Muntinlupa, Philippines	2015-07-03
Karen Chandler	Carson City, NV, United States	2015-07-03
Marlyn Scholl	Reno, NV, United States	2015-07-03
Jim Stanton	Reno, NV, United States	2015-07-03
augusta hampel	Ringwood, NJ, United States	2015-07-03
Reggie De Man	pittem, Belgium	2015-07-03
Cinzia Amiconi	Cave Creek, AZ, United States	2015-07-03
Christian Lorenz	Großkarolinenfeld, Germany	2015-07-03
Maria Garcia	Manila, Philippines	2015-07-03
Lucie saroukhan	kriens, Switzerland	2015-07-03
karla mayorga	Guatemala City, Guatemala	2015-07-03
Maria de la Sierra Felipe	ciudad real, Spain	2015-07-03
Jacqueline Cohn	Myrtle Beach, SC, United States	2015-07-03
raquel liwszyc	capital, Argentina	2015-07-03
Achim Raulfs	Sarstedt, Germany	2015-07-03
Dallane Ferral	Mexico	2015-07-03
susana giraudo	buenos aires, Argentina	2015-07-03
Marion Zürn	66954, Germany	2015-07-03
Hagen Simon	Oberstaufen, Germany	2015-07-03

Name	Location	Date
Nina Saurén	Helsinki, FL, United States	2015-07-03
Heidrun Bilek	Obertshausen, Germany	2015-07-03
isabel esteve	Castelloli, Spain	2015-07-03
Cristina Oliva	Buenos Aires, Argentina	2015-07-03
Cristina Lopez Meinhardt	Nueva Esparta, FL, Venezuela, Bolivarian Republic of	2015-07-03
Anke O. Schaller	Germany	2015-07-03
manja dührkopf	büdelsdorf, Germany	2015-07-03
Irina Salauyeva	Athens, Greece	2015-07-03
Inge Stadler	Germany	2015-07-03
Ulrica Sjögren	Stockholm, Sweden	2015-07-03
merete nielsen	Porsgrunn, Norway	2015-07-03
Stadtmueller Petra	Erlensee, Germany	2015-07-03
Rosemary Parsonage	Hayling Island, ENG, United Kingdom	2015-07-03
Leslie Vanlessen	Lanaken, Belgium	2015-07-03
siria arteaga	modesto, CA, United States	2015-07-03
TERESA LITTERAL	Inman, SC, United States	2015-07-03
adele urbanek	Modling, Austria	2015-07-03
Francisca Brechbuehler	Zurich, Switzerland	2015-07-03
Stephanie Pulfer	Münchenwiler, Switzerland	2015-07-03
francesco rome	Edmonton, Canada	2015-07-03
alberto jose ortega sanchez	Spain	2015-07-03
Miša Cajnko	ljubljana, Slovenia	2015-07-03
medo gozdni	Ljubljana, Slovenia	2015-07-03
sadura judith sadura judith	bad-vöslau, Austria	2015-07-03
Nicole Loh	Singapore, Singapore	2015-07-03
ralf groneberg	osterode, Germany	2015-07-03
JULIE JONES	liverpool, ENG, United Kingdom	2015-07-03
dieter reger	90473 nürnberg, Germany	2015-07-03
Lisette de Waard	Lelystad, FL, Netherlands	2015-07-03
vasiliki paschalidi	GREECE, Greece	2015-07-03
Nelleke Schuringa	Doetinchem, Netherlands	2015-07-03

Name	Location	Date
Debbie Macmillan	Balloch, SCT, United Kingdom	2015-07-03
ANDREW ASKEW	DONCASTER, ENG, United Kingdom	2015-07-03
Rebecca Wong	Kuala Lumpur, Malaysia	2015-07-03
Yvonne De waard	Lelystad-Haven, FL, Netherlands	2015-07-03
Sarah Vuu	Espoo Finland, Finland	2015-07-03
Andrea Maertzdorff	Rotterdam, Netherlands	2015-07-03
jocelyne lapointe	Terrebonne, CA, United States	2015-07-03
susanne Münstermann	büren, Germany	2015-07-03
Anita Erhard	6840, Austria	2015-07-03
marina polli	alassio, Italy	2015-07-03
katella ting	alhambra, CA, United States	2015-07-03
Susana Muñoz	Spain	2015-07-03
stefania del conte	Bisceglie, Italy	2015-07-03
Anish Sherma	Damak, Nepal	2015-07-03
Anita Andela	Leiden, Netherlands	2015-07-03
silvia brown	Wächtersbach, Germany	2015-07-03
Susan O'Bryant	Urbana, OH, United States	2015-07-03
Michelle Juarez	Los Angeles, CA, United States	2015-07-03
louis riviera fuchs	Hamburg, Germany	2015-07-03
Suzanne Burrow	Mathews, AL, United States	2015-07-03
Jaimie Buelens	Mechelen, LA, Belgium	2015-07-03
Susan Ray	Lisbon, ME, United States	2015-07-03
Heidi Hierl-Schulze	Germany	2015-07-03
Regina Wielsch	Gemuenden, Germany	2015-07-03
Denise Parkinson	Royston, ENG, United Kingdom	2015-07-03
Anastasiya Dashkevich	Minsk, Belarus	2015-07-03
anna maria	belchatow, Poland	2015-07-03
Tania Pogiatzoglou	Athens, Greece	2015-07-03
Vesna Cajnko	Ljubljana, Slovenia	2015-07-03
Alexandr Yantselovskiy	Vyshneve, Ukraine	2015-07-03
Isabel lucero Martin-Bejarano	Spain	2015-07-03
Jackie Gray	Perth, WA, Australia	2015-07-03

Name	Location	Date
ursula angelika zintel	Germany	2015-07-03
Willem Kom	Hoogezand, Netherlands	2015-07-03
Carol Davey	Woodburn, Australia	2015-07-03
Karen Liska	Edgewater Park, NJ, United States	2015-07-03
Cynthia Franke	Kassel, Germany	2015-07-03
veronica diaz	bogota, Colombia	2015-07-03
Natan Rai	Gaighat, Nepal, Nepal	2015-07-03
Barbie marcoe	Reno, NV, United States	2015-07-03
scooby Snacks	Conwy, WLS, United Kingdom	2015-07-03
AniMaeChi .	Australia	2015-07-03
Jeanmarie Simpson	Glendale, AZ, United States	2015-07-03
□□□□□□□□□ □□□□□	tokyo, Japan	2015-07-03
Isabelle Spangenberger	Ihr seit keine Menschen nur Monster und Abschaum, Germany	2015-07-03
Yamada Erika	Shimosuwa-machi Suwa-gun, Japan	2015-07-03
malgorzata wisniewska	Fano, Italy	2015-07-03
Ben Oscar Andersson	My Hometown, Sweden	2015-07-03
natasha salgado	toronto, Canada	2015-07-03
Nuran Alpsözü	İstanbul, Turkey	2015-07-03
celine duburg anchen	montevideo, Uruguay	2015-07-03
Melissa Hillen	Romney, WV, United States	2015-07-03
Deborah Burks	Sparks, NV, United States	2015-07-03
Gerhard Vollmer	Geilenkirchen, DE, United States	2015-07-03
orquidea ramirez	heredia costa rica, HI, United States	2015-07-03
八木 八千代	神奈川県，Japan	2015-07-03
josette reek	geleen, Netherlands	2015-07-03
Müller Silvia	Allschwil, Switzerland	2015-07-03
adrienne jones	goldcoast, Australia	2015-07-03
Sue H	martinez, CA, United States	2015-07-03
Gail Marsot	Cannes, France	2015-07-03
CAROLE THIRRIARD	Esch/Alzette, Luxembourg	2015-07-03
Siggi Heeg	emmerich, DE, United States	2015-07-03

Name	Location	Date
Ana Maria Araujo Cabrera	Treinta y Tres, Uruguay	2015-07-03
Manuela Düsterwald	Oberkirch, Germany	2015-07-03
Ted Williams	Ralls, TX, United States Minor Outlying Islands	2015-07-03
Sabine Möhler	sabine.stiker@web.de, Germany	2015-07-03
rosario jabonero martinez	Barcelona, Spain	2015-07-03
pol castillo	Spain	2015-07-03
Gayle Ballinger	Forestville, CA, United States	2015-07-03
nurlaila abdul aziz	ampang, Malaysia	2015-07-03
Elen Ferreira Ohannercian	Santana de Parnaíba, Brazil	2015-07-03
Bill Brown	Reno, NV, United States	2015-07-03
Diana Luzzatto	tel aviv, Israel	2015-07-03
Ingrid Krul Bakker	Hoensbroek, Netherlands	2015-07-03
Adriana Espinosa	Mexico	2015-07-03
Max Urso	San Pedro Sula, Honduras	2015-07-03
Karin van Rijswijk	Breda, Netherlands	2015-07-03
Barbara Tomlinson	Seattle, WA, United States	2015-07-03
lisa Dunlop	Beith, SCT, United Kingdom	2015-07-03
Monique Angela Buijs	Hoorn, NH, Netherlands	2015-07-03
Helen Johansson	Dalarö, Sweden	2015-07-03
mieke hutsebaut	Brussels, Belgium	2015-07-03
marie-anna ultsch	Germany	2015-07-03
Rose Moore	Yale, MI, United States	2015-07-03
Ljiljana Milic	BELGRADE, Serbia	2015-07-03
poppy silver	Bourne, ENG, United Kingdom	2015-07-03
raphael vallet	champagnole, France	2015-07-03
Sheila Dillon	Willmar, MN, United States	2015-07-03
Claudia Correia	Portimão, Portugal	2015-07-03
Vanessa Flores	Pacoima, CA, United States	2015-07-03
Sandra Mas	Madrid, Spain	2015-07-03
MARIANNA DREGAN	BUDAPPEST, Hungary	2015-07-03
Venta Vesna	Germany	2015-07-03

Name	Location	Date
Stephanie Lange	Brooklyn, NY, United States	2015-07-03
Melissa Urbina	Xochitepec, ME, United States	2015-07-03
Karina Ka Rina Tarpinian	GLENDALE, CA, United States	2015-07-03
Mark Bastian	Helston, ENG, United Kingdom	2015-07-03
frances smith	Spooner, WI, United States	2015-07-03
marie robillard	LONGWY, GA, United States	2015-07-03
Irene Huskisson	Springdale, AR, United States	2015-07-03
Nadine Gal	France	2015-07-03
D S	Harrison, OH, United States	2015-07-03
Cindy Sellers	Paso Robles, CA, United States	2015-07-03
mariann adcock	Nashville, TN, United States	2015-07-03
Francesco Cavarra	Unknown, Italy	2015-07-03
Matthew Swartz	Denver, CO, United States	2015-07-03
Tamara Turner	Santa Maria, CA, United States	2015-07-03
Stacy Korn	Flemington, NJ, United States	2015-07-03
Voicila Gabriela	Constanta, Romania	2015-07-03
Lilit Margaryan	Erevan, Armenia	2015-07-03
Evelyn Hughes	Long Beach, CA, United States	2015-07-03
Lea Worcester	Jacksonville, OR, United States	2015-07-03
Susana Zamorano	Barcelona, Spain	2015-07-03
Helen Auzins	Zirndorf, Germany	2015-07-03
Ken Kuta	Los Angeles, CA, United States	2015-07-03
Colette Rice	Orangevale, CA, United States	2015-07-03
Lisa Salazar	Shasta Lake, CA, United States	2015-07-03
Nancy Tarczynski	Sunland-Tujunga, CA, United States	2015-07-03
Safiye aydın	Istanbul, Turkey	2015-07-03
kerstin karst	hainichen, Germany	2015-07-03
Sue Baldwin	Tampa, FL, United States	2015-07-03
Sonia Minwer-Barakat Requena	Ubeda, Spain	2015-07-03
Conny Keller	Aesch, Switzerland	2015-07-03
Beatrice Lelievre	06190, France	2015-07-03
kwang murphy	langley, ENG, United Kingdom	2015-07-03

Name	Location	Date
romina maja	tirana, Albania	2015-07-03
Lester Ward	Denver, CO, United States	2015-07-03
Mark Maltby	San Diego, CA, United States	2015-07-03
Natis Jeannine	Brussels, Belgium	2015-07-03
Heather O'Connor	Morro Bay, CA, United States	2015-07-03
hulya keskin	antalya, Turkey	2015-07-03
Ruth Schmid	Balsthal, Switzerland	2015-07-03
Karan Johnson	Fresno, CA, United States	2015-07-03
Anne Iocco	Sebastopol, CA, United States	2015-07-03
Bryant Lanier Celebration	Manhattan Beach, CA, United States	2015-07-03
carolina herrera	tampa, FL, United States	2015-07-03
cinda gaynor	nantucket, MA, United States	2015-07-03
bettina kat	Ter, ENG, Germany	2015-07-03
Rebecca Tiemann	Germany	2015-07-03
renate smik	Herzogenrath, Germany	2015-07-03
wendy weiss	redding, CA, United States	2015-07-03
Mark Harelik	Los Angeles, CA, United States	2015-07-03
Nora Edgeworth	Dublin, Ireland	2015-07-03
Brenda Abasolo	Lodi, OH, United States	2015-07-03
Alison Arnold	Dagenham, ENG, United Kingdom	2015-07-03
Sandra Backelund	Hjo, Sweden	2015-07-03
Margaret Morton	Workington, ENG, United Kingdom	2015-07-03
samer issa	beirut, Lebanon	2015-07-03
angela butterworth	Luck, WI, United States	2015-07-03
Maria Schulz	Timisoara, Romania	2015-07-03
emma schumann	ruislip, ENG, United Kingdom	2015-07-03
Larry Delinger	Santa Maria, CA, United States	2015-07-03
Rosalie prendergast	Sparks, NV, United States	2015-07-03
Alicia Thomas	Buellton, CA, United States	2015-07-03
Michael Downie	Salt Lake City, UT, United States	2015-07-03
Julia Longland	Winnipeg, Canada	2015-07-03
Marilyn McGuire	Seattle, WA, United States	2015-07-03

Name	Location	Date
Amanda bremmer	Rockford, MI, United States	2015-07-03
paola ceccatelli	San Miniato, Italy	2015-07-03
Zairê de Fatima Weisheimer	Gravataí, Brazil	2015-07-04
nadine 94	Paris, France	2015-07-04
Steven and Melline Lintern	Upper Hutt, New Zealand	2015-07-04
Larry Gamble	Clovis, CA, United States	2015-07-04
cibele Cibele Almeida	S□o Paulo, Brazil	2015-07-04
Curt Bentzinger	Atascadero, CA, United States	2015-07-04
Darlene Dieno	Red Deer, AL, United States	2015-07-04
atilla demir	bodrum, Turkey	2015-07-04
Maria do Carmo Papaleo	Rio De Janeiro, Brazil	2015-07-04
nina clausen	New York City, NY, United States	2015-07-04
hishizaki kitami	Settsu-shi, Japan	2015-07-04
nanci veronica cordoba	Córdoba, Argentina	2015-07-04
Grace Hamilton	Eugene, OR, United States	2015-07-04
Nora Gutiérrez Alarcon	Lima, Peru	2015-07-04
PRICILA MACHADO	SOROCABA, Brazil	2015-07-04
Mandi ~ Gayle T.	Saratoga, CA, United States	2015-07-04
F Cristiane Ferreira	americana, Brazil	2015-07-04
clara geovana leite coimbra	Imperatriz, Brazil	2015-07-04
annette helde	long beach, CA, United States	2015-07-04
Moema Nepomuceno	Brasilia, Brazil	2015-07-04
LOVE ETERNALLY for His Majesty King Of Thailand	Bangkok, Thailand	2015-07-04
Sharon Shennen Rottiers	San Mateo, CA, United States	2015-07-04
Eleusa Fornazari	curitiba, SC, United States	2015-07-04
Silvia Gentil	São Paulo, Brazil	2015-07-04
Maria das Graças Santos Alexandre	CAPÃO BONITO - SP - BRASI, Brazil	2015-07-04
claudia clau	Sorocaba, Brazil	2015-07-04
Robert Adams	Milford, NJ, United States	2015-07-04
Alejandra Morales Vasquez	piraquara, Brazil	2015-07-04
tanya alberts	rochester, MN, United States	2015-07-04

Name	Location	Date
TAMARA PEREZ	Santiago, Chile	2015-07-04
Janice Stevens	Fresno, CA, United States	2015-07-04
luiz fernando ache garcez	TORRES, United Kingdom	2015-07-04
Maria Alice Rocha simao almeida	brasilia, Brazil	2015-07-04
Jeff McCarthy	New York, NY, United States	2015-07-04
Courtnay Lynch	Anaheim Hills, CA, United States	2015-07-04
ADRIANA CADENA TÉLLEZ	Mexico City, Mexico	2015-07-04
Edson Fischer	Altamira, Brazil	2015-07-04
Steven Gottlieb	Omaha, NE, United States	2015-07-04
Michael Baird	Morro Bay, CA, United States	2015-07-04
Aidan Burrows	Australia	2015-07-04
Michelle Plato	San Jose, CA, United States	2015-07-04
Tiffany Vasquez	Gilbert, AZ, United States	2015-07-04
Candy LeBlanc	Placerville, CA, United States	2015-07-04
Andréa Branco	São Paulo, Brazil	2015-07-04
Elaine Franco	Marilia, Brazil	2015-07-04
Andrew Vallender	Leicester, ENG, United Kingdom	2015-07-04
cynthia miller	Belleville, MI, United States	2015-07-04
Adrienne Williams	Detroit, MI, United States	2015-07-04
Oki Mari	神奈川県, Japan	2015-07-04
Fatima Minarelo	Americana, Brazil	2015-07-04
Candy Bowman	Sacramento, CA, United States	2015-07-04
Rick Derevan	Atascadero, CA, United States	2015-07-04
vivianne Farias	pelotas, Brazil	2015-07-04
Kiki Ivanova	Petar4, IA, United States	2015-07-04
Tylar-Ann Bender	Clavet, Canada	2015-07-04
Jason Bowman	Placerville, CA, United States	2015-07-04
和久 真夏	Japan	2015-07-04
Maria Teresa Schollhorn	Argentina	2015-07-04
martina terlindi	Prato, Italy	2015-07-04
Patricia Shannon	Christchurch, New Zealand	2015-07-04
Lisa Loczy	Nottingham, ENG, United Kingdom	2015-07-04

Name	Location	Date
Helena Trojak	Kielce, Poland	2015-07-04
alunni ilaria	perugia, Italy	2015-07-04
Emely Glass	Berlin, Germany	2015-07-04
中島 恭子	Japan	2015-07-04
Wendy Douglas	DUNDEE, SCT, United Kingdom	2015-07-04
Anna Skubenova	Poprad, Slovakia	2015-07-04
wil smith	upper darby, PA, United States	2015-07-04
wendy smith	nelson, ENG, United Kingdom	2015-07-04
K S	Marktoberdorf, DE, United States	2015-07-04
rinki banerji	navi mumbai, India	2015-07-04
Mair MacDermott	Adelaide South Australia, AA, United States	2015-07-04
ansel caroline	ferques, AK, United States	2015-07-04
Ana Filipe	Lisbon-Portugal, Portugal	2015-07-04
heather taheny	Australia	2015-07-04
Liz Sypek	little river, SC, United States	2015-07-04
lara ruffinatto	pinerolo, Italy	2015-07-04
mia vanlangenaeker	Tongeren, Belgium	2015-07-04
Alessandra Ulian	Contagem, Brazil	2015-07-04
Simone Maarouf	Germany	2015-07-04
LINDA JOHNSON	st. petersburg, FL, United States	2015-07-04
Angela K.	Köln, Germany	2015-07-04
felipe Pasqualino	Brasil, AL, United States	2015-07-04
ANA LUCIA PACHECO	SANTA MARIA, Brazil	2015-07-04
Siendrra Mehmeti	Tetovo, Macedonia, Republic of	2015-07-04
Gregory Sellers	Citrus Heights, CA, United States	2015-07-04
Christina Stead	Templeton, CA, United States	2015-07-04
Aubury Smith	Wilmington, NC, United States	2015-07-04
ana carpio	Spain	2015-07-04
Marcelina Raffetto	Lompoc, CA, United States	2015-07-04
Bill Rudzik	Fair Oaks, CA, United States	2015-07-04
Susana Campos	Santa María de Palautordera, Spain	2015-07-04
Lydia Hannibal	Bloomsburg, PA, United States	2015-07-04

Name	Location	Date
celia contreras	kearns, UT, United States	2015-07-04
robin benjamin	El Mirage, AZ, United States	2015-07-04
Michael Becker	San Francisco, CA, United States	2015-07-04
Elin Anderwald	Nantucket, MA, United States	2015-07-04
April Guttierrez	Modesto, CA, United States	2015-07-04
Martha Evans	Oakland, CA, United States	2015-07-04
elizabethmadanelo madanelo	Rio de Janeiro, Brazil	2015-07-04
Lance Kammerud	Blanchardville, WI, United States	2015-07-04
jörg dahl	mittenwalde, Germany	2015-07-04
Michael McMahon	Santa Maria, CA, United States	2015-07-04
Lise Vandal	Alma, Canada	2015-07-04
virginie verrier	Paris, France	2015-07-04
Ilona Vaupel	Willroth, Germany	2015-07-04
Alessandro Villanucci	Florence, Italy	2015-07-04
mirta ezer	tel aviv, Israel	2015-07-04
ximena suarez lopez	Gardena, CA, United States	2015-07-04
MARIE MANHARDT	park ridge, IL, United States	2015-07-04
Chee Siew Im	Georgetown, Malaysia	2015-07-05
Deborah Smith	Sparks, NV, United States	2015-07-05
Cathy Buck	Yuba City, CA, United States	2015-07-05
Zera Powell	San Pablo, CA, United States	2015-07-05
Tereza Cristina Marins	São Paulo, Brazil	2015-07-05
alloy colette	Montrichard, France	2015-07-05
Christeen Anderson	Crestview, FL, United States	2015-07-05
SALLY DEREVAN	atascadero, CA, United States	2015-07-05
Hina hong	Ho Chi Minh City, Viet Nam	2015-07-05
Ken Bondy	West Hills, CA, United States	2015-07-05
Nancy Quijano	Jamaica, NY, United States	2015-07-05
Erik Jauch	Conifer, CO, United States	2015-07-05
ABBY HOGAN	Santa Maria, CA, United States	2015-07-05
Tina Bullard	Oklahoma City, OK, United States	2015-07-05
Lantana Wade	Oklahoma City, OK, United States	2015-07-05

Name	Location	Date
Michael Winters	Seattle, WA, United States	2015-07-05
Deborah Silva	Sparks, NV, United States	2015-07-05
Satchel Hogan	Santa Maria, CA, United States	2015-07-05
schmitt huguette	France	2015-07-05
Amy Anderson	Santa Maria, CA, United States	2015-07-05
Dominique Nemo	France	2015-07-05
Megan Anderson	Portland, OR, United States	2015-07-05
Marilyn Indermill	Boulder, CO, United States	2015-07-05
Andre Ferro	Helmond, Netherlands	2015-07-05
Danuta Watola	Kalety, Poland	2015-07-05
paris karali	Zug, Switzerland	2015-07-05
Nestor Berazategui	Maipú, Argentina	2015-07-05
Chardonnens-Haldimann Sonja	Domdidier, Switzerland	2015-07-05
Kim Hornby	Reno, NV, United States	2015-07-05
Robert Warren	Rogue River, OR, United States	2015-07-05
Kim Mellor	Corrales, NM, United States	2015-07-05
Shirley costa	Rio de Janeiro, Brazil	2015-07-05
Lorraine Mitchell	Morro Bay, CA, United States	2015-07-05
Nancy Whitten	Sparks, NV, United States	2015-07-05
roger ewing	Morro Bay, CA, United States	2015-07-05
Grant Crowl	Morro Bay, CA, United States	2015-07-05
Márcia Paiva	Viçosa, Brazil	2015-07-05
Manon Visser	Zwolle, Netherlands	2015-07-05
NATACHA PENET	Saint Etienne, France	2015-07-05
Anne Buelteman	Woodside, CA, United States	2015-07-05
marita nath	Morro Bay, CA, United States	2015-07-05
TERRY EBINGER	Glen Ellen, CA, United States	2015-07-05
isabel carapeto	Lisbon, Portugal	2015-07-05
Charmaine Coimbra	Cambria, CA, United States	2015-07-05
JoAnne Milburn	Los Osos, CA, United States	2015-07-05
amrita daria	Rosario, AL, Argentina	2015-07-05
Cherrell Ollierou	Quessoy, France	2015-07-05

Name	Location	Date
Sarah Wood	Dudley, ENG, United Kingdom	2015-07-05
Reed Minton	Reno, NV, United States	2015-07-05
Liann Pattison	New Orleans, LA, United States	2015-07-05
Mary Beth Hepp-Elam	Eugene, OR, United States	2015-07-05
Randy Thompson	Crawfordville, FL, United States	2015-07-06
randal myler	New York, NY, United States	2015-07-06
jamie baker	Solvang, CA, United States	2015-07-06
James Coyle	Petaluma, CA, United States	2015-07-06
Maryann Avila	Arroyo Grande, CA, United States	2015-07-06
Janice Ramirez	Santa Maria, CA, United States	2015-07-06
Chris Fenn	Oviedo, FL, United States	2015-07-06
Benton Delinger	Ridgefield, CT, United States	2015-07-06
Joseph Paslov	Carson City, NV, United States	2015-07-06
Mark Booher	Santa Maria, CA, United States	2015-07-06
Joe Costanza	Los Angeles, CA, United States	2015-07-06
Christi Moore	Los Angeles, CA, United States	2015-07-06
SuiYee fenwick	watsonville, CA, United States	2015-07-06
Christine Monroe	San Diego, CA, United States	2015-07-06
chris coimbra tyler	Newport, OR, United States	2015-07-06
Dana Marley-Kolb	Newbury Park, CA, United States	2015-07-06
kim foscato	san francisco, CA, United States	2015-07-06
Debra Bridgman	New Orleans, LA, United States	2015-07-06
Kim Wheetley	Chattanooga, TN, United States	2015-07-06
Jane Antonson-Hobbs	Santa Maria, CA, United States	2015-07-06
Pamela cardillo	Los Angeles, CA, United States	2015-07-06
Terry Dickerson	Palmdale, CA, United States	2015-07-06
Gaia Di Giovanni	Monreale, Italy	2015-07-06
Susan Lynn	Pelion, SC, United States	2015-07-06
Barbara Reed	Santa Barbara, CA, United States	2015-07-06
Barbara tennis	Everett, WA, United States	2015-07-06
Vivian Krug	Arroyo Grande, CA, United States	2015-07-06
Colleen VanDyne	Islip Terrace, NY, United States	2015-07-06

Name	Location	Date
Bobbie Noreen	Franklin, TN, United States	2015-07-06
fred fall	cherry hill, NJ, United States	2015-07-06
jill hillary	cambria, CA, United States	2015-07-06
Riette Burdick Fallant	Redwood City, CA, United States	2015-07-06
julie david	Santa Clarita, CA, United States	2015-07-06
Robin Kanig	Reno, NV, United States	2015-07-06
Pattea Torrence	San Luis Obispo, CA, United States	2015-07-06
Susan DEXTER	Burbank, CA, United States	2015-07-06
RICHARD DESLAURIERS	BAKERSFIELD, CA, United States	2015-07-06
Reva Sandmeyer Smith	Palmdale, CA, United States	2015-07-06
Michael Cone	New York, NY, United States	2015-07-06
Susan King	Grover Beach, CA, United States	2015-07-06
Laurie Strawn	San Francisco, CA, United States	2015-07-06
Polly Tatton	Morro Bay, CA, United States	2015-07-06
Cynthia Megna	Santa Clarita, CA, United States	2015-07-06
Catherine Cole	South Pasadena, CA, United States	2015-07-06
Kamia Taylor	Preston, MO, United States	2015-07-06
Susan Crew	Newhall, CA, United States	2015-07-06
Susan Pellegrino	Brooklyn, NY, United States	2015-07-06
Chris Fazzari	Redding, CA, United States	2015-07-06
Karen Allen	Santa Maria, CA, United States	2015-07-06
Robert Ortiz	Phoenix, AZ, United States	2015-07-06
Alyson Kendrick	Sparks, NV, United States	2015-07-06
Bianca Sodfried	Purbach am Neusiedler See, Austria	2015-07-06
lucie Ryan-Mclauchlan	cambria, CA, United States	2015-07-06
MA Rapuano	Arroyo Grande, CA, United States	2015-07-06
Donia Nefzaoui	Germany	2015-07-06
Linda Madeira	Upland, CA, United States	2015-07-06
Jeanne Hale	Santa Maria, CA, United States	2015-07-06
jo semple	Denver, CO, United States	2015-07-06
Phyllis Walsh	Englewood, CO, United States	2015-07-07
Martha McCarthy	Newport Beach, CA, United States	2015-07-07

Name	Location	Date
Daria Goetsch	Eureka, CA, United States	2015-07-07
Janet Stiers	Mission Viejo, CA, United States	2015-07-07
Sue Pohls	Buellton, CA, United States	2015-07-07
jacqueline antaramian	new york, NY, United States	2015-07-07
Tina Eiser	Glen Burnie, MD, United States	2015-07-07
Ginny Drew	Morro Bay, CA, United States	2015-07-07
Larry Fisher	San Francisco, CA, United States	2015-07-07
miklos bosarge	cincinnati, OH, United States	2015-07-07
Erica Zaffarano	Minneapolis, MN, United States	2015-07-07
Carol Anderson	Jupiter, FL, United States	2015-07-07
Dani Doehring	Sparks, NV, United States	2015-07-07
Tim Hogan	Santa Maria, CA, United States	2015-07-07
Mary bennett	Reno, NV, United States	2015-07-07
Henry Loughman	Tacoma, WA, United States	2015-07-07
Wendy Petrick	Las Vegas, NV, United States	2015-07-07
Jeffery Bazemore	Santa Maria, CA, United States	2015-07-07
John Aycock	Petaluma, CA, United States	2015-07-07
David Kazanjian	El Sobrante, CA, United States	2015-07-07
Gail Bahner	Pismo Beach, CA, United States	2015-07-07
Ashley Marcinkowski	Thousand Oaks, CA, United States	2015-07-07
Brian Williams	Pismo Beach, CA, United States	2015-07-07
Lana Hollady	Morro Bay, CA, United States	2015-07-07
Max Amitin	Santa Maria, CA, United States	2015-07-07
Mary Norris	Los Osos, CA, United States	2015-07-07
Chas Argent	Catonsville, MD, United States	2015-07-07
Gabriel Hilmar	Minneapolis, MN, United States	2015-07-07
Pat Lodge	San Luis Obispo, CA, United States	2015-07-07
Colleen Murray	Hilton Head Island, SC, United States	2015-07-07
Brianna Stuart	Kingston, WA, United States	2015-07-07
Cherrie Coulon	Los Osos, CA, United States	2015-07-07
Troy Evans	Los Angeles, CA, United States	2015-07-07
Laurie Elliott	Santa Maria, CA, United States	2015-07-08

Name	Location	Date
Rosana Oliveira Toscano de Melo	São Paulo, Brazil	2015-07-08
MIMI Kimball	Cayucos, CA, United States	2015-07-08
Cirre Emblen	Sacramento, CA, United States	2015-07-08
mary fallon	Roseville, CA, United States	2015-07-08
Laurie Homan	Santa Maria, CA, United States	2015-07-08
JAMES HALE	Santa Maria, CA, United States	2015-07-08
Jess b	Portland, OR, United States	2015-07-08
Claudine Bos	poligny, FL, France	2015-07-08
Howard & Linda Bolinger	La Quinta, CA, United States	2015-07-08
SMH Ponedal	Sacramento, CA, United States	2015-07-08
Paul Kowalchuk	Andover, NJ, United States	2015-07-08
sulied colon	Cidra, PR, United States	2015-07-08
Peter Hackett	Etna, NH, United States	2015-07-09
James Tillotson	DALLAS, TX, United States	2015-07-09
Nagle & Sandy JACKSON	Princeton Junction, NJ, United States	2015-07-09
Virginia Eley	Reno, NV, United States	2015-07-09
Michael Paul Pulizzano	San Francisco, CA, United States	2015-07-09
Ana Maria Pacheco Fernandez	caracas, Venezuela, Bolivarian Republic of	2015-07-10
David Cooper	Paso Robles, CA, United States	2015-07-10
Gary Johnson	Reno, NV, United States	2015-07-10
Holly Gant	San Simeon, CA, United States	2015-07-10
John Morehead	Atascadero, CA, United States	2015-07-10
Nilda Cates	Apex, NC, United States	2015-07-10
Sharon Stoehr	Columbus, OH, United States	2015-07-11
Daniel Gant	San Simeon, CA, United States	2015-07-11
Sabrina Hofkin	Redding, CA, United States	2015-07-11
R C Rogers	San Diego, CA, United States	2015-07-11
Dan Lukaszewski	San Diego, CA, United States	2015-07-11
Karon Roberts	Visalia, CA, United States	2015-07-11
Serena Aiden	Chatsworth, CA, United States	2015-07-11
Martha Saenz	Downey, CA, United States	2015-07-11
Natalie Oglesby	San Miguel, CA, United States	2015-07-11

Name	Location	Date
Leslie Manning	Highland, CA, United States	2015-07-11
barb cochran	oxnard, CA, United States	2015-07-11
Beverly Meister	Porter Ranch, CA, United States	2015-07-11
Vivian Su	Elk Grove, CA, United States	2015-07-11
Daun Fallon	NYC, NY, United States	2015-07-12
Jennifer Kovar	Omaha, NE, United States	2015-07-12
Gillian Ormsby	Sacramento, CA, United States	2015-07-12
Molly Thorpe	Marina del Rey, CA, United States	2015-07-12
Nancy Ortega	Santa Maria, CA, United States	2015-07-12
CHRISTINA OSBORN-LEE	LOS OSOS, CA, United States	2015-07-12
Molly Johnson	San Miguel, CA, United States	2015-07-12
Anita Ball	Atascadero, CA, United States	2015-07-12
Tim Postiff	Cambria, CA, United States	2015-07-12
Sharon Taylor	Pismo Beach, CA, United States	2015-07-12
Robert Alberts	Los Osos, CA, United States	2015-07-12
Ann Irving	Saint Louis, MO, United States	2015-07-12
Barbara Burns	San Luis Obispo, CA, United States	2015-07-12
Kimily Conkle	Palo Alto, CA, United States	2015-07-12
Sandra Pendell	Morro Bay, CA, United States	2015-07-12
Ralph Funicello	Encinitas, CA, United States	2015-07-12
Anne Hilbert	Templeton, CA, United States	2015-07-12
Scott Shattuck	Nacogdoches, TX, United States	2015-07-12
lauren sterling	Waterville, ME, United States	2015-07-12
Judy Wilson	Los Osos, CA, United States	2015-07-12
Linda Dryden	Pacific Grove, CA, United States	2015-07-12
Lyle Raper	Georgetown, TX, United States	2015-07-12
Hope Alexander	Durham, NC, United States	2015-07-12
Susan Milano	Los Gatos, CA, United States	2015-07-12
David Hyslop	Tenafly, NJ, United States	2015-07-12
Brad Zerbst	Yorba Linda, CA, United States	2015-07-12
Katie Franklin	los Osos, CA, United States	2015-07-12
Mary Emery	San Luis Obispo, CA, United States	2015-07-12

Name	Location	Date
Kurtwood Smith	Glendale, CA, United States	2015-07-12
Catherine O'Connell	New York, NY, United States	2015-07-12
Lynne Heffley	South Pasadena, CA, United States	2015-07-12
rita knox	van nuys, CA, United States	2015-07-12
Shayne Ford	Los Osos, CA, United States	2015-07-12
MÁRCIA BORBA FONSECA	SETE LAGOAS, Brazil	2015-07-12
Kevin Boog	Ashland, OR, United States	2015-07-12
sue sch.	Florida, FL, United States	2015-07-12
Emily Lanzone	Morro Bay, CA, United States	2015-07-12
David Huntley	Kent, WA, United States	2015-07-12
Joanne Metcalf	Appleton, WI, United States	2015-07-12
David Eakin	Modesto, CA, United States	2015-07-12
william goodger	San Luis Obispo, CA, United States	2015-07-12
Stewart Sellers	Citrus Heights, CA, United States	2015-07-12
Brandt Kehoe	Cambria, CA, United States	2015-07-12
Robert Grosse	San Luis Obispo, CA, United States	2015-07-12
Linda Curry	Arroyo Grande, CA, United States	2015-07-12
Johnee Gange	Cayucos, CA, United States	2015-07-12
Diane Mason	Morro Bay, CA, United States	2015-07-12
Elizabeth Nelson	Los Osos, CA, United States	2015-07-13
Timothy Beatty	Los Osos, CA, United States	2015-07-13
Thomas Parsons	Cambria, CA, United States	2015-07-13
Peggy Etra	Los Angeles, CA, United States	2015-07-13
Diana GormanTeetzel	Cambria, CA, United States	2015-07-13
mary forbes scrubb72@aol.com	Morro Bay, CA, United States	2015-07-13
Lynette Harrison	Cambria, CA, United States	2015-07-13
Kerry Neel	Jackson Heights, NY, United States	2015-07-13
Anna Romero	Arroyo Grande, CA, United States	2015-07-13
Mary Lee Becwar	Cambria, CA, United States	2015-07-13
Marina Michel	Los Osos, CA, United States	2015-07-13
Robert Fuller Davis	Morro Bay, CA, United States	2015-07-13
Kary Klock	Cambria, CA, United States	2015-07-13

Name	Location	Date
Michael Frost	Morro Bay, CA, United States	2015-07-13
Geoffrey Brown	Cambria, CA, United States	2015-07-13
Melinda Deane	Seattle, WA, United States	2015-07-13
Adrianna Klock	Cambria, CA, United States	2015-07-13
Constance Brauer	Petersburg, IL, United States	2015-07-13
Tom Klock	Cambria, CA, United States	2015-07-13
Ursel Doran	Reno, NV, United States	2015-07-13
Sue Boudreau	Cayucos, CA, United States	2015-07-13
Stephen Beck	Cambria, CA, United States	2015-07-13
Tom kennedy	Cambria, CA, United States	2015-07-13
Gilbert Eastman	Cambria, CA, United States	2015-07-13
David McCann	Yonkers, NY, United States	2015-07-13
Irina Beatty	Los Osos, CA, United States	2015-07-13
Ann Krout	Simi Valley, CA, United States	2015-07-13
Krout Vincent	Simi Valley, CA, United States	2015-07-13
William Hughes	Cambria, CA, United States	2015-07-13
Ann Grossman	Eagle Point, OR, United States	2015-07-13
Wendy Babb	Thousand Oaks, CA, United States	2015-07-13
James Spears	Los Angeles, CA, United States	2015-07-13
Avril Allan	Cambria, CA, United States	2015-07-13
John D Stephens MD	Bellingham, WA, United States	2015-07-13
Patricia Bentley	Naval Air Station Point Mugu, CA, United States	2015-07-13
Lyman Evans	Arroyo Grande, CA, United States	2015-07-13
Matt Clevenger	Cambria, CA, United States	2015-07-13
Patricia Goodger	San Luis Obispo, CA, United States	2015-07-13
Chris Becwar	Oakland, CA, United States	2015-07-13
David Bauer	San Luis Obispo, CA, United States	2015-07-13
Arthur Troutman	Cambria, CA, United States	2015-07-13
mark Passamonti	Worcester, MA, United States	2015-07-13
Thelma Peterson	Cambria, CA, United States	2015-07-13
Jeff Altemus	Ashland, OR, United States	2015-07-13

Name	Location	Date
Kate Levy	New York, NY, United States	2015-07-13
Karen Morgan	San Luis Obispo, CA, United States	2015-07-13
Jules Hock	Los Osos, CA, United States	2015-07-13
Gary Wilkerson	Ca., CA, United States	2015-07-13
Rebecca Hampton	Cambria, CA, United States	2015-07-13
Robynn Rodriguez	Irvine, CA, United States	2015-07-13
Carole Scurlock	Pasadena, CA, United States	2015-07-13
Jere Wilkerson	Cambria, CA, United States	2015-07-13
James R. Bastress	Kingsburg, CA, United States	2015-07-13
Gary Turner	Fowler, CA, United States	2015-07-13
Suzanne Mathia	Avondale, AZ, United States	2015-07-13
Daphne Clark	Morro Bay, CA, United States	2015-07-13
Christina Cooper	Paso Robles, CA, United States	2015-07-13
Mark Jensen	Kingsburg, CA, United States	2015-07-13
Marshall McFarland	Cambria, CA, United States	2015-07-13
marsha tomassi	Richmond, CA, United States	2015-07-13
Harry Reese	Goleta, CA, United States	2015-07-13
Judith Bertonneau	Morro Bay, CA, United States	2015-07-13
Laird Williamson	Yachats, OR, United States	2015-07-13
Sharon C	Selma, CA, United States	2015-07-13
Ron Woodhouse	Ione, CA, United States	2015-07-13
Janet Swenson	Flushing, MI, United States	2015-07-13
Patrick Hampton	Huntington Beach, CA, United States	2015-07-13
Jeffrey Combs	Oak Park, CA, United States	2015-07-13
Rachel Taylor	Denver, CO, United States	2015-07-13
Patrick Goss	New York, NY, United States	2015-07-13
Brenda Hock	Los Osos, CA, United States	2015-07-13
David And Alice Brown	Taos, NM, United States	2015-07-13
Jack Clay	Seattle, WA, United States	2015-07-13
jeffrey howard	Ann Arbor, MI, United States	2015-07-13
Judy Thompson	Morro Bay, CA, United States	2015-07-13
Judy Houseman	Oceano, CA, United States	2015-07-13

Name	Location	Date
kathryn bruckner	Morro Bay, CA, United States	2015-07-13
Mead Hunter	Portland, OR, United States	2015-07-13
Gregory Aitkens	Mission Viejo, CA, United States	2015-07-13
Heidi Honeyman	Solvang, CA, United States	2015-07-13
Nancy Mose	Selma, CA, United States	2015-07-13
Sylvia Lovell cooper	Scottsdale, AZ, United States	2015-07-13
Cheryl Dial	Granada Hills, CA, United States	2015-07-13
Arthur Chapman	Cambria, CA, United States	2015-07-13
Erik Gandolfi	Santa Cruz, CA, United States	2015-07-13
Lucinda Hoover	Hanford, CA, United States	2015-07-13
Nancy Lehman	Los Osos, CA, United States	2015-07-13
Kevin McKeon	Seattle, WA, United States	2015-07-13
Robert Ryden	Apache Junction, AZ, United States	2015-07-13
Wandzia Rose	Carmel-by-the-Sea, CA, United States	2015-07-13
Kasia Grycz	Carmel-by-the-Sea, CA, United States	2015-07-13
Heather McLarty	Los Angeles, CA, United States	2015-07-13
Marisol Dominguez	Linden, CA, United States	2015-07-13
Robert Bingham	Norfolk, MA, United States	2015-07-13
Diana Barnhart	San Luis Obispo, CA, United States	2015-07-14
David Pincus	New York, NY, United States	2015-07-14
Lynn Derfelt	Kingsburg, CA, United States	2015-07-14
Michael X. Martin	Bronx, NY, United States	2015-07-14
Kathie Sperow	Los Osos, CA, United States	2015-07-14
Carol Stave	Nipomo, CA, United States	2015-07-14
FRANK HERNANDEZ	Kingsburg, CA, United States	2015-07-14
John Johnson	Brooklyn, NY, United States	2015-07-14
jon zuber	Santa Barbara, CA, United States	2015-07-14
Peggy Schoditsch	New York, NY, United States	2015-07-14
Christy Reeves	Calabasas, CA, United States	2015-07-14
Ed Cooley	Elkton, OR, United States	2015-07-14
Sandra Walper	Medford, OR, United States	2015-07-14
Maria Gordon	Long Beach, CA, United States	2015-07-14

Name	Location	Date
Chad Worcester	Grants Pass, OR, United States	2015-07-14
Rayna Collins	Lincoln, NE, United States	2015-07-14
Austin Peterson	West Hartford, CT, United States	2015-07-14
Maggie Watson	DeWitt, MI, United States	2015-07-14
Joan Seivert	Edgewater, CO, United States	2015-07-14
Cindy Corrigan	Morro Bay, CA, United States	2015-07-14
Otis Carter	Los Osos, CA, United States	2015-07-14
Tom Buderwitz	Los Angeles, CA, United States	2015-07-14
tan dobson	Arroyo Grande, CA, United States	2015-07-14
john thomas	Buellton, CA, United States	2015-07-14
D. Howard Peterson	West Townshend, VT, United States	2015-07-14
Julie Wolpert	Poughkeepsie, NY, United States	2015-07-14
David Wolpert	Poughkeepsie, NY, United States	2015-07-14
john miles	Santa Maria, CA, United States	2015-07-14
Douglas Barker	San Simeon, DE, United States	2015-07-14
Mary Martin	Palo Cedro, CA, United States	2015-07-14
Barbara Griffin	Grass Valley, CA, United States	2015-07-14
Robin Grumbles	Reedley, CA, United States	2015-07-15
Deb Liggett	Tucson, AZ, United States	2015-07-15
Jeanne King	Marathon, FL, United States	2015-07-15
Bonnie Peterson	Plantsville, CT, United States	2015-07-15
Steven L. Holder	Boise, ID, United States	2015-07-15
Dana Morawitz	Mill Valley, CA, United States	2015-07-15
gina tracy	Guilford, CT, United States	2015-07-15
Michael Kiparsky	Berkeley, CA, United States	2015-07-15
terry morawitz	half moon bay, CA, United States	2015-07-15
Tom Petrone Jr.	Norwalk, CT, United States	2015-07-15
SUZANNE CHOLET HUGHES	Cambria, CA, United States	2015-07-15
Dale Moody	California City, CA, United States	2015-07-15
Jeffery Grossman	Santa Barbara, CA, United States	2015-07-15
Pricia Hicok	Pinckney, MI, United States	2015-07-15
john peale	Santa Barbara, CA, United States	2015-07-15

Name	Location	Date
Charles Bergell	Sarasota, FL, United States	2015-07-15
adam kurtzman	los angeles, CA, United States	2015-07-15
Dan Sturtevant	Greenwich, CT, United States	2015-07-15
Emily Skinner	New York, NY, United States	2015-07-15
Werner Morawitz	Ketchum, ID, United States	2015-07-15
Jennifer Kelly	Rowley, MA, United States	2015-07-15
Cheryl Bybee	Spanish Fork, UT, United States	2015-07-15
wendy welch	Dallas, TX, United States	2015-07-15
Dolores Godinez	Hollywood, FL, United States	2015-07-15
Karie Stern	Mill Valley, CA, United States	2015-07-15
Seraphina Atemasov	San Rafael, CA, United States	2015-07-15
Curtis Replogle	Fresno, CA, United States	2015-07-15
victoria Woodrow	Half Moon Bay, CA, United States	2015-07-15
ML Martinez	Walnut Creek, CA, United States	2015-07-15
Thomas Tatton	Morro Bay, CA, United States	2015-07-15
Elsyne Epps	Sacramento, CA, United States	2015-07-15
Brad Gooding	Long Beach, CA, United States	2015-07-15
Molina Frank	San Francisco, CA, United States	2015-07-15
Frank Fear	Owosso, MI, United States	2015-07-15
Val Migliore	Las Vegas, NV, United States	2015-07-15
Barbara Lambert	Half Moon Bay, CA, United States	2015-07-15
Lawrence Paulsen	Seattle, WA, United States	2015-07-15
Blake Wentworth	Oakland, CA, United States	2015-07-15
mary dove	los osos, CA, United States	2015-07-15
Mary Browning	Arroyo Grande, CA, United States	2015-07-16
Felicia Jones	Vallejo, CA, United States	2015-07-16
Richard Martin	Palo Cedro, CA, United States	2015-07-16
Robert Resewehr	Quail Valley, CA, United States	2015-07-16
amy obrien	Atascadero, CA, United States	2015-07-16
Kevin Skinner	Dallas, TX, United States	2015-07-16
Brian O'Meara	San Diego, CA, United States	2015-07-16
Lisa Barnes	Kaneohe, HI, United States	2015-07-16

Name	Location	Date
Marsha Lee	Seaford, DE, United States	2015-07-16
Glen Tower	Cambria, CA, United States	2015-07-16
Carol Blasingame	Cambria, CA, United States	2015-07-16
Judit Spaeth	Karlsbad, Germany	2015-07-16
Cindy Wheat	Palatine, IL, United States	2015-07-17
Mike Hartman	Bronx, NY, United States	2015-07-17
Marsha Daniels	Los Osos, CA, United States	2015-07-17
Sharon Ganser	Camarillo, CA, United States	2015-07-17
Denise Monaghan	Pasadena, CA, United States	2015-07-18
bonnie bowers	Los Angeles, CA, United States	2015-07-18
Paul Jefferson	Iowa Park, TX, United States	2015-07-18
Kristen Savage	Wichita Falls, TX, United States	2015-07-18
Mark Morehead	Boise, ID, United States	2015-07-18
Gary Arden	Corona, CA, United States	2015-07-18
John Peterson	West Hartford, CT, United States	2015-07-19
Barbara Boyes	Red Bluff, CA, United States	2015-07-19
Lynnette Overby	Landenberg, PA, United States	2015-07-19
Meghan Soukup	Kaunakakai, HI, United States	2015-07-19
Shawn Kowaleski	Fort Collins, CO, United States	2015-07-19
Robert Spear	Tempe, AZ, United States	2015-07-19
Marcy Bustraan	Novi, MI, United States	2015-07-19
Leo Cortez	Santa Maria, CA, United States	2015-07-19
Thomas Lefler	Kaunakakai, HI, United States	2015-07-19
Valerie Demetrius	Woodland Hills, CA, United States	2015-07-19
Jim Major	Cambria, CA, United States	2015-07-20
Cheryl Lewis	San Luis Obispo, CA, United States	2015-07-20
James G. Harris	Shell Beach, CA, United States	2015-07-20
Gary O'Neill	Los Osos, CA, United States	2015-07-20
Kris Strecker	Fort Collins, CO, United States	2015-07-20
Michael Baker	Washington, MO, United States	2015-07-20
Chad Mitchell	Fort Collins, CO, United States	2015-07-20
Michael Bessire	Boise, ID, United States	2015-07-20

Name	Location	Date
Jon Paul	Windsor, CO, United States	2015-07-20
Sheila Townsend	Golden, CO, United States	2015-07-20
Sara Macdonald	Santa Maria, CA, United States	2015-07-20
Melissa Chin-Parker	Salinas, CA, United States	2015-07-20
George Kelly	Port Hueneme, CA, United States	2015-07-20
Wendy Osmundson	Los Angeles, CA, United States	2015-07-20
laura schaaf	Santa Maria, CA, United States	2015-07-20
Kristin Johnson	San Mateo, CA, United States	2015-07-20
Ralph Fallant	Redwood City, CA, United States	2015-07-21
Eleonore Fallant	Mill Valley, CA, United States	2015-07-21
Marilyn Stanfield	Cambria, CA, United States	2015-07-21
Margie Schuler	Paso Robles, CA, United States	2015-07-21
Kenneth Dunn	Cambria, CA, United States	2015-07-21
Cathy Davison	Santa Maria, CA, United States	2015-07-21
George Larson	Shafter, CA, United States	2015-07-22
James Devine	Los Osos, CA, United States	2015-07-22
Richard Lee	Cambria, CA, United States	2015-07-22
Joan Brown	Cambria, CA, United States	2015-07-22
Sharon Seiver	Pismo Beach, CA, United States	2015-07-22
Cynthia Lee	Cambria, CA, United States	2015-07-22
peter thompson	Hobart, WA, United States	2015-07-22
Brian ODonnell	Rawlins, WY, United States	2015-07-22
Margaret Tillery	Santa Maria, CA, United States	2015-07-22
Paul Fahey	Nipomo, CA, United States	2015-07-23
Becky and Gary Hoppenstand	Holt, MI, United States	2015-07-23
James Mullay	Henderson, NV, United States	2015-07-23
Claudia Rose Golde	Evanston, IL, United States	2015-07-23
Brad Fogel	Porterville, CA, United States	2015-07-23
Bruce Mize	Danville, CA, United States	2015-07-23
Bert Bender	Atascadero, CA, United States	2015-07-23
Gary Hoppenstand	Holt, MI, United States	2015-07-23
Char Frank	Reno, NV, United States	2015-07-23

Name	Location	Date
JoAnn Mize	Danville, CA, United States	2015-07-23
Michael Gentile	Templeton, CA, United States	2015-07-24
NANCY HARTWICK	Atascadero, CA, United States	2015-07-24
Steve Lunstrum	Fort Collins, CO, United States	2015-07-24
Harry Thorpe	Cambria, CA, United States	2015-07-24
Earl Frounfelter	Santa Maria, CA, United States	2015-07-24
Glen Covert	Paso Robles, CA, United States	2015-07-24
Angie Szentgyorgyi	Whittier, CA, United States	2015-07-24
Jill Miles	Santa Maria, CA, United States	2015-07-24
Sam Goldman	San Francisco, CA, United States	2015-07-24
Jan Pessano	Walden, NY, United States	2015-07-24
Kathryn Barcos	San Rafael, CA, United States	2015-07-24
Bernard Barcos	Goleta, CA, United States	2015-07-24
Lisa Pohmajevich	San Mateo, CA, United States	2015-07-24
Gabriella Cavallero	Denver, CO, United States	2015-07-24
John Howell	Los Gatos, CA, United States	2015-07-24
Dirk Epperson	Berkeley, CA, United States	2015-07-24
Sylvie Drake Jurras	Los ageles, CA, United States	2015-07-24
Darcel Phillips	Templeton, CA, United States	2015-07-25
Ted Allrich	Templeton, CA, United States	2015-07-25
Nancy Shaw	Berkeley, CA, United States	2015-07-25
Diane Pate	Fallbrook, CA, United States	2015-07-25
Judith Envernizzi	Fresno, CA, United States	2015-07-25
Caryl Shipley	Denver, CO, United States	2015-07-25
Robert Lormand	Wahiawā, HI, United States	2015-07-25
Dianna Sellers	Citrus Heights, CA, United States	2015-07-25
james merzon	Templeton, CA, United States	2015-07-25
barbara strickland	St. Louis, MO, United States	2015-07-25
Ann Cole	Comptche, CA, United States	2015-07-25
Janet Loring	Friant, CA, United States	2015-07-25
julie alindogan	Simi Valley, CA, United States	2015-07-25
Charles Weldon	New York, NY, United States	2015-07-25

Name	Location	Date
Holly Bowler	Peachtree City, GA, United States	2015-07-25
Patricia Gilson	Citrus Heights, CA, United States	2015-07-25
Michael Kendall	Santa Maria, CA, United States	2015-07-25
BOYD GAINES	Pismo Beach, CA, United States	2015-07-25
John Hutton	Southington, CT, United States	2015-07-25
Rick Barbour	Denver, CO, United States	2015-07-25
Roland Barcos	San Jose, CA, United States	2015-07-25
Abigail J. Adams	Arroyo Grande, CA, United States	2015-07-25
NOEL BIRKLAND	Lewistown, MT, United States	2015-07-25
Mark Maryboy	Montezuma Creek, UT, United States	2015-07-26
Michael Myers	Gerlach, NV, United States	2015-07-26
William DeFord	Grand Junction, CO, United States	2015-07-26
Sandra Castanon	San Diego, CA, United States	2015-07-26
Julie Casey	Carmichael, CA, United States	2015-07-26
James Kendall	Los Angeles, CA, United States	2015-07-26
Gill Sorg, City Councillor	Las Cruces, NM, United States	2015-07-26
Douglas Harmsen	New York, NY, United States	2015-07-26
Burnel Patterson	Huntington Beach, CA, United States	2015-07-26
Mike Putiak	Boulder, UT, United States	2015-07-26
Charlene White	Denver, CO, United States	2015-07-27
Ellen Houser	Santa Maria, CA, United States	2015-07-27
Scott Jones	Phoenix, AZ, United States	2015-07-27
Elizabeth W.P.-Bretland	Delft, Netherlands	2015-07-27
Lesley Hughes	Joshua Tree, CA, United States	2015-07-27
Sara Meloy	Helena, MT, United States	2015-07-27
George Russell	Huntsville, TX, United States	2015-07-27
Michael Regan	Brookshire, TX, United States	2015-07-27
Brad Korbesmeyer	Oswego, NY, United States	2015-07-27
Kim Kristoff	Phoenix, AZ, United States	2015-07-27
jennifer bassignani	Durango, CO, United States	2015-07-27
Ernesto Frias	Desert Hot Springs, CA, United States	2015-07-27
Kenee Houser	Santa Cruz, CA, United States	2015-07-27

Name	Location	Date
Kevin Copenhaver	Denver, CO, United States	2015-07-27
Taylor Young	Woodland Hills, CA, United States	2015-07-27
Keith Boudreau	Leominster, MA, United States	2015-07-27
Anthony Powell	Aurora, CO, United States	2015-07-27
Byron George	Mesquite, NV, United States	2015-07-27
Yvonne E Nelson	Houston, TX, United States	2015-07-27
TERRI ROBERTSON	LAS VEGAS, NV, United States	2015-07-27
Rachel Weissler	Moorestown, NJ, United States	2015-07-27
Victoria McConnell	Joshua Tree, CA, United States	2015-07-27
Amanda Robinson	Felton, CA, United States	2015-07-27
Traci Hukill	Felton, CA, United States	2015-07-28
Jim Boone	Las Vegas, NV, United States	2015-07-28
susan rosenthal	Santa Cruz, CA, United States	2015-07-28
Jim Littlefield, West Coast Director, S.E.A.	Aptos, CA, United States	2015-07-28
tony mamone	San Carlos, CA, United States	2015-07-28
Jake Kowaleski	Fort Collins, CO, United States	2015-07-28
Helen Morgan	Thousand Oaks, CA, United States	2015-07-28
Patricia Holbert	Soquel, CA, United States	2015-07-28
Susan Crook	Washington, UT, United States	2015-07-28
Areej Mussadi	Los Gatos, CA, United States	2015-07-28
BK Richard	San Luis Obispo, CA, United States	2015-07-28
Robert Blackman	Palm Springs, CA, United States	2015-07-28
Chatel McKEttrick	Joshua Tree, CA, United States	2015-07-28
Gary Felsman	San Luis Obispo, CA, United States	2015-07-28
Ruth Ann Angus	Morro Bay, CA, United States	2015-07-28
Jason Fernandez	Beaver Falls, PA, United States	2015-07-28
Daphne Myers	Baywood-Los Osos, CA, United States	2015-07-28
Darlene Felsman	San Luis Obispo, CA, United States	2015-07-28
Steve Maddex	Paso Robles, CA, United States	2015-07-28
Jan Surbey	Morro Bay, CA, United States	2015-07-28
Carolyn Niblick	Los Osos, CA, United States	2015-07-28

Name	Location	Date
David Wolfson	San Luis Obispo, CA, United States	2015-07-28
David Cox Cox	Los Osos, CA, United States	2015-07-28
Sandra Lee	San Luis Obispo, CA, United States	2015-07-28
Sandra Heller	San Luis Obispo, CA, United States	2015-07-28
jeanne kinney	San Luis Obispo, CA, United States	2015-07-28
David Mickelsen	Long Beach, CA, United States	2015-07-28
Henriette Groot	Cayucos, CA, United States	2015-07-28
Albert Normandin	Los Osos, CA, United States	2015-07-28
David McClendon	Temecula, CA, United States	2015-07-28
Richard Marks	Guadalupe, CA, United States	2015-07-28
Jerry Arseneau	Arroyo Grande, CA, United States	2015-07-29
lucia casalinuovo	Oceano, CA, United States	2015-07-29
Vickie Backman	San Luis Obispo, CA, United States	2015-07-29
Richard Angus	Sussex, NJ, United States	2015-07-29
Trina Dougherty	Morro Bay, CA, United States	2015-07-29
Phil Wagner	San Luis Obispo, CA, United States	2015-07-29
Kathy Hawkins	Weed, CA, United States	2015-07-29
Margaret Lindt	Los Osos, CA, United States	2015-07-29
bill burns	Los Angeles, CA, United States	2015-07-29
Jay Spears	Los Angeles, CA, United States	2015-07-29
sharon redwine	Atascadero, CA, United States	2015-07-29
Libby Boone	Oxford, MS, United States	2015-07-29
Rosemary Prichard	Los Angeles, CA, United States	2015-07-29
Jamie Horton	Etna, NH, United States	2015-07-29
Nancy Horton	Etna, NH, United States	2015-07-29
Janice Hewitt	Fresno, CA, United States	2015-07-29
Daniel cullinane	Stanhope, NJ, United States	2015-07-29
Vicki Landis	Morro Bay, CA, United States	2015-07-29
Scott Stellar	Atascadero, CA, United States	2015-07-29
Matthew Cottle	San Luis Obispo, CA, United States	2015-07-29
Aaron Ging	Reno, NV, United States	2015-07-29
Sjoerd de Graaf	Kamerik, Netherlands	2015-07-29

Name	Location	Date
Kim Skorzanka	North Las Vegas, NV, United States	2015-07-29
Stuart Warrick	Cambria, CA, United States	2015-07-29
Mary Kleeman	San Luis Obispo, CA, United States	2015-07-29
Deborah McMIllan	Melbourne, Australia	2015-07-29
David Hill	Simi Valley, CA, United States	2015-07-29
Catharine Krupp	San Luis Obispo, CA, United States	2015-07-29
Jason Shubb	Glendale, CA, United States	2015-07-29
Lee-Ann Hill	Mancos, CO, United States	2015-07-29
Gary Scott	Newhall, CA, United States	2015-07-30
Wendi Nasser	Quincy, MA, United States	2015-07-30
Karen Rogers	Atascadero, CA, United States	2015-07-30
Helen Weatherall	Ipswich, MA, United States	2015-07-30
dIANE Macdonald	London, Canada	2015-07-30
Danielle Diniz	New York, NY, United States	2015-07-30
jen allen	ny, NY, United States	2015-07-30
Kathy Worthington	Manchester, CT, United States	2015-07-30
Natalie Johnson	New York, NY, United States	2015-07-30
Thomas Pinto	Stockton, CA, United States	2015-07-30
Brendan Allen	Nanjing, CA, China	2015-07-30
Patricia Golden	San Luis Obispo, CA, United States	2015-07-30
Christopher Doran	Alamogordo, NM, United States	2015-07-30
Pamela Stein	San Luis Obispo, CA, United States	2015-07-31
Robert Schwartz	Los Osos, CA, United States	2015-07-31
Joe Dervin	Atascadero, CA, United States	2015-07-31
Jo Ann Gray	Morro Bay, CA, United States	2015-07-31
Richard Reading	Denver, CO, United States	2015-07-31
Kari Fromm	Redford, MI, United States	2015-07-31
Mike Kahn	San Bruno, CA, United States	2015-07-31
Sharon Thomas	Las Cruces, NM, United States	2015-07-31
sue patchen	Morro Bay, CA, United States	2015-07-31
MICHAEL BARIL	WARREN, MA, United States	2015-08-01
jim wilson	San Luis Obispo, CA, United States	2015-08-01

Name	Location	Date
Patricia Sigler	San Luis Obispo, CA, United States	2015-08-01
Christopher Langley	Lone Pine, CA, United States	2015-08-01
Winnie Dean	Oxnard, CA, United States	2015-08-01
Robert Turner	Los Osos, CA, United States	2015-08-01
Kim Miller	Cambria, CA, United States	2015-08-01
Stan Rosenfield	San Luis Obispo, CA, United States	2015-08-01
Bob Thomas	Arroyo Grande, CA, United States	2015-08-01
Joyce O'Meara	San Diego, CA, United States	2015-08-01
Ron Johnson	Fresno, CA, United States	2015-08-01
Marion May	Friant, CA, United States	2015-08-01
Ian McLauchlan	Cambria, CA, United States	2015-08-01
Larry Smith	Fresno, CA, United States	2015-08-01
Joe Terrell	Big Bear, CA, United States	2015-08-02
Joe Zenk	Cambria, CA, United States	2015-08-02
Sheldon Miller	Somis, CA, United States	2015-08-02
Holly Mintun	Nipomo, CA, United States	2015-08-02
Rosemary Day	Middletown, RI, United States	2015-08-02
Linda Torgersen	La Mesa, CA, United States	2015-08-02
Pauline Scott	Ventura, CA, United States	2015-08-02
DAVID SNOW	Glendale, CA, United States	2015-08-02
Karl Sweitzer	Moorpark, CA, United States	2015-08-02
Jim Tatosian	Harbor City, CA, United States	2015-08-02
kathy rodriguez	Cambria, CA, United States	2015-08-02
christel chesney	Arroyo Grande, CA, United States	2015-08-02
Elizabeth Bettenhausen	Cambria, CA, United States	2015-08-02
Gary Wynne	Cambria, CA, United States	2015-08-02
Nancy Merrifield	Cambria, CA, United States	2015-08-02
Suzanne Dodd	Downey, CA, United States	2015-08-02
Sue Eubanks	Bakersfield, CA, United States	2015-08-02
Diane Hood	Cambria, CA, United States	2015-08-02
Charles Bevel	Euclid, OH, United States	2015-08-02
Elizabeth Miller	Somis, CA, United States	2015-08-03

Name	Location	Date
Joyce Maggard	Forest Falls, CA, United States	2015-08-03
Verna Langlois	Visalia, CA, United States	2015-08-03
John Loring	West Palm Beach, FL, United States	2015-08-03
Phil Hubbard	Las Vegas, NV, United States	2015-08-03
Gordon Lindberg	Cambria, CA, United States	2015-08-03
Lou and Marilynn Spaventa	Santa Barbara, CA, United States	2015-08-03
Julie Brou	Aurora, CO, United States	2015-08-03
Irma Brou	Denver, CO, United States	2015-08-03
Monica Sparkes	Los Osos, CA, United States	2015-08-03
Scott Sparkes	Los Osos, CA, United States	2015-08-03
Donald Brent	La Mesa, CA, United States	2015-08-03
Cameron Shubb	Glendale, CA, United States	2015-08-04
Ellen G	Sussex, WI, United States	2015-08-04
Danna Weidner	Nipomo, CA, United States	2015-08-04
Atlee Anders	Fair Oaks, CA, United States	2015-08-04
Brian Fallon	Sacramento, CA, United States	2015-08-04
Stephanie Cozart	New York, NY, United States	2015-08-04
Helen Pitton	Cambria, CA, United States	2015-08-04
Todd Vas Dias	Palo Alto, CA, United States	2015-08-04
merry zach	de soto, MO, United States	2015-08-04
Rebekah Hammer	Tujunga, CA, United States	2015-08-04
Amanda Dumas-Stein	Los Angeles, CA, United States	2015-08-04
Robert Westenberg	Springfield, MO, United States	2015-08-04
Patty Kaiser	Spencerport, NY, United States	2015-08-04
Derith Bennett	Lakeland, FL, United States	2015-08-04
Elaine Mermelstein	Baywood-Los Osos, CA, United States	2015-08-04
Hilari Seery	Concord, NC, United States	2015-08-04
Carol Allen	Lithia, FL, United States	2015-08-04
Dennis Rooney	Valrico, FL, United States	2015-08-04
Ruth Cooper	Glendale, AZ, United States	2015-08-04
Darlene Cook	Lynnwood, WA, United States	2015-08-04
Lonnie Dalmann	Reno, NV, United States	2015-08-04

Name	Location	Date
Amy Farino	Saint Petersburg, FL, United States	2015-08-04
Gillian Wiener	Los Angeles, CA, United States	2015-08-05
donna hier	South Glens Falls, NY, United States	2015-08-05
brian mitchell	Los Angeles, CA, United States	2015-08-05
Mary bennett	Cadillac, MI, United States	2015-08-05
Douglas Overman	Cayucos, CA, United States	2015-08-05
Mary Brou	Fairfax, CA, United States	2015-08-05
Jane Gately	La Verne, CA, United States	2015-08-05
Carolyn Painter	Atascadero, CA, United States	2015-08-06
Barbara Threlkeld	Fresno, CA, United States	2015-08-06
Laurel Moorhead	San Diego, CA, United States	2015-08-06
Caroline Williams	Del Mar, CA, United States	2015-08-07
Jane Avedikian-Tamberi	Friant, CA, United States	2015-08-07
Coleburn Christie	Austin, TX, United States	2015-08-07
Julianna Marciel	Ventura, CA, United States	2015-08-07
Dixie Walker	Cambria, CA, United States	2015-08-07
Judith Lautner	San Luis Obispo, CA, United States	2015-08-07
William Jochimsen	Yucaipa, CA, United States	2015-08-08
Sharon Flaherty	Cayucos, CA, United States	2015-08-09
James Flaherty	Seattle, WA, United States	2015-08-09
William Hess	Capitola, CA, United States	2015-08-09
Deborah Krueger	San Luis Obispo, CA, United States	2015-08-09
Jeff Hall	La Cañada Flintridge, CA, United States	2015-08-09
Dean Arnold	Wheatland, CA, United States	2015-08-09
Sandra Hills	Cambria, CA, United States	2015-08-09
Daynon Galleon	Monrovia, CA, United States	2015-08-09
marlene freimanis	Pasadena, CA, United States	2015-08-09
Karen Womack	Visalia, CA, United States	2015-08-09
d doersam	Paso Robles, CA, United States	2015-08-09
Richard Beard	Richmond, CA, United States	2015-08-10
Michele Taylor	Palm springs, CA, United States	2015-08-10
Richard Mathewson	Oakland, CA, United States	2015-08-10

Name	Location	Date
Jennifer Kay	Atascadero, CA, United States	2015-08-10
Isa Flaherty	Mountain View, CA, United States	2015-08-10
Tina Ponzetti	Gilroy, CA, United States	2015-08-11
Leona Tatosian	Torrance, CA, United States	2015-08-11
Karen Mundia	Downey, CA, United States	2015-08-11
Rosemary Wilvert	San Luis Obispo, CA, United States	2015-08-11
Robyn Martin	Flagstaff, AZ, United States	2015-08-11
John Martin	Flagstaff, AZ, United States	2015-08-11
Jessica Beutler	Portland, OR, United States	2015-08-11
John Plock	Ft. Collins, CO, United States	2015-08-11
Kerry Minner	Iowa City, IA, United States	2015-08-11
Hepperly Kathleen	Paso Robles, CA, United States	2015-08-11
Sherry Stuart	Denver, CO, United States	2015-08-11
Tamara Taylor	Aliso Viejo, CA, United States	2015-08-11
Christopher Stuart	Denver, CO, United States	2015-08-11
Robert Sarvey	Tracy, CA, United States	2015-08-12
Sara Husby	Sacramento, CA, United States	2015-08-12
David steinberg	Oakland, CA, United States	2015-08-13
Anne Feerick	Thousand Oaks, CA, United States	2015-08-14
Ana Karimi	Boston, MA, United States	2015-08-14
Karen Blackwood	Clovis, CA, United States	2015-08-14
Eric Morgan	Morro Bay, CA, United States	2015-08-14
Sandra Abril	Rancho Santa Margarita, CA, United States	2015-08-15
Patricia Bowen	Nipomo, CA, United States	2015-08-15
Nancy Baker	Oakland, CA, United States	2015-08-16
Claire Granbery	Nipomo, CA, United States	2015-08-16
Hannah Greely	Los Angeles, CA, United States	2015-08-17
Alice Welchert	Los Osos, CA, United States	2015-08-17
Phil Arnold	Irvine, CA, United States	2015-08-17
Peter Bass	Alexandria, VA, United States	2015-08-18
Cindy Betonte	Morro Bay, CA, United States	2015-08-19
Bruce Sramek	Oakhurst, CA, United States	2015-08-19

Name	Location	Date
Sarah Lowe	Pasadena, CA, United States	2015-08-19
Pamela Little	Carlsbad, CA, United States	2015-08-19
Jen Valeri	Morro Bay, CA, United States	2015-08-20
Kimberly Sue Wright	Morro Bay, CA, United States	2015-08-21
Roberta Frye	Culver City, CA, United States	2015-08-21
Charmaine Parris	Camarillo, CA, United States	2015-08-21
Jennifer Gardelle	Huntington Beach, CA, United States	2015-08-22
Marni Lynn Ager	Avila Beach, CA, United States	2015-08-22
curt fleming	tustin, CA, United States	2015-08-22
Gordon Wright	Long Beach, CA, United States	2015-08-25
Julie Langhorne	Tahoe City, CA, United States	2015-08-25
Lisa Gunn-Becker	Basking Ridge, NJ, United States	2015-08-25
angela smith	Torrance, CA, United States	2015-08-26
Shelley Myers	Los Osos, CA, United States	2015-08-26
Francesca Bolognini	Cambria, CA, United States	2015-08-26
Stephanie Raphael	Los Osos, CA, United States	2015-08-26
Rick Wood	Blaine, WA, United States	2015-08-26
Craig Stine	Morro Bay, CA, United States	2015-08-26
B B	Creston, CA, United States	2015-08-26
Judy Neuhauser	Los Osos, CA, United States	2015-08-26
Jeffery Mee	Los Angeles, CA, United States	2015-08-26
Dave Brady	Wexford, Ireland	2015-08-26
Rosalie Smith	Temecula, CA, United States	2015-08-26
Pat Renshaw	Los Osos, CA, United States	2015-08-27
Kimberly Coulter Searer	Seal Beach, CA, United States	2015-08-27
Steven Ingels	San Luis Obispo, CA, United States	2015-08-27
JANIS DARDARIS	New York, NY, United States	2015-08-27
Dan Wheetman	Seattle, WA, United States	2015-08-27
Marisa Taylor	Lodi, CA, United States	2015-08-27
mark freear	San Luis Obispo, CA, United States	2015-08-27
alicr griselle	Paso Robles, CA, United States	2015-08-27
Marcia Evers	Austin, TX, United States	2015-08-27

Name	Location	Date
Sophie Blavet	Saigon, Viet Nam	2015-08-27
Patricia Avant-Kern	Germany	2015-08-27
Dusty Mcadon	Los Osos, CA, United States	2015-08-27
Felipe Gorostiza	Mount Holly, NJ, United States	2015-08-27
Anjali Kapoor-Davis	Fresno, CA, United States	2015-08-27
Wendy Radford	Midland Park, NJ, United States	2015-08-27
Dana Worrhan	Atascadero, CA, United States	2015-08-27
Hazel Hofman	Fresno, CA, United States	2015-08-27
Linda Martin	Los Osos, CA, United States	2015-08-27
Olivia Booth	New York, NY, United States	2015-08-27
Ruth Fedor	Morro Bay, CA, United States	2015-08-27
Robin Guittard	Atascadero, CA, United States	2015-08-27
waltraud hofmeister	lindau, Germany	2015-08-27
MARGO ANDERSON	SAN LUIS OBISPO, CA, United States	2015-08-27
Heather Eastwood	Fresno, CA, United States	2015-08-27
Justine Coordt	Los Osos, CA, United States	2015-08-27
John Reid	Paso Robles, CA, United States	2015-08-27
Linda Gomez	Logan, OH, United States	2015-08-27
Jimmy Stanley	Ellesmere, ENG, United Kingdom	2015-08-27
Kevin P Sullivan	San Luis Obispo, CA, United States	2015-08-27
Christopher Thomas	Portland, OR, United States	2015-08-27
R. Anne Harris Smith	Cambria, CA, United States	2015-08-28
Mary Kay Worsley	Glendora, CA, United States	2015-08-28
Sharron Jackman	Los Osos, CA, United States	2015-08-28
Scott Busby	Los Osos, CA, United States	2015-08-28
Lesley Johnson	Clovis, CA, United States	2015-08-29
Karen O'Reilly	Acton, CA, United States	2015-08-30
Jill Chester-Haney	Cambria, CA, United States	2015-08-31
Abel Martinez	Cambria, CA, United States	2015-08-31
Michele Palazzo	Redway, CA, United States	2015-09-01
Buddy McCabe	Atascadero, CA, United States	2015-09-01
Neil Malpiede	Morro Bay, CA, United States	2015-09-02

Name	Location	Date
Jessica Shatwell	Atascadero, CA, United States	2015-09-03
Nancy Wise	Morro Bay, CA, United States	2015-09-05
Deborah Adams	Morro Bay, CA, United States	2015-09-05
Sally Plant	Anaheim, CA, United States	2015-09-05
George and Phyllis Eastham	San Luis Obispo, CA, United States	2015-09-05
Jean Senter	Los Osos, CA, United States	2015-09-05
Kathleen Reid	Temple City, CA, United States	2015-09-05
Judy Schuster	Cambria, CA, United States	2015-09-06
Anna Jones	Los Angeles, CA, United States	2015-09-07
Miguel Hernandez	Cambria, CA, United States	2015-09-07
Cam Arnold	Irvine, CA, United States	2015-09-08
Heather schultz	Los Osos, CA, United States	2015-09-08
Michelle Anderson	Chico, CA, United States	2015-09-09
Patti Minutello	Arroyo Grande, CA, United States	2015-09-09
Nancy Trujillo	Morro Bay, CA, United States	2015-09-09
Pamela Hyland	Morro Bay, CA, United States	2015-09-09
Ernest Vittore	Mariposa, CA, United States	2015-09-12
giana fry	Suisun City, CA, United States	2015-09-12
Nancy Dickenson	San Rafael, CA, United States	2015-09-12
Karen Brown	Sacramento, CA, United States	2015-09-12
Alia Brown	Las Vegas, NV, United States	2015-09-12
Elaine Cooper	Sacramento, CA, United States	2015-09-13
Jeanne DeVault	Elverta, CA, United States	2015-09-13
Sara Gaines	Davis, CA, United States	2015-09-13
Julie Martin	Frederic, WI, United States	2015-09-14
John Mandeville	Morro Bay, CA, United States	2015-09-14
Elisabeth Wolf	Cambria, CA, United States	2015-09-14
NamHee Han	Santa Monica, CA, United States	2015-09-14
Beth Karmin	Pacific Palisades, CA, United States	2015-09-14
Skyler Brown	Sacramento, CA, United States	2015-09-14
Kristen Bierer	Albuquerque, NM, United States	2015-09-14
Rachel Weber	Santa Monica, CA, United States	2015-09-15

Name	Location	Date
Cynthia Miranda	Los Angeles, CA, United States	2015-09-15
Beverly Bierer	Cambria, CA, United States	2015-09-15
Dr. Robert Bierer	Albuquerque, NM, United States	2015-09-15
Terry k Sanderlin, Ed.D.	Albuquerque, NM, United States	2015-09-15
Shushan Manukyan	Glendale, CA, United States	2015-09-15
Kurt Hoffmann	Santa Rosa, CA, United States	2015-09-15
vincent kilbride	Stevenson Ranch, CA, United States	2015-09-16
Bryan Gerber	Morro Bay, CA, United States	2015-09-16
Laurie Grotstein	Pacific Palisades, CA, United States	2015-09-16
Jonathan collier	Santa Monica, CA, United States	2015-09-16
Norma Wightman	Morro Bay, CA, United States	2015-09-16
Gloria Hoffman	Broomfield, CO, United States	2015-09-16
Leigh Griswold Boudreau	Weatogue, CT, United States	2015-09-17
Mark Wilson	Morgan Hill, CA, United States	2015-09-18
Susan Palmer	Tewksbury, NJ, United States	2015-09-18
Dawn Boucher	Citrus Heights, CA, United States	2015-09-18
David Rivera	Crestline, CA, United States	2015-09-18
Carol Vittore	Placerville, CA, United States	2015-09-19
NORMAN FREY	Taft, CA, United States	2015-09-19
david gianopoulos	los angeles, CA, United States	2015-09-20
Nanci Alexander	Mesa, AZ, United States	2015-09-20
Katherine Caperna	Setauket- East Setauket, NY, United States	2015-09-20
Willie Grayeyes	Tuba City, AZ, United States	2015-09-21
Sharon Bendzlowicz	Wading River, NY, United States	2015-09-21
Pat Trapani	New Hyde Park, NY, United States	2015-09-21
Alina copelan	Atlanta, GA, United States	2015-09-21
Barry Campion	Venice, CA, United States	2015-09-21
Amelia Vogt	Los Angeles, CA, United States	2015-09-21
Dede Gilser	Vaughan, Canada	2015-09-22
Lorraine Nalley	Morro bay, CA, United States	2015-09-22
Charles Hollenbeck	Newbury Park, CA, United States	2015-09-24
Lawrence williams	San Diego, CA, United States	2015-09-29

Name	Location	Date
Mary Stason	Paso Robles, CA, United States	2015-09-29
Dana griffith	Templeton, CA, United States	2015-09-29
Eleanor Crane	Morro Bay, CA, United States	2015-09-30
Haley Gomez	Rancho Cucamonga, CA, United States	2015-09-30
Julie Fallon	San Luis Obispo, CA, United States	2015-09-30
Kathy Oberman Tracy	Kennebunk, ME, United States	2015-09-30
Dan McNeil	Golden, CO, United States	2015-10-02
T. Merchant	Santa Cruz, CA, United States	2015-10-03
Shea Grotke	Pasadena, CA, United States	2015-10-04
Paige Little	Rancho Cucamonga, CA, United States	2015-10-04
Karrieanne Yankee	Los Angeles, CA, United States	2015-10-05
Gaye Williams	Manhattan Beach, CA, United States	2015-10-05
bernard konig	El Segundo, CA, United States	2015-10-06
Lisa Garcia	Newbury Park, CA, United States	2015-10-06
LuAnn Polk	Moorpark, CA, United States	2015-10-06
Linda Howe	Paso Robles, CA, United States	2015-10-06
Gail Berardino	Playa del Rey, CA, United States	2015-10-06
michael lindsay	Los Osos, CA, United States	2015-10-06
Torr Steinhilber	Sea Ranch, CA, United States	2015-10-08
Cecile Zhao	Fresno, CA, United States	2015-10-09
Nancy Lester	Mountain Lakes, NJ, United States	2015-10-13
Linda Gibas	Salida, CO, United States	2015-10-13
Martha Gish	Belmont, CA, United States	2015-10-13
Stacey Lewis	Chester, CT, United States	2015-10-13
Catherine Zern	Rogue River, OR, United States	2015-10-13
Cynthia Dayhuff	Mammoth Lakes, CA, United States	2015-10-18
Allyson Tolliver	Encinitas, CA, United States	2015-10-18
Cheryl Carpenter	Redding, CA, United States	2015-11-04
Tom Moore	Los Angeles, CA, United States	2015-11-04
Dorris Escobar	Cambria, CA, United States	2015-11-06
Scott Cummings	Newbury Park, CA, United States	2015-11-06
Cathy Speiser	Clovis, CA, United States	2015-11-07

Name	Location	Date
Theresa Brown	Thousand Oaks, CA, United States	2015-11-10
karen warfield	Cambria, CA, United States	2015-11-10
LORETTA BROMS	THOUSAND OAKS, CA, United States	2015-11-11
Fred Hoyt	Seal Beach, CA, United States	2015-11-13
Bonnie Pecego	Lakewood, CA, United States	2015-11-15
Ann Schartz	Los Osos, CA, United States	2015-11-15
Sandra Larson	Shafter, CA, United States	2015-11-15
Barbara Carlson	Morro Bay, CA, United States	2015-11-15
Greg McCaslin	New York, NY, United States	2015-11-16
Sharon Merkle	Los Osos, CA, United States	2015-11-16
Nancy Heck	Santa Maria, CA, United States	2015-11-16
Jill Kuraitis	Boise, ID, United States	2015-11-17
Deborah Hall	Coarsegold, CA, United States	2015-11-17
Laura Smith	Vancouver, BC, Canada	2015-11-17
Richard Parker	Falmouth, ME, United States	2015-11-17
Antoinette Pearlman	Agua Dulce, CA, United States	2015-11-17
Heidi Eskew	Sparks, NV, United States	2015-11-18
sonia szewczuk	Australia	2015-11-20
Callista Dean	Oceanside, CA, United States	2015-11-20
Tom and Josi Greeley	Seal Beach, CA, United States	2015-11-22
Dennis Banford	Rio Vista, CA, United States	2015-11-22
Jo Annn Banford	Rio Vista, CA, United States	2015-11-22
Gillian Bagwell	Berkeley, CA, United States	2015-11-23
Don Adams	El Cajon, CA, United States	2015-11-25
Chris Baskous	New York, NY, United States	2015-11-25
Becky Durango	Eagle Point, OR, United States	2015-11-25
Brian King	penryn, CA, United States	2015-11-25
Erik and Jackie Stein	Arroyo Grande, CA, United States	2015-11-25
Victor Pappas	Seattle, WA, United States	2015-11-25
Brian Shea	Denver, CO, United States	2015-11-25
Tanner Richard	Pismo Beach, CA, United States	2015-11-25
Michael Culp	Paso Robles, CA, United States	2015-11-25

Name	Location	Date
Mary Combs	Aptos, CA, United States	2015-11-25
Ellen Williams	Montclair, NJ, United States	2015-11-25

FOR COMMITTEE USE ONLY

M-Coast2

CAMPAIGN

Cotoni Coast Dairies National Monument Issues Survey

August 2-6, 2015

320-654

Fairbank, Maslin, Maullin, Metz & Associates – FM3

PUBLIC OPINION RESEARCH & STRATEGY

Survey Methodology

- 661 telephone interviews with registered likely November 2016 voters in Santa Cruz County
  - Interviews conducted August 9-August 15, 2015
  - Interviews on landlines and cell phones
- Margin of sampling error for the full sample of +/- 4.6% at the 95% confidence level
- Some percentages may not sum to 100% due to rounding

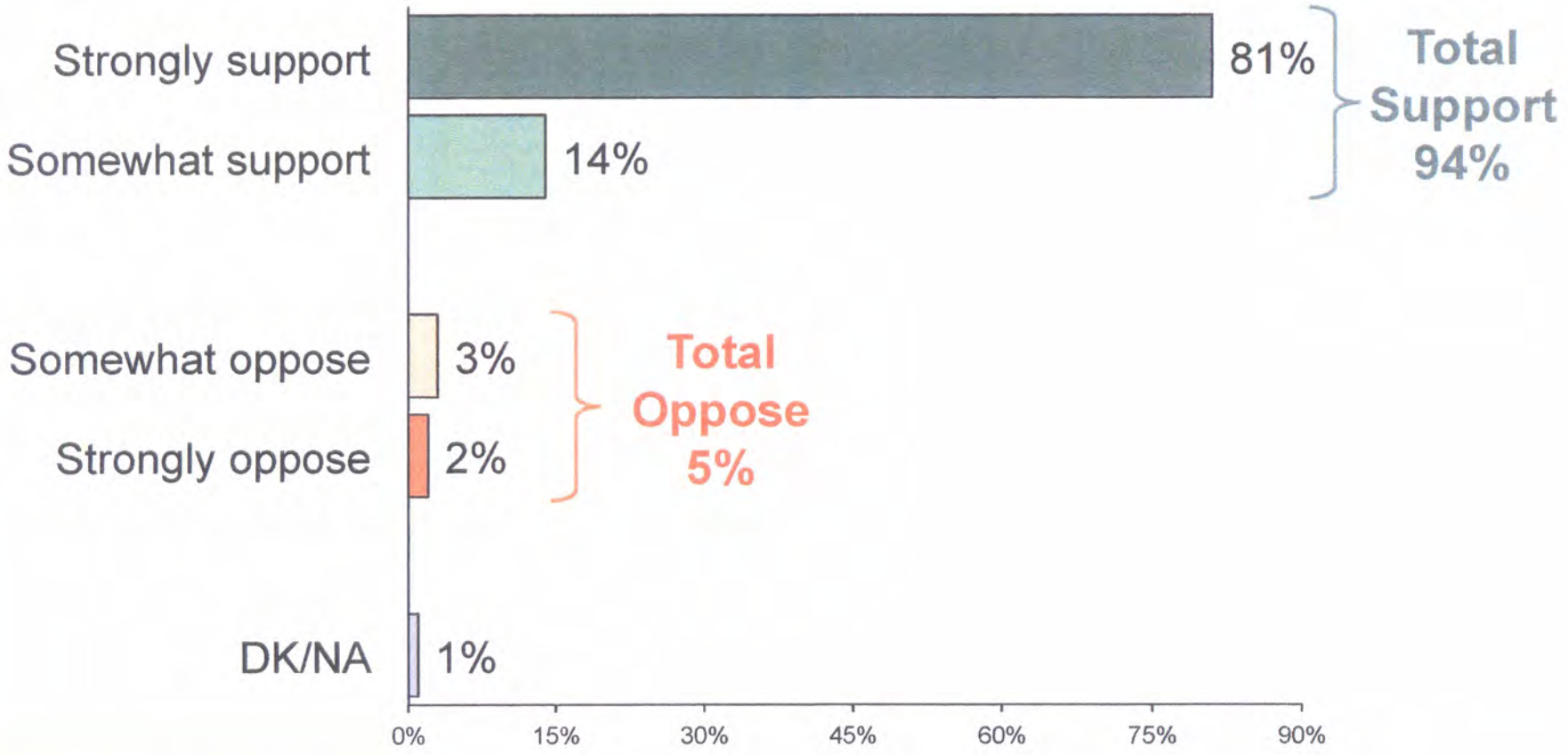
Key Findings

- Voters have a high opinion of national monuments
  - Over nine in ten (94%) support national monuments, in general
- President Obama, Congressman Sam Farr, and the Santa Cruz County Board of Supervisors are all viewed very favorably
- When voters are provided background information on the proposed national monument, they provide strong levels of support for it (84%)
- This support is strong across age groups, political parties, cities and supervisorial districts, and ethnic groups
- After both positive and negative messaging, support remains above the two-thirds level

Issue Context

Voters overwhelmingly support the idea of national monuments

Do you generally support or oppose the idea of designating protected areas as national monuments?



Fairbank, Maslin, Maullin, Metz & Associates – FM3

PUBLIC OPINION RESEARCH & STRATEGY

Q2.

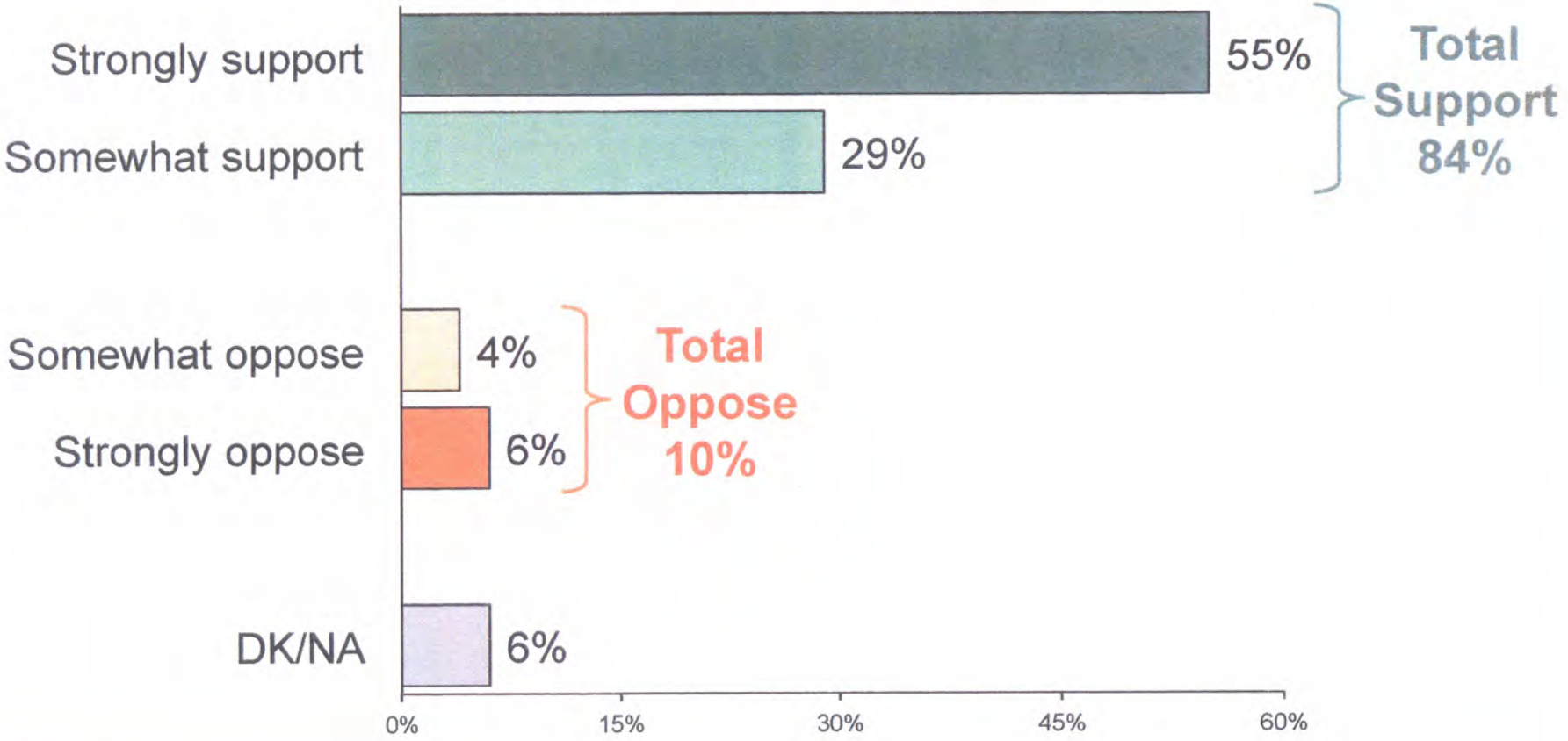
Support for the Cotoni-Coast Dairies National Monument

Background on the Cotoni-Coast Dairies National Monument

The Cotoni-Coast Dairies National Monument, would provide permanent federal protection for public lands in Santa Cruz County, including creeks and wetlands, coastal grasslands, oak woodlands, and redwood forests, and four ancestral Native American archaeological sites. This land has been closed to the public for over 100 years, and National Monument status would allow public use for hiking, photography, school trips, some biking and grazing, while prohibiting development. This designation does not guarantee additional government funding, but National Monuments do compete very successfully for additional funds from Washington, DC and conservation organizations.

After hearing about the Cotoni-Coast Dairies voters show strong support for its national monument designation

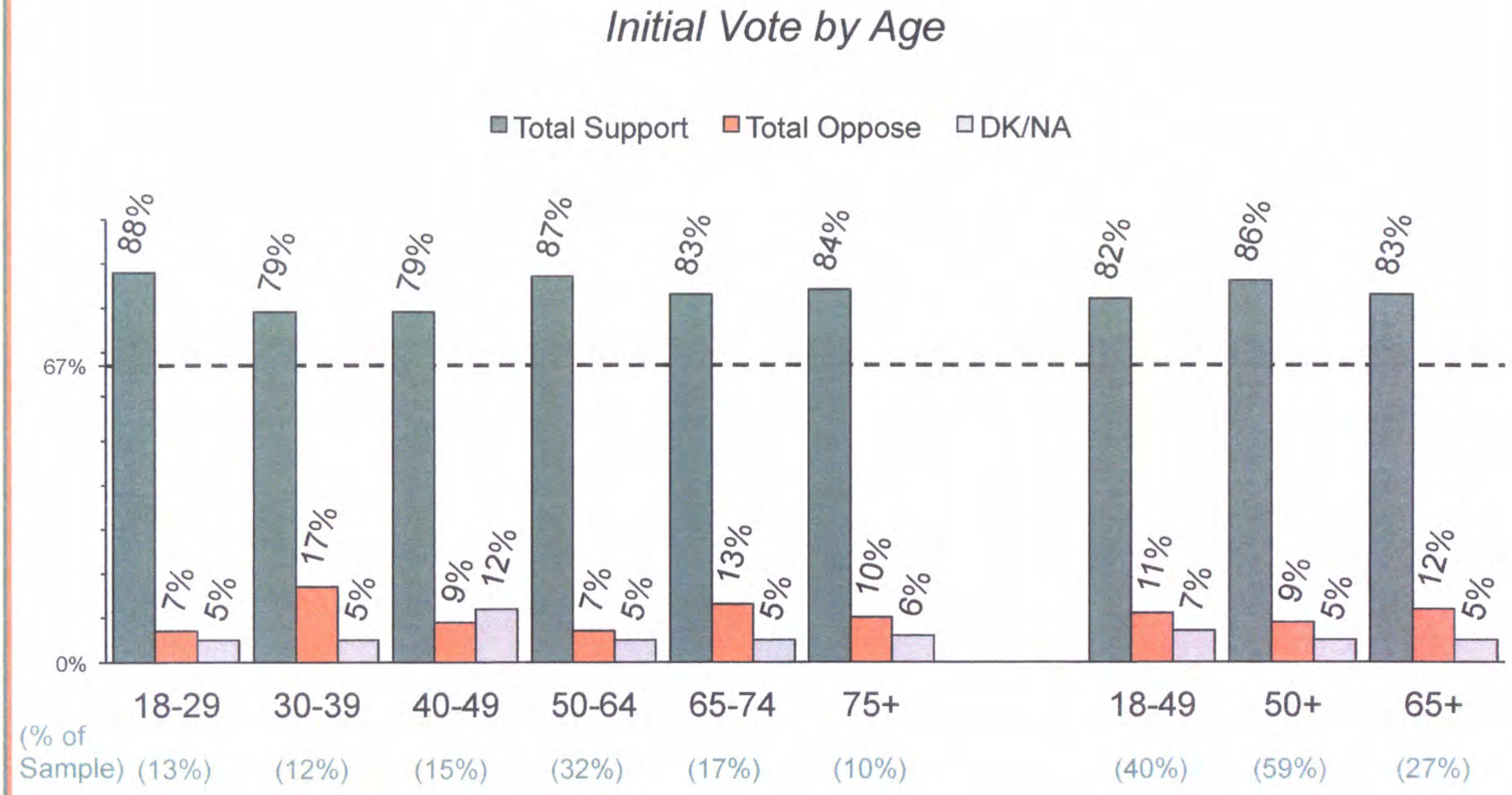
Would you say that you support or oppose the establishment of the Cotoni-Coast Dairies National Monument?



Fairbank, Maslin, Maullin, Metz & Associates – FM3
PUBLIC OPINION RESEARCH & STRATEGY

Q4.

Support is consistently strong across age groups.



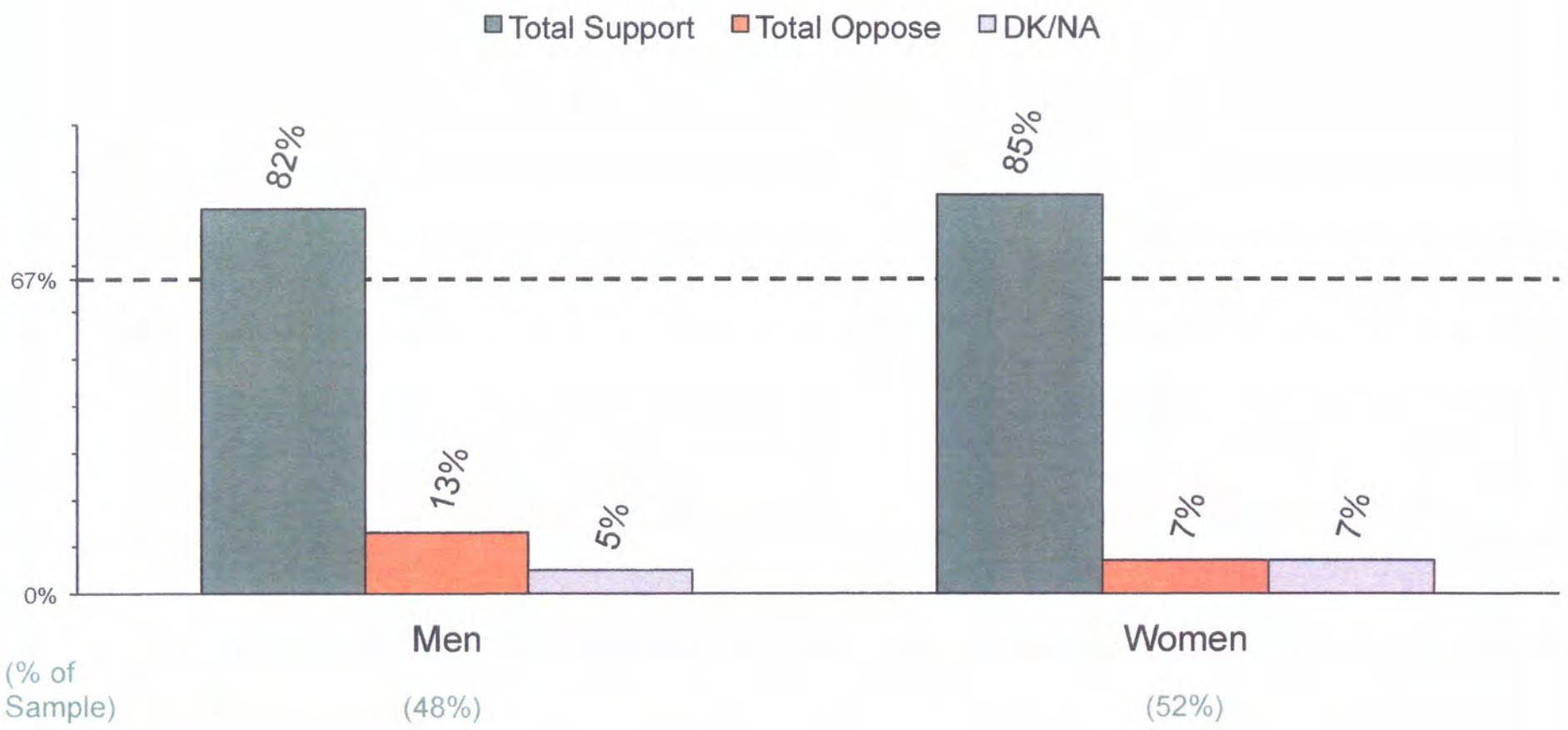
Fairbank, Maslin, Maullin, Metz & Associates - FM3

PUBLIC OPINION RESEARCH & STRATEGY

Q4. Would you say that you support or oppose the establishment of the Cotoni-Coast Dairies National Monument?

Both men and women support the potential national monument.

Initial Vote by Gender

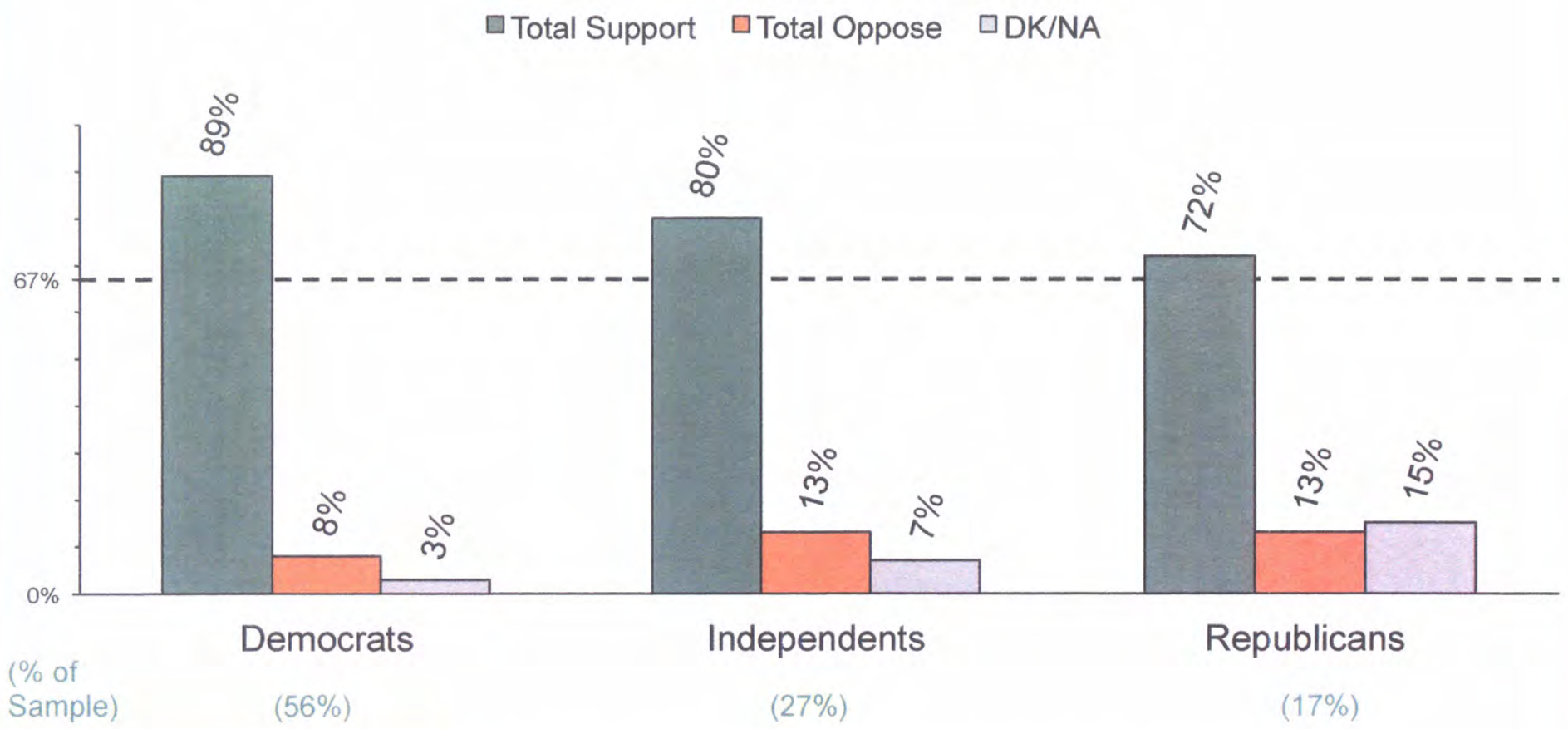


Fairbank, Maslin, Maullin, Metz & Associates – FM3
PUBLIC OPINION RESEARCH & STRATEGY

Q4. Would you say that you support or oppose the establishment of the Cotoni-Coast Dairies National Monument?

All parties have strong levels of support for the Cotoni-Coast Dairies, although Republicans support it at a slightly lower rate.

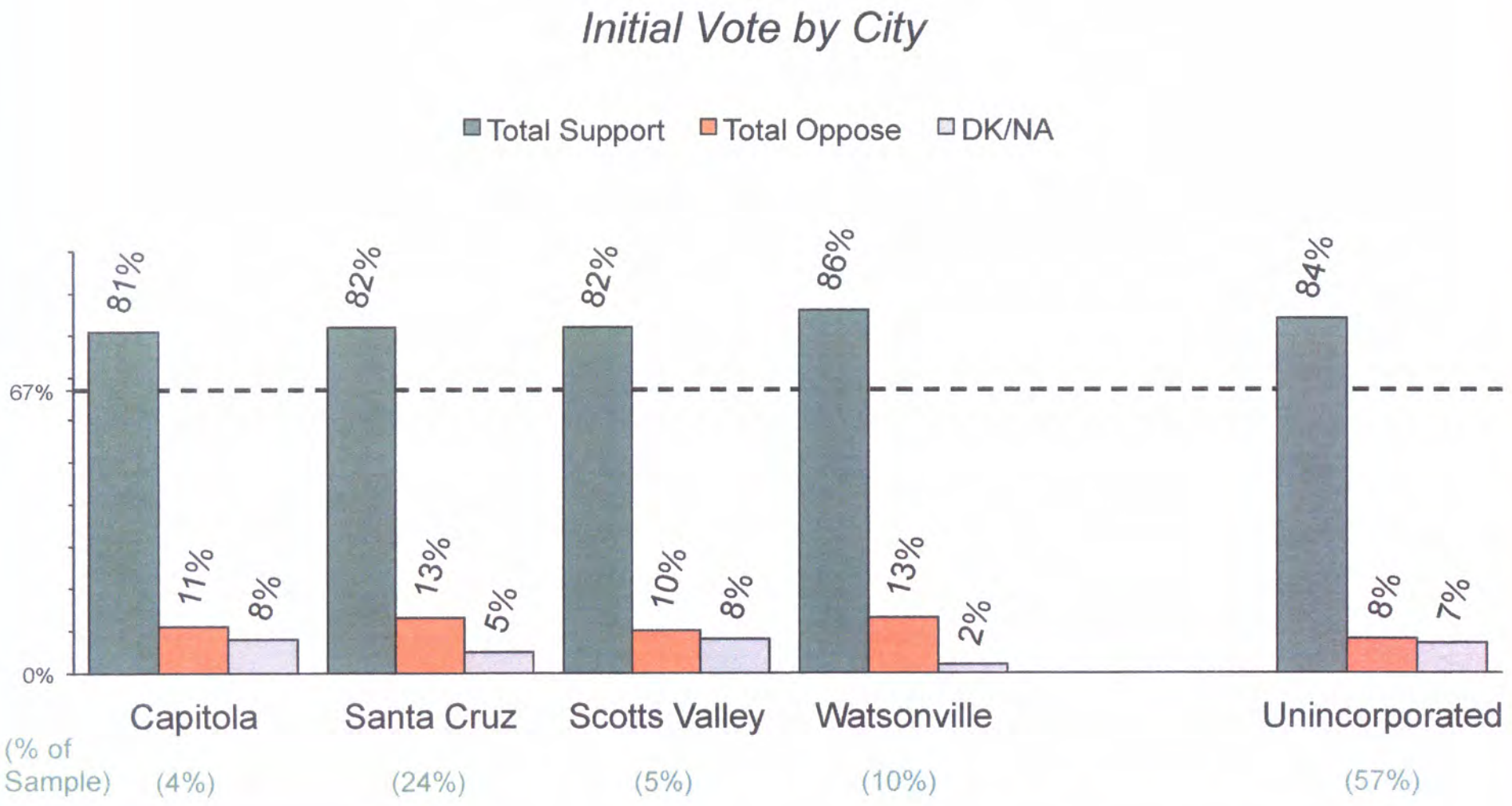
Initial Vote by Party



Fairbank, Maslin, Maullin, Metz & Associates – FM3
PUBLIC OPINION RESEARCH & STRATEGY

Q4. Would you say that you support or oppose the establishment of the Cotoni-Coast Dairies National Monument?

All cities and unincorporated areas support the measure at an over 80% rate.



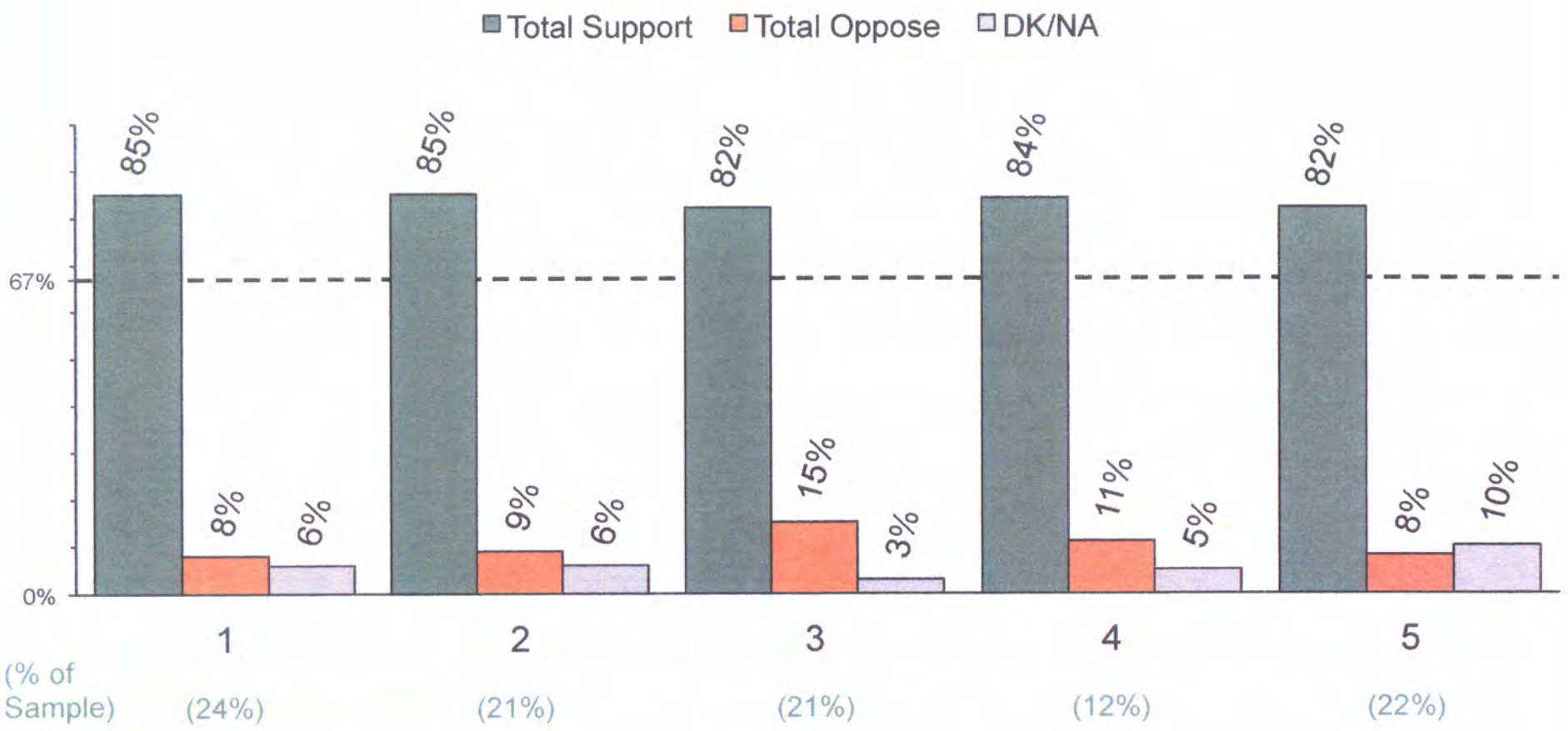
Fairbank, Maslin, Maullin, Metz & Associates - FM3

PUBLIC OPINION RESEARCH & STRATEGY

Q4. Would you say that you support or oppose the establishment of the Cotoni-Coast Dairies National Monument?

Support is also consistently strong across all supervisorial districts.

Initial Vote by Supervisorial District

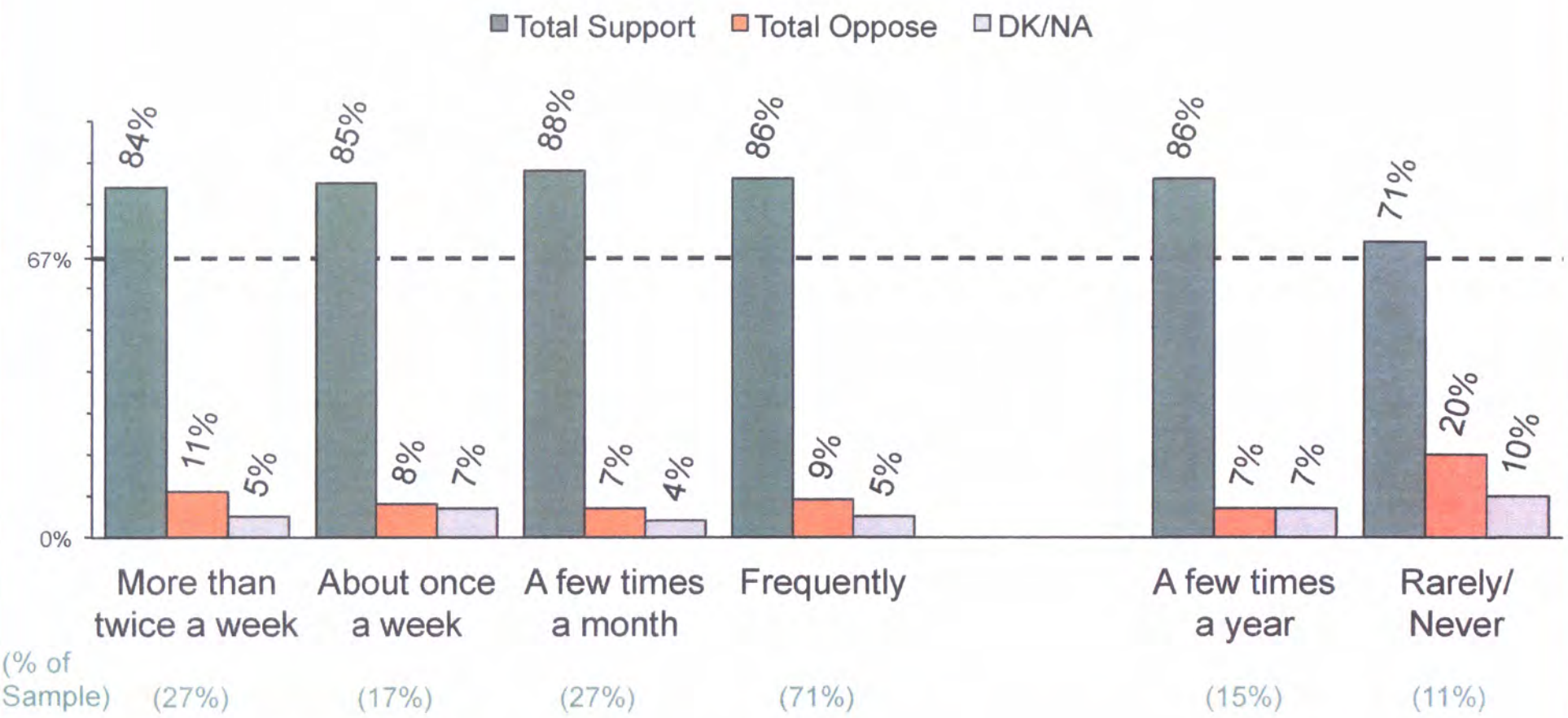


Fairbank, Maslin, Maullin, Metz & Associates – FM3
PUBLIC OPINION RESEARCH & STRATEGY

Q4. Would you say that you support or oppose the establishment of the Cotoni-Coast Dairies National Monument?

Despite strong support across-the-board, those who rarely or never use the park show slightly less support for the national monument.

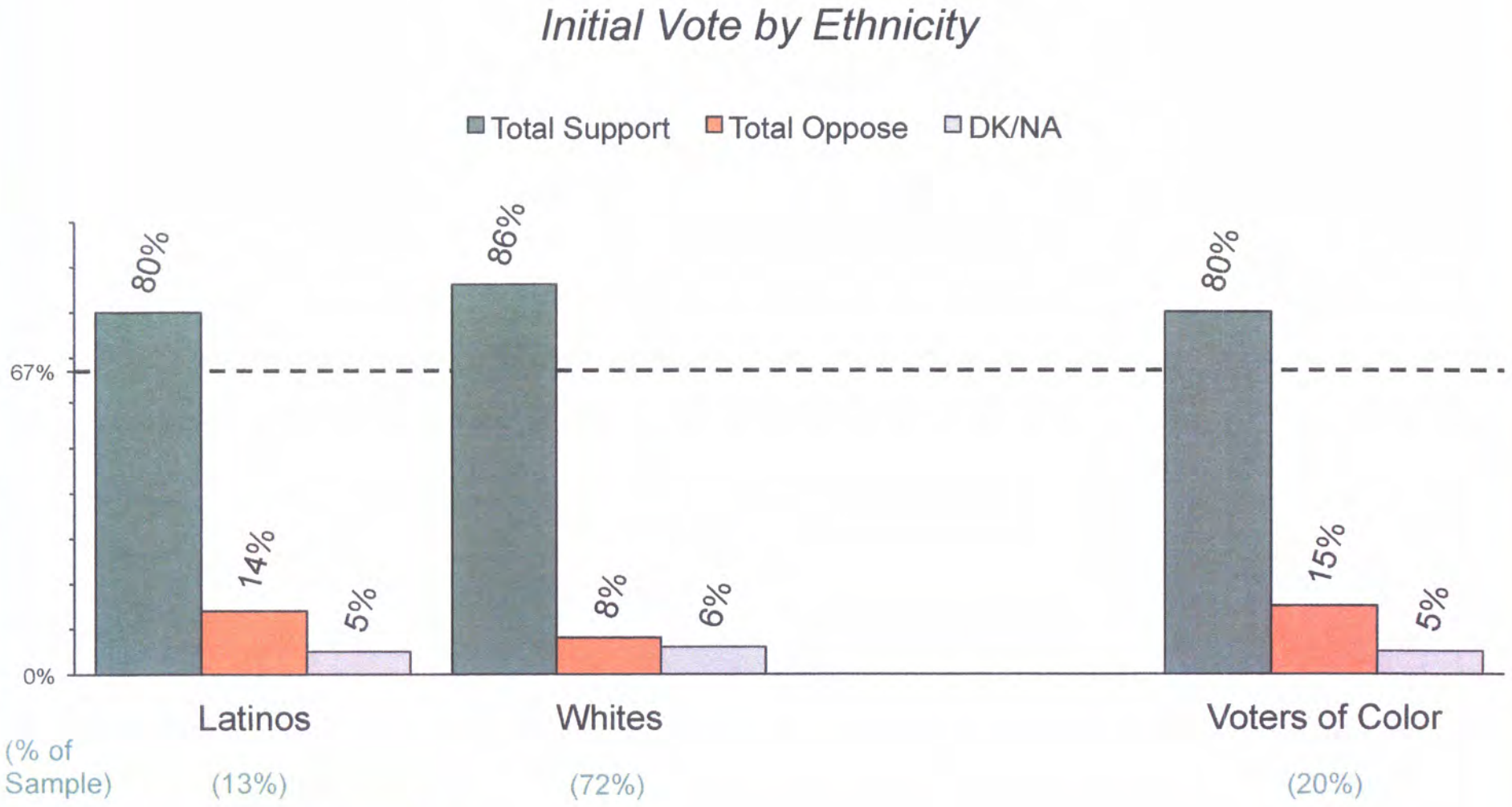
Initial Vote by Park Use



Fairbank, Maslin, Maullin, Metz & Associates - FM3
PUBLIC OPINION RESEARCH & STRATEGY

Q4. Would you say that you support or oppose the establishment of the Cotoni-Coast Dairies National Monument?

More than eight in ten voters would support the proposed national monument, across ethnicities.



Fairbank, Maslin, Maullin, Metz & Associates – FM3

PUBLIC OPINION RESEARCH & STRATEGY

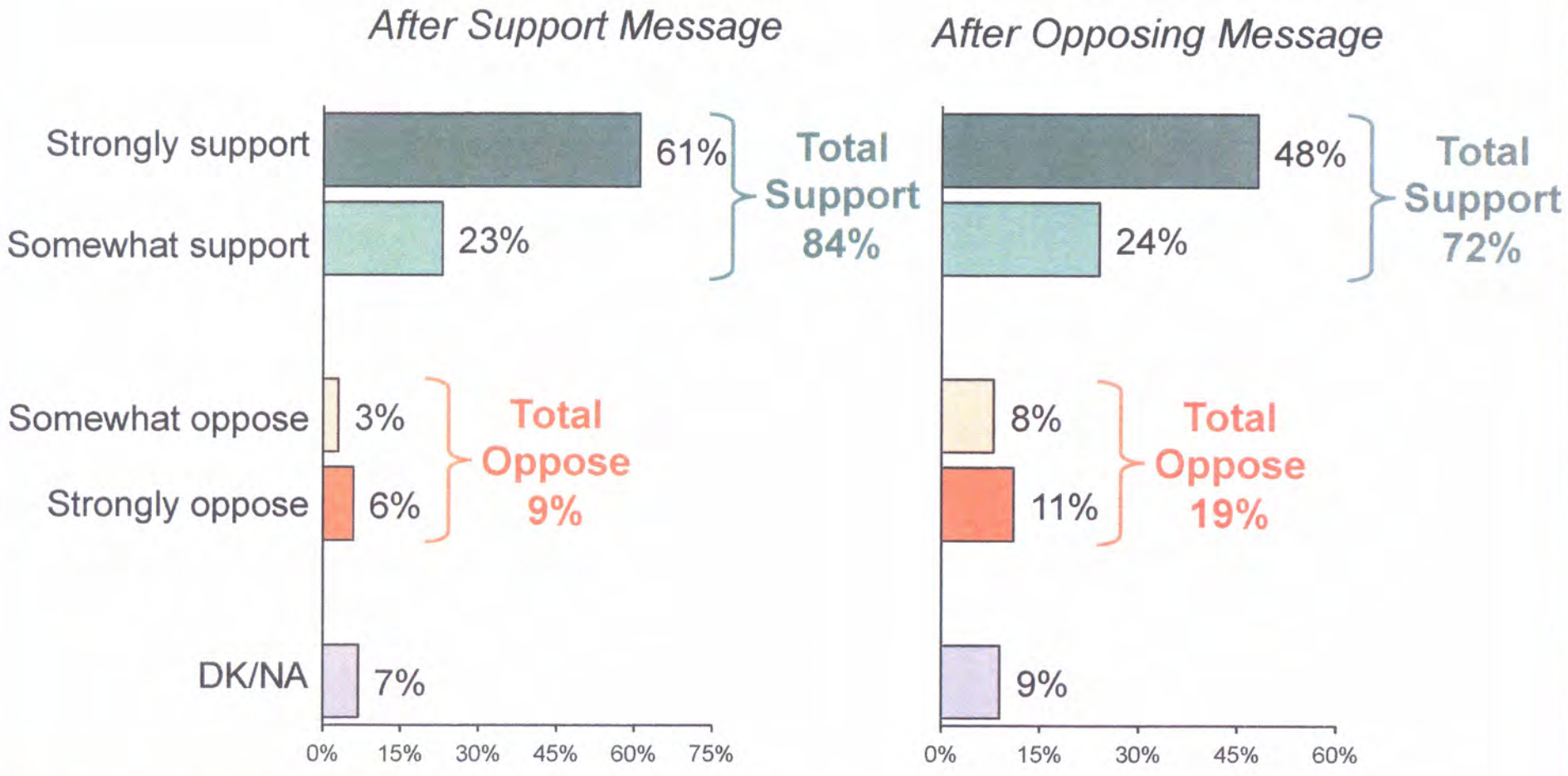
Q4. Would you say that you support or oppose the establishment of the Cotoni-Coast Dairies National Monument?

Messages from supporters and opponents of the Cotoni-Coast Dairies National Monument

Support the Cotoni-Coast Dairies National Monument:
The Cotoni-Coast Dairies are rich in both natural and cultural value. Located in the Santa Cruz Mountains, the area covers 5,800 acres of coastal terraces, ridges, hillsides, canyons, grasslands, and redwood forests. This area provides a habitat for coho salmon and mountain lions. It is also home to several ancestral Native American archeological sites that are eligible for registry in the National Register of Historic Places; these are an important part of the Ohlone Indian tribe's heritage. Creating a national monument will ensure that Santa Cruz's breathtaking and historically rich area will be protected, appreciated, and enjoyed for generations to come.

Oppose the Cotoni-Coast Dairies National Monument:
The Cotoni-Coast Dairies National Monument designation is premature. There has not been a thorough analysis of the natural resources of this area or of the traffic and number of accidents that will inevitably occur as visitors flock to the site. The influx of tourism will cause traffic congestion, pollution and littering, and attract transient people to the area. Additionally, the National Monument designation will not guarantee funding for this area; the designation only promises eligibility for funding. This is just a ploy by out-of-town interests to create a huge public park, condemn private property, and impose their plans on Santa Cruz.

Support after opposition messaging drops, but remains above the two-thirds threshold.



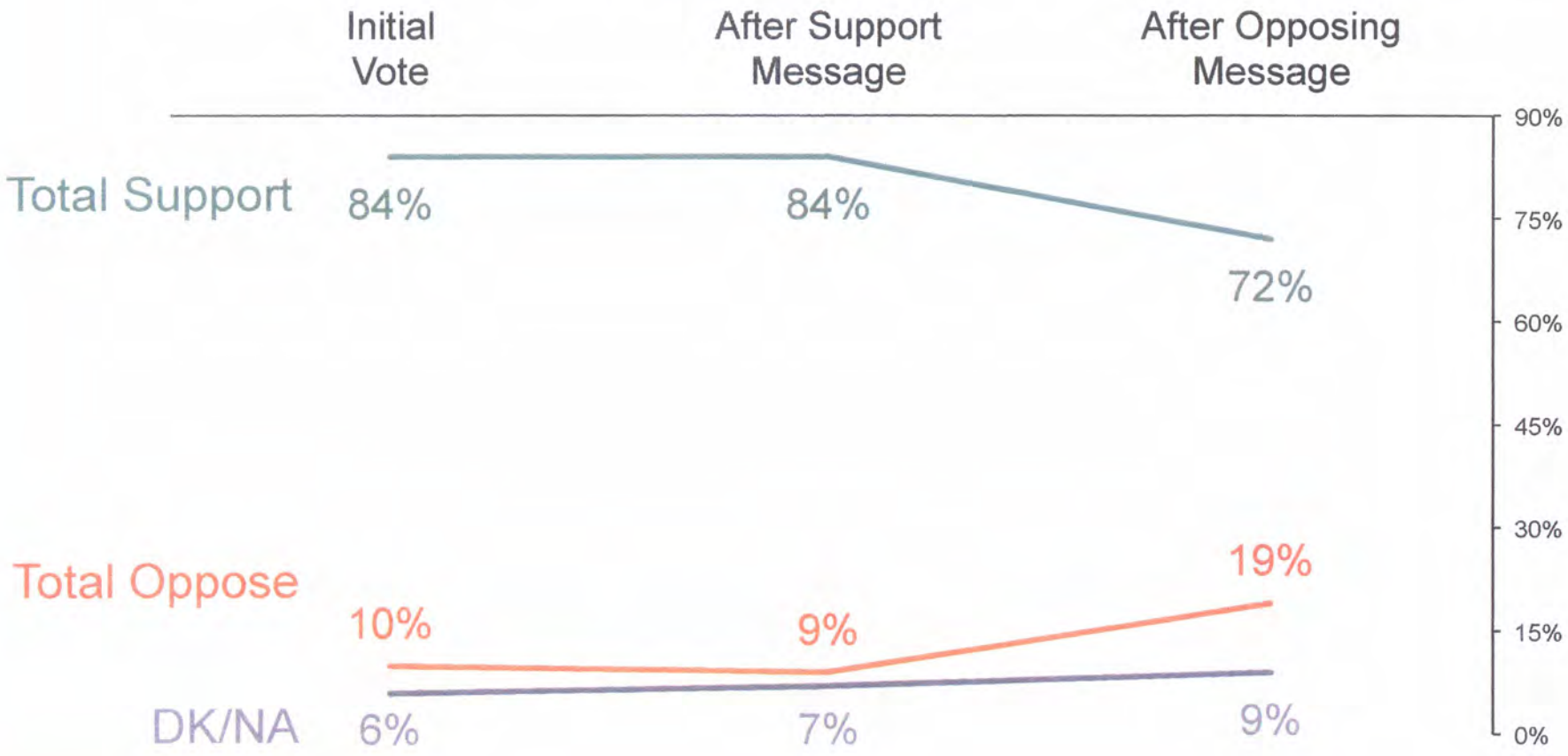
Fairbank, Maslin, Maullin, Metz & Associates – FM3
PUBLIC OPINION RESEARCH & STRATEGY

Q6 & Q7. Having heard this, please tell me if you support or oppose the creation of the Cotoni-Coast Dairies National Monument?

Identifying Persuadable Voters

Support remains over the two-thirds level after messaging.

Please tell me if you support or oppose the creation of the Cotoni-Coast Dairies National Monument?

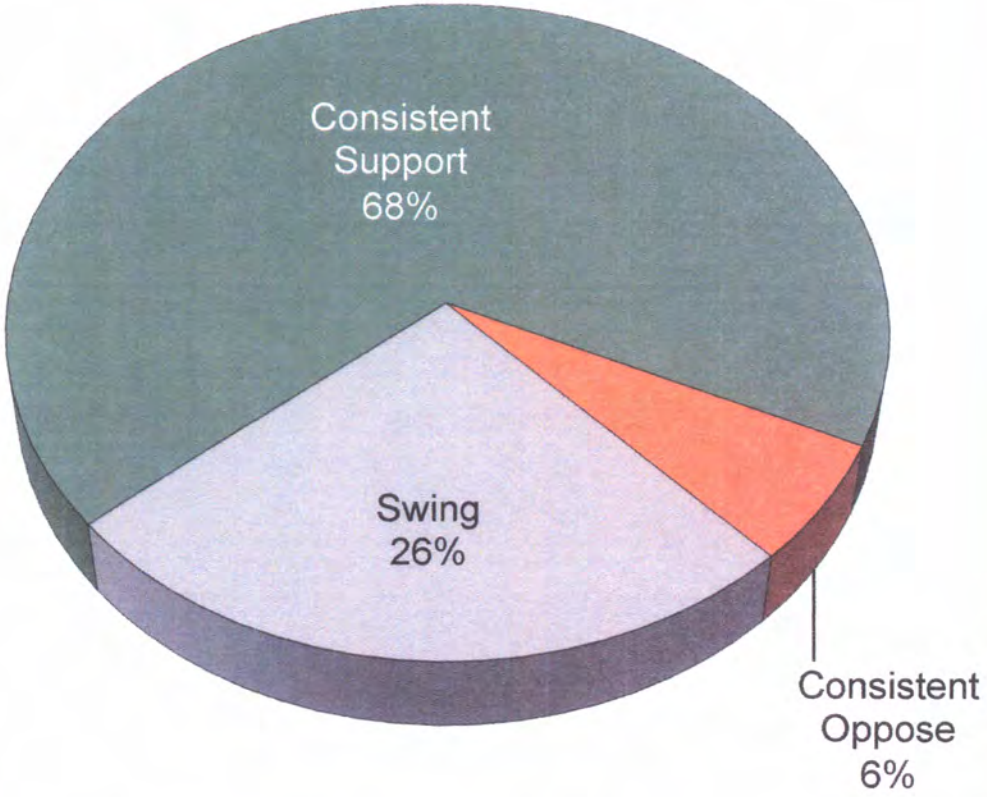


Fairbank, Maslin, Maullin, Metz & Associates - FM3
PUBLIC OPINION RESEARCH & STRATEGY

Q4, Q6 & Q7.

Segmenting Santa Cruz Voters by Consistency of Support

- **Consistent Support:** Voters who consistently indicated they *would support the measure.*
- **Consistent Oppose:** Voters who consistently indicated they would oppose the measure.
- **Swing:** Voters who do not fall into any of the other categories – remaining consistently undecided, consistently softly supportive, or switching positions.



The following slide shows demographic groups that disproportionately fall into one category or the other.

Demographic Profile of the Segments

Consistent Support	Swing	Consistent Oppose
68% of the Electorate	***26% of the Electorate***	***6% of the Electorate***
Democrats Ages 50+	Rarely/Never Visits Park	Republican Men
Visits Park More Than Twice/ Week	Republican Women	Rarely/Never Visits Park
2+ Democrat Households	2+ Republican Households	Republicans
Visits Park Frequently Democrats	Single Republican Households	Single Republican Households
Single Democrat Households	Republicans	Republicans Ages 50+
Democratic Women	Mixed Partisan Households	2+ Republican Households
Democratic Men	Supervisor District 1	Men
Visits Park a Few Times/Month	Independent Women	Men Ages 50+
Santa Cruz	Latinos	Voters of Color
Supervisor District 3	Republicans Ages 50+	Men Ages 18-49
Visits Park Once/Week	Ages 75+	Independent Men
Whites	Congressional District 18	Use All/Mostly Landline
Use All/Mostly Cell Phone	Ages 40-49	Visits Park More Than Twice/ Week
Ages 50-64	Independents	Ages 65+
Men Ages 50+	Supervisor District 5	Supervisor District 3
Democrats Ages 18-49	Women Ages 18-49	Supervisor District 2
	Voters of Color	2+ Democrat Households

Positive Movers

Demographic Group	% Positive Movers	% of Sample
All Voters	**3%**	**100%**
Republican Women	7%	9%
Latinos	6%	13%
Congressional District 18	5%	23%
Supervisor District 3	5%	21%
Women Ages 18-49	5%	20%
Voters of Color	5%	20%
Ages 65-74	5%	17%
Use Both Cell Phone/Landline Equally	5%	15%
Ages 30-39	5%	12%
Rarely/Never Visits Park	5%	11%
Women	4%	52%
Election Day Voters	4%	44%
Ages 65+	4%	27%
Visits Park a Few Times/Month	4%	27%
Santa Cruz	4%	24%
Supervisor District 5	4%	22%
Democrats Ages 18-49	4%	21%

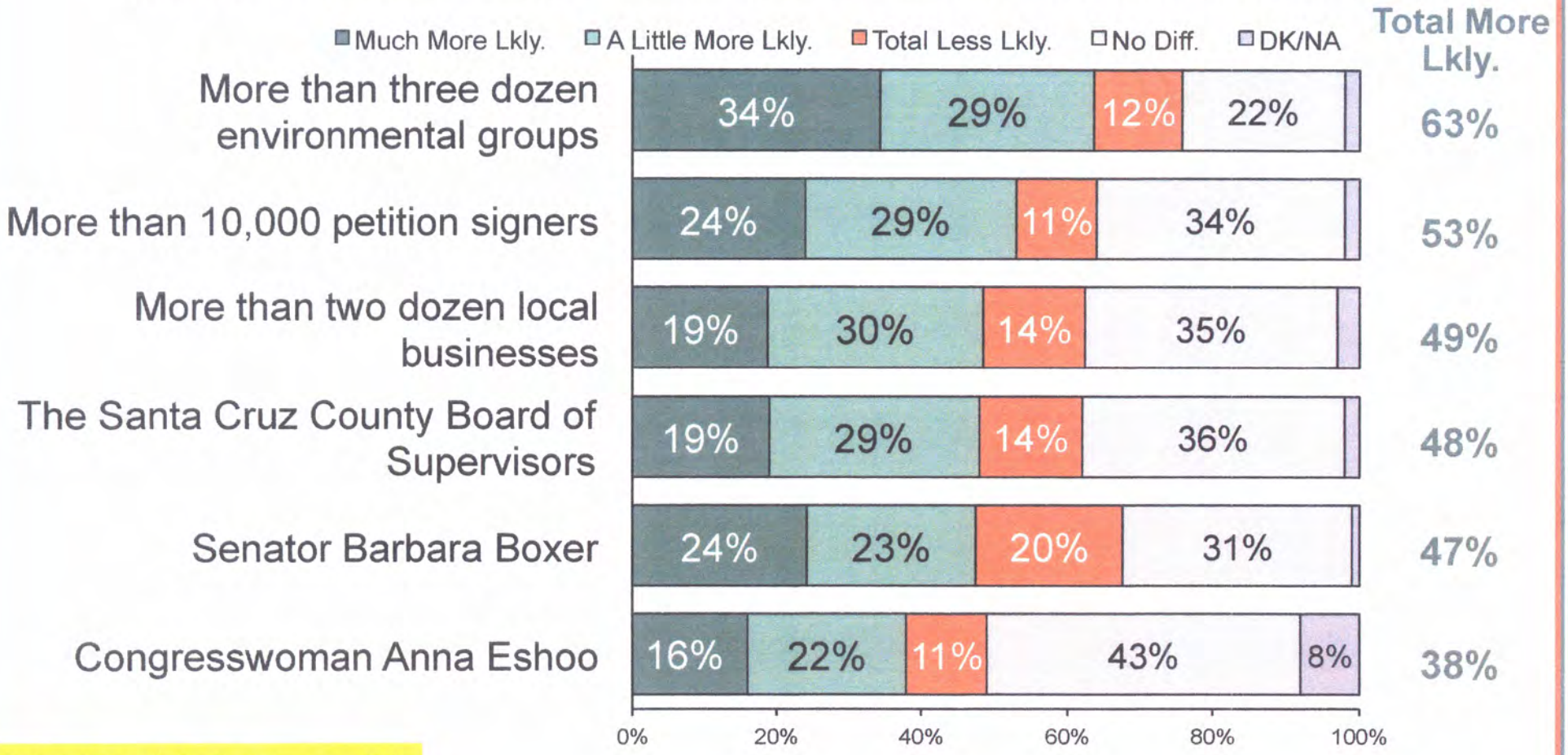
Negative Movers

Demographic Group	% Negative Movers	% of Sample
All Voters	**11%**	**100%**
Rarely/Never Visits Park	21%	11%
Latinos	19%	13%
Supervisor District 1	18%	24%
Republicans Ages 50+	17%	12%
Ages 75+	17%	10%
Republican Women	17%	9%
2+ Republican Households	17%	6%
Congressional District 18	16%	23%
Voters of Color	16%	20%
Visits Park a Few Times/Year	16%	15%
Mixed Partisan Households	15%	17%
Republicans	15%	17%
Single Republican Households	15%	7%
Women Ages 50+	14%	31%
Men Ages 18-49	14%	20%
Ages 18-29	14%	13%
Watsonville	14%	10%

Messaging

Environmental groups are seen as the most trusted advocates for the designation of the Cotoni-Coast Dairies

Does knowing that _____ support the creation of the Cotoni-Coast Dairies National Monument make you more likely or less likely to support its designation?



Fairbank, Maslin, Maullin, Metz & Associates – FM3

PUBLIC OPINION RESEARCH & STRATEGY

Q5.

Democrats show the strongest rates of support after positive messaging.

(Total Support)

Demographic Group	After Support Message	% of Sample
All Voters	**84%**	**100%**
Democrats Ages 18-49	94%	21%
Single Democrat Households	93%	33%
Democratic Women	92%	31%
Democrats	91%	56%
Democratic Men	91%	25%
Democrats Ages 50+	90%	35%
Visits Park a Few Times/Month	90%	27%
2+ Democrat Households	89%	17%
Whites	87%	72%
Visits Park Frequently	87%	71%
Ages 65-74	87%	17%
Visits Park a Few Times/Year	87%	15%
Scotts Valley	87%	5%
Use All/Mostly Cell Phone	86%	41%
Men Ages 50+	86%	28%
Santa Cruz	86%	24%
Congressional District 18	86%	23%
Supervisor District 5	86%	22%
Women Ages 18-49	86%	20%
Visits Park Once/Week	86%	17%
Ages 18-29	86%	13%

Q6. Having heard this, please tell me if you support or oppose the creation of the Cotoni-Coast Dairies National Monument?

Rare park users and Republicans show the most opposition after positive messaging.

(Total Oppose)

Demographic Group	After Support Message	% of Sample
All Voters	**9%**	**100%**
Rarely/Never Visits Park	24%	11%
Republican Men	19%	8%
2+ Republican Households	17%	6%
Republicans	16%	17%
Single Republican Households	16%	7%
Independent Men	15%	14%
Republicans Ages 50+	15%	12%
Latinos	13%	13%
Use All/Mostly Landline	12%	42%
Independents	12%	27%
Men Ages 18-49	12%	20%
Voters of Color	12%	20%
Independents Ages 18-49	12%	15%
Republican Women	12%	9%
Men	11%	48%
Men Ages 50+	11%	28%
Mixed Partisan Households	11%	17%
Ages 40-49	11%	15%
Independents Ages 50+	11%	12%

Q6. Having heard this, please tell me if you support or oppose the creation of the Cotoni-Coast Dairies National Monument?

District 3, Democrats, and Frequent Users show the strongest support after negative messaging.

(Total Support)

Demographic Group	After Opposing Message	% of Sample
All Voters	**72%**	**100%**
Supervisor District 3	80%	21%
Single Democrat Households	79%	33%
Visits Park More Than Twice/Week	79%	27%
2+ Democrat Households	79%	17%
Democrats	78%	56%
Democrats Ages 50+	78%	35%
Democratic Women	78%	31%
Visits Park Frequently	77%	71%
Visits Park a Few Times/Month	77%	27%
Democratic Men	77%	25%
Santa Cruz	77%	24%
Democrats Ages 18-49	77%	21%
Ages 50-64	76%	32%
Supervisor District 2	76%	21%
Ages 18-29	76%	13%
Whites	75%	72%
Men Ages 50+	75%	28%
Women Ages 18-49	75%	20%
Ages 65-74	75%	17%
Use Cell Phone/Landline Equal	75%	15%

Q7. Having heard this, please tell me if you support or oppose the creation of the Cotoni-Coast Dairies National Monument?

Latinos and all Voters of Color show an increase in opposition after negative messaging.

(Total Oppose)

Demographic Group	After Opposing Message	% of Sample
All Voters	**19%**	**100%**
Rarely/Never Visits Park	38%	11%
Latinos	30%	13%
Republican Men	29%	8%
Single Republican Households	29%	7%
Republicans Ages 50+	28%	12%
Voters of Color	27%	20%
Republicans	27%	17%
2+ Republican Households	27%	6%
Ages 75+	26%	10%
Mixed Partisan Households	25%	17%
Watsonville	25%	10%
Republican Women	25%	9%
Supervisor District 1	24%	24%
Men Ages 18-49	24%	20%
Independent Men	23%	14%
Supervisor District 4	23%	12%
Use All/Mostly Landline	22%	42%
Ages 65+	22%	27%

Q7. Having heard this, please tell me if you support or oppose the creation of the Cotoni-Coast Dairies National Monument?

Conclusions & Recommendations

Conclusions & Recommendations

- Voters overwhelmingly support the proposed Cotoni-Coast Dairies National Monument
  - 84% of voters support the proposed monument with 55% strongly supporting it
  - Voters have a very high opinion of national monuments, in general, with a 94% approval rating of these
- Therefore, it is extremely likely that a national monument designation will not be opposed, and will instead be strongly supported and welcomed by voters

Russell Begaye, Navajo Nation President
Testimony for the Legislative Hearing on HR 5780 "Utah Public Lands Initiative Act"
Held on September 14, 2016
U.S. House of Representatives Natural Resources Committee
Subcommittee on Federal Lands

On July 14, 2016, Congressman Rob Bishop (R-UT) introduced HR 5780, the Utah Public Lands Initiative Act (UPLI), which designates specified federal lands for certain uses within the San Juan County area as well as other provisions. The bill was cosponsored by Congressman Jason Chaffetz (R-UT) and was referred to the House Natural Resources Subcommittee on Indian, Insular and Alaska Native Affairs, and House Natural Resources Subcommittee on Federal Lands on August 4, 2016.

As it stands now, the Navajo Nation cannot support the bill for three reasons: 1) the negative impact it would have on Navajo Nation royalty revenues from oil and gas fields located on the Navajo reservation; 2) its negative effects on the resources within the Bears Ears region; and 3) the lack of tribal consultation on key provisions.

In the first instance, HR 5780 stands to reduce the Navajo Nation revenues. The bill would decrease the Navajo Nation's royalty revenues from its oil and gas leases located in the Aneth extension on the Navajo reservation from 62.5% to 37.5%. These revenue sources provide essential funds for government services, programs and projects that benefit the members of the Navajo Nation. In addition, we are unclear as to why a provision on the McCracken extension, located on the Navajo reservation, has been included in the language. Although the sponsors may have had public meetings in Utah, the Navajo Nation has not been consulted on the inclusion of these provisions in the bill. Therefore, because these provisions directly impact the Navajo Nation, they should not be included without the consent of the Navajo Nation and proper consultation with the Nation.

Second, HR 5780 would not provide enough protection of the Bears Ears as it would open the surrounding areas to recreation, public use and mining. Many Southwestern Native American tribes, including the Navajo, Hopi, Zuni, Acoma, Zia, Jemez Pueblos, the Ute Mountain, Southern and Uintah Ouray Utes, the San Juan, Kaibab, and Utah Paiute tribes and the Jicarilla Apache assert affiliation, ancestry, occupation and enduring use of the Bears Ears and surrounding areas. The region is also rich in cultural, scenic, ecological, archaeological and paleontological resources. It has many archaeological sites from multiple indigenous cultures that inhabited the region for more than 12,000 years. In fact, the Bears Ears region is the birthplace of the Navajo headman Manuelito. The region has many historic landmarks, historical trails, ruins, petroglyphs and paleontological resources. Members of the Navajo Nation and other tribes use the region and its plants and wildlife to sustain their traditional livelihood and their spiritual and cultural practices. As such, protection of the Bear Ears region is of paramount importance to the Navajo Nation and the neighboring tribal nations and the UPLI will not offer the same level of protection for the region as a national monument designation.

The UPLI may also introduce more uranium mines into the regions surrounding the Bears Ears. The Navajo Nation has a long history of suffering from the negative consequences of uranium extraction. During the Cold War, uranium was mined from Navajo, which contaminated the water table with radioactivity and affected tribal communities from uranium tailings that traveled downwind on the Navajo Nation. Many Navajo miners and other Navajos living within the mining areas suffered from the ill effects of radiation. Navajos are still dealing with the ill effects from uranium mining.

Because of the negative impact on our revenue, the lack of consultation, and the potential intrusion on the sacred area of Bears Ears, the Navajo Nation opposes the UPLI. The federal government has trust and treaty obligations to the Navajo Nation to protect its resources and the UPLI, in its current form, would undermine these obligations. There may have been many meetings leading to the development of the UPLI, however the language of the UPLI has only been recently presented to the public and there have been very few meetings to discuss its meaning, effects and alternatives. Along with the other supporting tribes of the Bears Ears Coalition, the Navajo Nation still supports the designation of Bears Ears as a national monument. The UPLI legislation has not changed this position. Therefore, we ask that you not support the UPLI. Thank you.

Page 2 of 2

FOR COMMITTEE USE ONLY

PO Box 338, Bluff, UT 84512

February 8, 2016

The Honorable Rob Bishop
123 Cannon House Office Building
Washington, DC 20540

The Honorable Jason Chaffetz
2464 Rayburn House Office Building
Washington, DC 20515

Dear Congressmen Chaffetz and Bishop:

The Public Lands Initiative has been an ambitious proposition from the beginning. As a local, on-the-ground nonprofit based in rural San Juan County, Friends of Cedar Mesa (FCM) shares your ambition for finding common ground and creative solutions. We are grateful for all the hard work your team has put into this project.

FCM sees an urgent need for protection of the Cedar Mesa area, as well as many surrounding areas rich in cultural/archaeological resources. With continued looting, increased visitation, spiraling user conflicts, and mired bureaucracy, this landscape just cannot go another 5 or 10 years without being protected. From the beginning, we have invested huge amounts of time into your locally driven, legislative solution. We attended every meeting of the San Juan County Lands Council and every public meeting on the PLI in San Juan County. While we cannot support the bill in its current form, we continue to believe congressional action has the potential to be the best way to find win-wins for conservation, recreation, and economic development.

Per your request, we are providing below a fairly lengthy and detailed list of concerns we have with the current "Discussion Draft" of the PLI. We commit to engaging in an honest, transparent dialogue with you in order to achieve creative solutions and real negotiation on these points. Throughout this process, we have intentionally refrained from "bashing" the PLI, which we've worked on for so long. While we do plan to share our concerns with our interested membership, we will continue to do so in a spirit of honesty and pragmatism.

Friends of Cedar Mesa will continue to work towards a PLI bill we can support. However, we are not willing to put the future of this landscape solely in the hands of Congress. We must pursue any possible

00074272-OS-BATCH001-DOC0005-REC-20240 Page 1 of 12

avenue to protect a landscape that should have been protected 100 years ago. As such, we will continue to urge the Administration to use all the tools it has available, including the Antiquities Act, to protect this place if the PLI legislation does not pass in a timely fashion.

Recommendations:

Critical archaeological and scenic resources in the Bluff area left out of the Bears Ears NCA

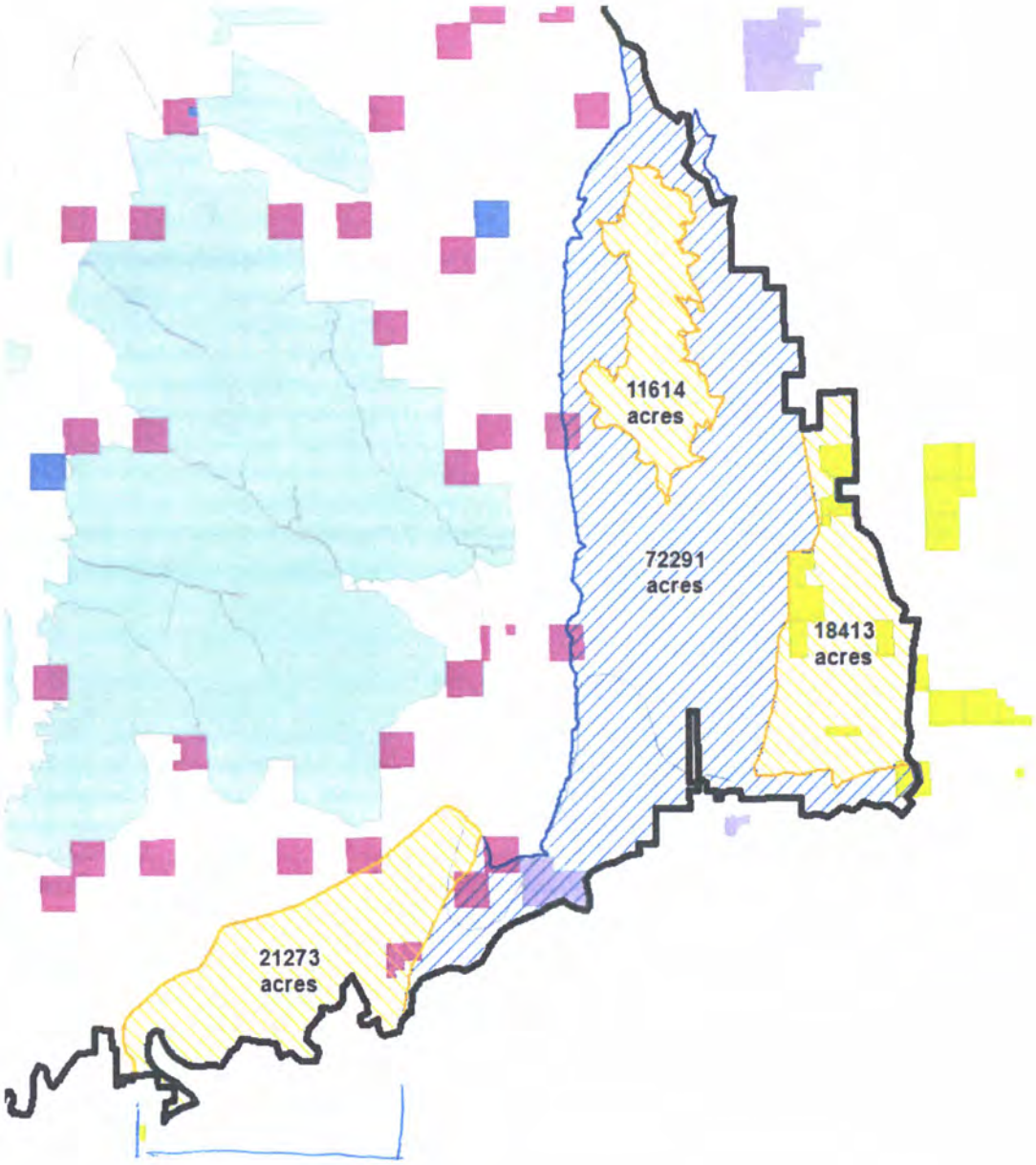
We believe all of the lands in the Tribal proposal for protection of the Bears Ears cultural landscape are deserving of permanent protection. However, we are most passionate and knowledgeable about the area surrounding Bluff that was left out of the NCA, specifically the San Juan River Corridor, Lower Comb Ridge, Tank Mesa and Cottonwood Wash. This is one of the most archaeologically important areas in all of San Juan County, including:

- The oldest rock art image in the United States
- Several of the largest and most significant rock art panels in Utah
- Four ancient Chacoan road segments
- Thousands of archaeological sites, including pueblos, kivas, cliff dwellings historic Navajo hogans and Ute tipi rings.
- The most significant Clovis archaeological site in Utah (earliest Americans on record - 13,000 BC)
- San Juan Hill, one of the most significant historical sites in the State of Utah
- Launch and campground for floating the San Juan River, an international river rafting destination

In the spirit of compromise, we could support a reduction in the acreage Friends of Cedar Mesa originally proposed in this area. We have attached a map and GIS shapefiles outlining a modest 72,291 (blue cross hatched area) acre addition to the Bears Ears NCA. Within this area, we would suggest trading out SITLA parcels as is contemplated in the rest of the NCA, consolidating them east of Highway 191. While it is heartbreaking for us to leave out such scenic areas as Chimney Rocks, Recapture Pocket, and Lime Ridge (yellow cross hatched areas on map), we also understand the political dynamics and want to find a reasonable compromise. This represents a 51,300 acre reduction to what we originally proposed in the Bluff area.

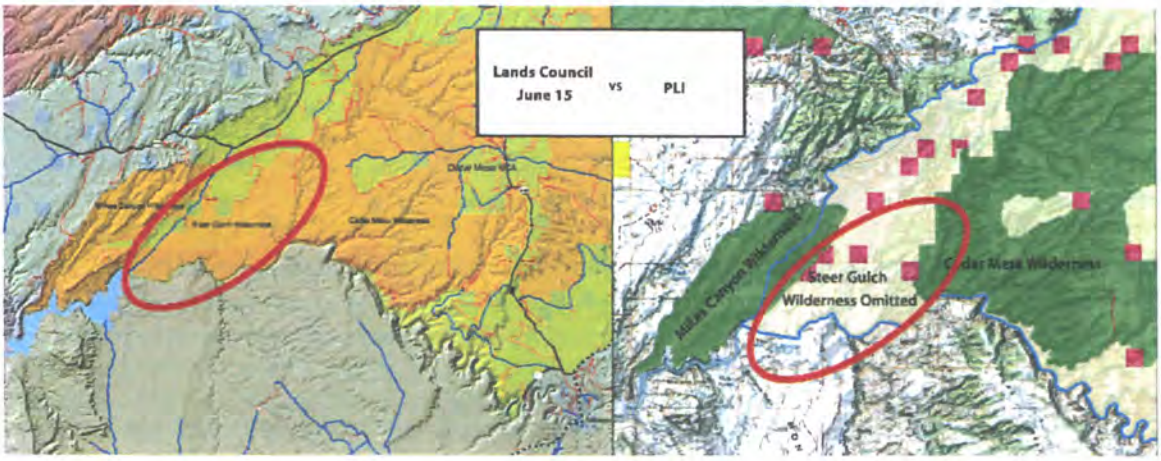
FCM is based in Bluff, and the Bluff Bench is literally our backyard. Unlike other communities in San Juan County that may have fears about federal designations, Bluff is very supportive of protections for the lands surrounding our town. We are passionate about protecting the archaeological resources and vistas in this vicinity, and we cannot support legislation that leaves out protection for this critical area.

(for map see next page)



Omission of the proposed Steer Gulch Wilderness area West of Grand Gulch

The San Juan County Lands Council unanimously supported expansion of wilderness on Cedar Mesa to include a relatively small but culturally significant area west of Grand Gulch, which we refer to as the Steer Gulch Wilderness Area. This area is previously managed to preserve its untrammeled, wilderness character and was included on the final San Juan County proposal of June 15th, 2015. We hope this area was unintentionally left out from the bill and will be added back in. The images below demonstrate the County June 15th proposal vs. the PLI wilderness.



Need planning alternative for responsible energy development near sensitive archaeological areas left out of NCA

San Juan County may well be the most archaeologically rich county in the United States. Understandably, it may not be politically feasible to protect all of the important archaeology in the county via inclusion in a National Conservation Area. However, failure to consider ways to preserve archaeological resources while allowing for well-planned energy development is a recipe for continued conflict and litigation, not the multi-use certainty the PLI seeks to achieve. Besides the area near Bluff mentioned above, other archaeologically rich areas need a planning process more rigorous than what resulted in the 2008 BLM Resource Management Plan (RMP).

For example, the Montezuma Canyon and Alkali Ridge area contain the four largest archaeological sites in Utah. There has been oil drilling in the area in the past (although often not well done from an archaeological preservation standpoint). We believe there are opportunities for drilling that do not impact cultural sites, utilize No Surface Occupancy stipulations and leverage horizontal drilling technologies.

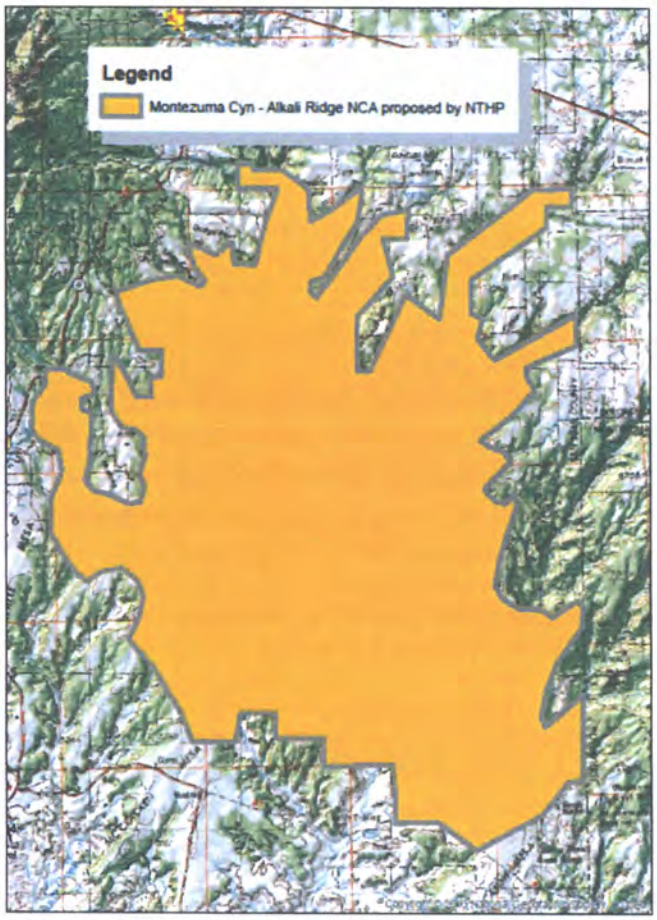
Similarly, the Allen Canyon and Chippean Ridge areas hold innumerable cliff dwellings and surface sites of deep importance to Native American people and archaeological research. Finally, the Moqui Canyon area has many documented sites of great archaeological importance.

From our participation in the Moab Master Leasing plan (as a Section 106 consulting party), we see that process as holding enormous potential for resolving conflict and allowing for win-win outcomes where energy development can move forward while preserving other key resources (like archaeology and recreational assets). Accordingly, we would urge you to remove from the bill language in Title XI, SEC. 1101 sub (a) preventing implementation of BLM Instructional Memorandum 2010-117.

Should removal of such language not be politically feasible, some other method of thoughtful planning for archaeology and energy development is needed to avoid decades of litigation under the National Historic Preservation Act and other applicable laws. This might be achieved by creating smart energy planning zones for the areas listed above, particularly in the Montezuma Canyon/Alkali Ridge area. One idea of a boundary in this area could be to utilize the area identified by the National Trust for Historic

Preservation (proposed as an NCA – *see map below*) for use as a "cultural resource sensitivity planning district" where the appropriate energy development with NSO and other BMP stipulations could be facilitated while protecting archaeology.

The bill doesn't allow for minimal, permanent road closure to protect cultural sites in NCAs and



Wilderness Areas

The legislation needs to allow for minimal closure of roads in order to protect cultural sites. We know of a small number of roads that go through archaeological sites where the current road is not appropriate. As this applies to the culturally-rich Bears Ears NCA, the language needs to be changed to reflect important cultural resource protection priorities, which may mean road closures. We are specifically concerned with Sec. 204 and suggest the language be changed to allow for minimal permanent road closure to protect endangered cultural resources.

Additionally, Sec. 204 on closure and rerouting is problematic for cultural resources, emergency service providers and land managers because it does not create or allow for a mechanism to expediently temporarily close or reroute a road in an emergency situation. There can be situations where personal life safety or archaeology are threatened, and an immediate land management response should not be limited by the temporary closure process outlined in the bill.

Language on R.S. 2477 Road Claims being disallowed in NCAs and Wilderness is not sufficiently clear

Title XII Sec. 1201 on Long-Term Travel management as it currently reads is not clear that R.S. 2477 claims would be dropped in newly created National Conservation Areas and wilderness. We would very much support such a provision, which is necessary to preserve the natural and cultural values in wilderness and NCAs. Unfortunately, the current language lacks clarity and has the potential to cause land management conflicts down the road.

> *Suggested language:* (a) IN GENERAL.— Subject to valid existing rights and consistent with this section, the Secretary of the Interior shall grant a right-of-way to the state for public travel and access upon the following roads:
>
> ... (2) all roads claimed as Class D highways identified as rights-of-way in judicial actions in the federal court system as of January 1, 2016, in Uintah, Summit, Duchesne, Carbon, Emery, Grand, and San Juan counties, except for R.S. 2477 claimed Class D highways that pass through United States Forest Service or National Forest System lands, Bureau of Land Management lands designated as National Conservation Lands including lands designated as wilderness or National Conservation Area under this Act, ~~by Congress as wilderness~~, excluding those roads which are cherry-stemmed, ~~including lands designated as wilderness or National Conservation Area under this Act, or~~ and lands designated by Congress as a-National Park as of the date of enactment of this Act.

An important caveat about the cherry stem language is that the current PLI maps show many roads that are not currently on management plans and should not be included in this bill (or on cherry stem maps).

Outside of NCA and wilderness areas, we see the county and state receiving a large "win" from their perspectives. However, FCM is not supportive of the blanket granting to counties of Class D roads on roads with significant cultural resource implications. For example, we know of one road outside of the NCA that completely bisects a large 12th century Pueblo site.

Bears Ears NCA commission fails to elevate tribal interests or include important stakeholders

Friends of Cedar Mesa will not attempt to speak for Native Americans regarding the interaction of sovereign tribal nations and the Federal government in land management. However, the proposed commission with two tribal representatives, one county representative and one state representative clearly falls short of providing adequate representation for Tribal interests. FCM has worked with Navajo, Ute, Hopi, Zuni and the New Mexico Pueblos on the land in the Cedar Mesa Area. All have important perspectives in managing these lands and the cultural resources they hold. FCM believes sovereign nations should be engaged in a more direct and empowered way than tribes have been engaged in the past. Many key issues facing archaeological resources can and will only be solved by

unprecedented tribal leadership. Out of respect for tribes, we will not attempt to propose language or a structure here. However, we urge the creation of a mechanism for tribal leadership that is not watered down by being mixed in with more standard "stakeholder" participation and collaboration.

On the topic of stakeholders, the bill does not provide for the involvement of important stakeholders, such as archaeologists, local conservation groups, human-powered recreationists, motorized recreationists, hunters, guides and outfitters, or ranchers. We encourage your offices to include language designating key stakeholders to participate in an advisory role in building the management plan for the NCA. Model processes for engagement of stakeholders in management planning have occurred in nearby communities, such as for the NCAs near Grand Junction, Colorado.

The bill fails to protect the internationally significant San Juan River as a Wild & Scenic River

Wild & Scenic River designation for sections of the San Juan River were noticeably absent from the bill, despite the fact that these sections have been found suitable by the BLM for a designation based on their inarguable aesthetic and recreational qualities. Three particular sections of the San Juan River qualify as Recreational river areas or Wild river areas within the National Wild and Scenic Rivers System, which would offer protection for the river and riparian zone.

Specifically, the San Juan River from River Mile 9 to River Mile 23, and from River Mile 28 to River Mile 45 should be designated as Wild River Areas, as was determined in the BLM's assessment *Eligible Rivers for Suitability Study in the Wild and Scenic Process*, signed July 2, 2009. The section of the San Juan River from River Mile 23 to River Mile 28 was found suitable as a Recreational river area in the aforementioned study.

> *Suggested added language:* Title 6 Sec. 601(a)...(xxx) SAN JUAN RIVER. The following segment(s) in the State of Utah, to be administered by the Secretary of the Interior as follows:
>
> (A) The approximately 14 mile segment from River Mile 9 to River Mile 23 above Mexican Hat formation as a wild river.
> (B) The approximately 5 mile segment from River Mile 23 to River Mile 28 as a recreational river.
> (C) The approximately 17 mile segment from River Mile 28 to River Mile 45 in the Glen Canyon NRA as a wild river.

Transfers of ownership of the entire Hole-in-the-Rock Trail corridor to San Juan County, creating the possibility of incompatible uses with surrounding federal lands

We do not support the transfer of the Hole-in-the-Rock Trail away from managing agencies to the County. This trail is of both local and national historic significance and would be best managed as a National Historic Trail. By joining the National Trails System, this trail would continue to be managed in the context of the surrounding landscape (e.g. motorized use on existing roads and foot access in wilderness areas) while being afforded the national historical recognition it deserves. We suggest that a Trail Management Advisory Committee be established in order to encourage the participation of living descendants of the original Hole-in-the-Rock pioneers, land managers, conservation groups, non-profits and local government in the management of the National Historic Trail designation. We also encourage involvement and/or leadership on the part of the Hole-in-the-Rock Foundation.

Currently, the Hole-in-the-Rock Trail is managed by land management agencies for Heritage Tourism in consultation with Utah State Historic Preservation Office and Native American tribes, as well as interested stakeholder groups. A National Historic Trail designation would elevate its historical status and offers a management solution that listens to diverse input from local stakeholders.

In addition to a National Historic Trail designation, the management of the Hole-in-the-Rock trail requires more funding in order to determine and demarcate the actual route and its corridor. The map of the trail presented in the bill contains numerous errors, since some of the route remains unknown or uncertain in areas.

> *Suggested language:* Remove from Title VI Sec. 601. Land Conveyances: ~~(12) HOLE-IN-THE-ROCK TRAIL. The approximately 694 acres of land generally depicted on the map entitled Utah PLI Land Conveyances Map and dated ____, as "The Hole in the Rock Trail", to San Juan County, Utah for use as an outdoor recreation and historical trail.~~
>
> *Add to the bill language reflecting a National Historic Trail designation*: This Act adds to the National Historic Trail System the corridor known as "The Hole-in-the-Rock Trail" to be managed as a historic trail and to remain in the management of current land managers. This Act further establishes a Hole-in-the-Rock Historic Trail Management Advisory Committee to advise land managers on the administration of the trail. Living descendants of the original Hole-in-the-Rock pioneers, conservation groups, non-profits, local government and other stakeholders will work collaboratively as members of the Committee to promote cultural and historic values in the management and administration of the trail.

Only allows acquisition to wilderness, NCA and Wild & Scenic Rivers by donation and exchange, ignoring a realistic market for conservation parcels

Section 108, Section 203 and Section 601 currently only allow acquisition of land within the boundaries of wilderness and NCAs by donation or exchange. There are important conservation parcels within proposed NCAs and Wilderness in San Juan County that would be wise investments for tax payers particularly given that programs like the Land and Water Conservation Fund typically leverage federal dollars many times with private dollars. Several local landowners have no interest in a trade and would be unwilling to donate their property outright but would be happy to sell at a reasonable price or even below market value.

> *Suggested language:* Sec. 203(d)(a)(1) IN GENERAL.—The Secretary of the Interior may acquire land or interest in land within the boundaries of the National Conservation Areas designated by section 201 only by purchase involving at least 70% private dollars, donation or exchange.

Transfers land near Bluff to San Juan County for potential use as an ATV trail or sewer facility, when these local decisions would be best made by Bluff residents

Sec. 601(a)(21) of the bill suggests the transfer of 177 acres of the "Bluff River Recreation Area" to the County for recreational and municipal facilities. Not only would this decision be opposed to by many Bluff residents, it would be usurping their local say and control.

Instead, this 177-acre parcel would be best transferred to the Bluff Service Area (BSA) so that decision making and control regarding a proposed recreation trail and municipal facilities is kept local. Municipal facilities, including a sewage treatment plant, may be in Bluff's future but should be decided by the BSA - not County Commissioners.

After almost two decades of planning, a dedicated committee of Bluff residents has succeeded in working with adjacent private landowners to donate/sell parcels for access and easements to create to San Juan River Trail that would run through the 177-acre parcel. The committee also recently completed a Memorandum of Understanding that includes the BLM, the Grand Canyon Trust, the Bluff Historic Preservation Association and adjacent private landowners, to construct, improve and manage the trail. This land transfer could complicate the years of collaborative work the town has put into organizing a trail that could have positive tourism and economic, not to mention recreational, impacts for the town and businesses.

> *Suggested language:* (21) BLUFF RIVER RECREATION AREA. - The approximately 177 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Bluff River Recreation Area," to ~~San Juan County~~ the Bluff Service Area Board of Trustees, for use as recreation and municipal facilities.

Transfers ownership of the Bluff airport, including a large surrounding area running all the way from Highway 163 to the San Juan River to San Juan County

We are perplexed as to the need to transfer the large sum of 1,406 acres to San Juan County for the Bluff Airport, which currently sits on less than 100 acres. Three hundred acres is more than enough for the future needs of the Bluff airport. In no foreseeable future would the County need 1,400 acres to manage and administer the Bluff airport. The land running north and south of the airport that is not associated with the facilities and airstrip should remain under the management of the BLM.

> *Suggested language:* (9) BLUFF AIRPORT.—The approximately ~~1,406~~ 300 acres immediately surrounding the Bluff Airport, generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Bluff Airport," to San Juan County, Utah, for a municipal airport.

Grazing in wilderness and NCAs receives a higher level of protection than in other BLM areas, with no leeway for management to protect cultural resources or respond to long-term droughts

Language in the bill prioritizes the protection of grazing over land and ecological health in new Wilderness and NCAs. Unlike other NCA bills that allow for the continuation of existing uses, this bill mandates AUMs to be continued at existing levels or increased. This ignores the increasing likelihood of long-term droughts in the area and the realities on the ground of continuing damage to cultural resources by cattle at sensitive archaeological sites.

We do not support weakening the provisions of the 1964 Wildness Act, which provide for reasonable access to grazing improvements.

While we understand the interest of local ranching families to continue their operations within the NCA and wilderness, the grazing section should include language that would allow for voluntary retirement of grazing permits (or portions of permits near archaeological sites) by willing sellers who agree to compensation provided by private parties (per language in other bills and the Rural Economic Vitalization Act).

Exemption of plant and animal viability requirements of section 219 of title 36 contradicts the US Forest Service's sustainable multiple-use mandate

With regards to grazing administration in the wilderness, NCA and SMA sections of the draft (see Title I Wilderness Section 103(d)(3), Title II National Conservation Areas Sec. 204(d)(3) and Title II Special Management Areas Sec. 303 (g)(3)) and elsewhere in the working draft, grazing on Forest Service lands is exempt from being managed in accordance with plant and animal ecological sustainability imperatives set forth in section 219 of title 36. This significant planning chapter requires the evaluation of species diversity and ecological conditions that, if ignored, would compromise the ecological integrity of ecosystems upon which grazing depends.

Suggested language: Remove all section 219 exemption language from the legislation.

The National Conservation Area administration section fails to promote recreation or secure access for recreation

Suggested language: Add to Section 204 (x) RECREATION.—The Secretary shall continue to authorize, maintain, and enhance the recreational use of the conservation area, including hunting, fishing, camping, hiking, backpacking, cross-country skiing, hang gliding, paragliding, rock climbing, canyoneering, sightseeing, nature study, horseback riding, mountain biking, rafting, motorized recreation on authorized routes, and other recreational activities, so long as such recreational use is consistent with the purposes of the conservation area, this section, other applicable law (including regulations), and applicable management plans.

The bill does not explicitly maintain recreational access at the North and South Six-Shooter Peaks

The Dugout Ranch Transfer provision of the bill was a completely new idea to us, which we would need to hear much more detail about before feeling comfortable with the idea. The current language granting several thousands acres of land including the North and South Six-Shooter Peaks to the Utah State University for research neglects to specify the purpose and need of this land transfer, nor does it guarantee continued recreational access, including rock climbing, to these famous climbing destinations. We also wonder who would patrol this remote area to ensure protection of cultural sites and protection of the natural environment. Finally, we are concerned about the construction of buildings and facilities in this area known for its scenic and wild values.

Native American Economic Development Provisions

No details have been publically released for this title. We would support transfer of mineral rights to the Utah Navajo Trust Land for lands in the McCracken Mesa area. However, we would need to see details around the "land transfers on the San Juan River" language before we could support such provisions. The San Juan River is an international destination for river runners, and changes in ownership near the river should be carefully studied.

Mapping Data Clarifications/Errors

1. Several private parcels in the Cedar Mesa area are inappropriately labeled as being SITLA parcels where SITLA would maintain surface rights but trade out minerals.
2. Several key disputed roads (closed in the 2008 RMP or non-existent on the ground) are shown on the PLI maps with the label "Roads to be added – closed in RMP." These mapped roads are inconsistent with what we believed to be the proposal for not granting R.S. 2477 rights on roads within wilderness or NCA areas. A number of these roads, if reopened, would be very problematic for cultural resource preservation and would dramatically impact the wilderness experience. At least one of these roads was driven on illegally during a recent grave-robbing incident.
3. The Hole in the Rock Trail data is grossly inaccurate, in some cases putting the trail miles from its actual route. See our comments above concerning the need for research into the actual route and our proposal for this trail to be given the recognition it deserves as a National Historic Trail.

Language concerning future National Monument designations

As we noted above, there are very important archaeological areas, with true antiquities, that are left out of protection as an NCA or wilderness area, and we have only commented on areas of direct concern to San Juan County (other counties are not in our mission). If other tools, such as Master Leasing Plans, cannot protect critical areas, such as Montezuma Canyon, we cannot support a permanent exemption from the Antiquities Act. We would be willing to consider giving the NCA and other agency management tools ten years to see if it results in the balance of protection needed. However, if antiquities are being threatened by irresponsible development, we may be forced to advocate for national monument additions or new unit creations in the future.

Conclusion

We know these FCM comments and concerns represent a small portion of those you're receiving on this bill. We hope you will consider addressing these issues so a PLI bill can be introduced that we can support. We'd welcome further discussion on the points we've raised and are happy to answer any questions you might have. We understand it's an enormous task to compile all the feedback and draft a bill that might find the right balance necessary to gain the support of the Senate and the President.

We respectfully request your consideration of FCM's recommendations for the inclusion in final legislation. We would like nothing more than to be able to support the final version of this bill. Thank you again for the opportunity to participate in the process.

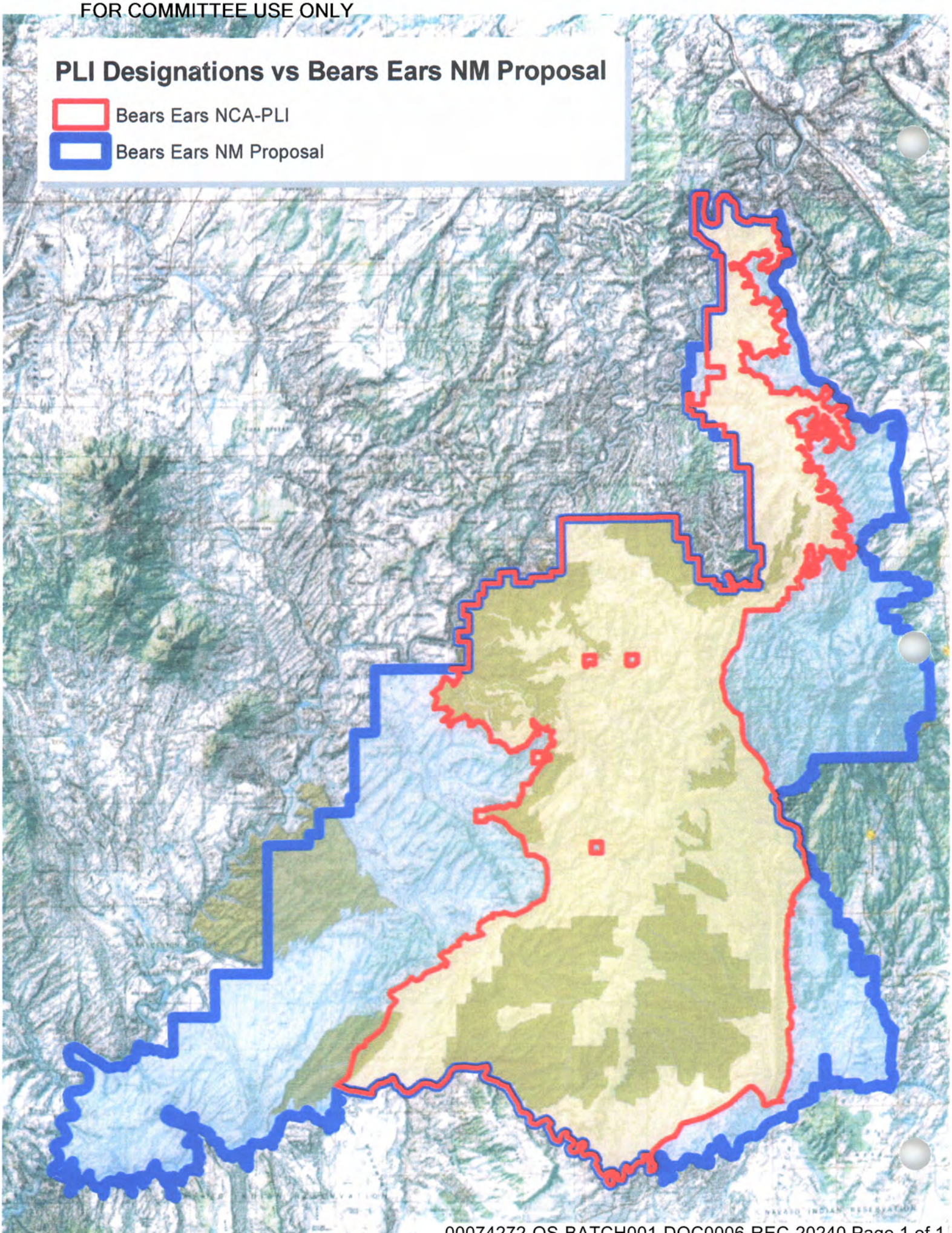
Sincerely,

Josh Ewing
Executive Director
Friends of Cedar Mesa

Vaughn Hadenfeldt
Board President
Friends of Cedar Mesa

Cc:
Senator Mike Lee
Senator Orin Hatch

FOR COMMITTEE USE ONLY



Wednesday, July 13, 2016

Washington, DC → Salt Lake City, UT → Castle Dale, UT → Moab, UT

6:05am EDT-
8:43am MDT: **Wheels up Washington, DC (BWI) en route Salt Lake City, UT (SLC)**

Flight:	Delta 2560
Flight time:	4 hours 38 minutes
SJ Seat:	16A (exit row, window seat, 7th row, 3-seat row)
(b) (6), (b) (7)(C)	[redacted]
Staff:	Neil Kornze, Nikki Buffa, Jessica Kershaw, Liz Pardue
Wifi:	Available
NOTE:	*TIME ZONE CHANGE EDT to MDT (-2 hours)*

8:43-9:00am MDT: **Wheels down Salt Lake City International Airport (SLC)** *(~15 minutes to vehicle)*

Location:	776 North Terminal Drive Salt Lake City, UT 84122
Note:	(b) (6), (b) (7)(C) [redacted] *and the Governor's Detail will escort to private Meeting space in airport*

9:00-10:00am MDT: **Meeting with Governor Herbert**

Location:	TBD Conference Room - Salt Lake City International Airport
Participants:	**SJ** **Gary Herbert**, Governor of Utah **Justin Harding**, Chief of Staff to the Governor **Cody Stewart**, Washington D.C. Liaison to the Governor **Nikki Buffa**, Deputy Chief of Staff, DOI
Press:	Closed
Staff:	Nikki Buffa
Set-up:	Conference table
Note:	*Jenna Whitlock will meet Motorcade staged at airport*

10:00am-1:00pm MDT: **Depart Salt Lake City International Airport en route Emery County Commission**

Location:	75 E Main Street Castle Dale, UT 84513
(b) (6), (b) (7)(C)	[redacted]
Drive time:	~ 2 hours 30 minutes without traffic
Note:	*Will stop for quick sandwich lunch en route to Castle Dale (30 minutes)*

1:00-1:45pm MDT: **Meeting with Emery County Commissioners**

Location:	Main Conference Room - 2nd Floor
Participants:	**SJ** **Keith Brady,** Chairman, Emery County Commission **Paul Cowley**, Emery County Commission **Ethan Migliori**, Emery County Commission **Ray Peterson**, Administrator, Emery County Public Lands **Rod Player**, Chair, Emery County Public Lands Council **Dr. Edward Geary**, Vice Chair, Emery County Public Lands Council **Randy Johnson**, Legislation Consultant, Emery County Public Lands **Fred Ferguson**, Office of U.S. Congressman Jason Chaffetz (UT-3) **Casey Snider**, Office of U.S. Congressman Rob Bishop (UT-1) **Ron Dean**, Office of U.S. Senator Orrin Hatch (UT) **Neil Kornze**, Director, BLM **Nikki Buffa**, Deputy Chief of Staff, DOI

Jenna Whitlock, Acting State Director, BLM-Utah
Ahmed Mohsen, Field Manager, BLM-Utah
Cody Stewart, Governor Herbert Staff

Press: Open
Staff: Nikki Buffa, Jessica Kershaw, Liz Pardue
Advance: Francis Iacobucci
Set-up: Conference table

Format:

- Keith Brady will welcome attendees and call the meeting to order; introduce himself and other Commissioners and County Officials; ask Secretary Jewell to say a few words
- SJ will say a few words; introduce her staff
- Open dialogue

2:00-5:00pm MDT: **Driving Tour of San Rafael Swell**

Location: San Rafael Swell

(b) (6), (b) (7)(C)

Other Participants:

Fred Ferguson, Office of U.S. Congressman Jason Chaffetz (UT-3)
Casey Snider, Office of U.S. Congressman Rob Bishop (UT-1)
Ron Dean, Office of U.S. Senator Orrin Hatch (UT)
Jenna Whitlock, Acting State Director, BLM-Utah
Cody Stewart, Governor Herbert Staff
Brad King, State Representative (UT-69)
Clif Koontz, Ride with Respect
Sue Bellagamba, The Nature Conservancy
Brent Tanner, Utah Cattlemen
Lowell Braxton, Western Energy Alliance

Vehicle Manifest:

(b) (6), (b) (7)(C)

5:00-6:30pm MDT: **Depart San Rafael Swell Tour en route Grand County Council**

Location: 125 E Center St
Moab, UT 84532

(b) (6), (b) (7)(C)

Drive time: ~1 hour 30 minutes without traffic

6:30-7:15pm MDT: **Meeting with Grand County Council**
Location: Main Chambers - 1st Floor
Participants: **SJ**
Elizabeth Tubbs, Grand County Council Chair
Mary McGann, Grand County Council Member
Mr. Lynn Jackson, Grand County Council Member
Chris Baird, Grand County Council Member
Fred Ferguson, Office of U.S. Congressman Jason Chaffetz (UT-3)
Casey Snider, Office of U.S. Congressman Rob Bishop (UT-1)
Ron Dean, Office of U.S. Senator Orrin Hatch (UT)
Neil Kornze, Director, BLM
Jenna Whitlock, Acting State Director, BLM-Utah
Beth Ransel, BLM Acting District Manager
Cody Stewart, Governor Herbert Staff
Nora Rasure, Regional Forester, U.S. Forest Service
Mark Pentecost, Forest Supervisor, Manti La-Sal
Press: Open
Staff: Nikki Buffa, Jessica Kershaw, Liz Pardue
Advance: Francis Iacobucci
Set-up: Large Conference Table (public will fill in around; overflow will be In hallway

Format:
- Chair Tubbs will open the meeting and say a few words; introduce other Council members; ask SJ to give brief statement
- SJ will make brief remarks; ask staff to introduce themselves
- Open Dialogue

7:15-7:45pm MDT: **Casual Dinner**

7:45pm MDT: **Arrive RON (Moab, UT)**
Location: Hampton Inn Moab
488 N Main Street
Moab, UT
Breakfast: Complimentary starting at 6:00am
Gym: Open until 11:00pm (key access)
Wifi: Complimentary (upgrade for $4.95/day)

Thursday, July 14, 2016
Moab, UT → Monticello, UT

6:35-6:55am MDT: **Depart RON en route Canyonlands Field Airport**
Location: Canyonlands Field Airport
US-191
Moab, UT 84532
(b) (6), (b) (7)(C)
Drive time: ~20 minutes without traffic

7:00-9:30am MDT: **Visit Canyonlands Field Airport and Driving Tour of "Big Flat"**
Location: Canyonlands Field Airport
Participants: **SJ**
Fred Ferguson, Office of U.S. Congressman Jason Chaffetz (UT-3)

Casey Snider, Office of U.S. Congressman Rob Bishop (UT-1)
Ron Dean, Office of U.S. Senator Orrin Hatch (UT)
Neil Kornze, Director, BLM
Nikki Buffa, Deputy Chief of Staff, DOI
Jenna Whitlock, Acting State Director, BLM-Utah
Beth Ransel, BLM Acting District Manager
Cody Stewart, Governor Herbert Staff
John Andrews, SITLA
Dave Ure, SITLA
Ashley Korenblat, Public Land Solutions

Vehicle Manifest:

(b) (6), (b) (7)(C)

Format:

- Meet and greet at Canyonlands Field Airport; depart en route Dubinky Well road turnoff to view SITLA "trade-in" lands to the north; continue south on 313, turn off on Gemini Bridges Road (5 miles gravel), to Gemini Bridges parking area, with 400 yard walk down to the natural bridges, to view the combination of oil & gas and recreation activity; then drive to Dead Horse Point (available restrooms); Return to Canyonlands Field Airport

10:00-11:00am MDT: **Depart Canyonland Field Airport en route Donnelly Canyon Parking Area**

Location: Donnelly Canyon Parking Area

(b) (6), (b) (7)(C)

Drive time: ~ minutes without traffic

11:00-1:00pm MDT: **Driving Tour of Indian Creek Area**

Location: Donnelly Canyon, and Newspaper Rock

Participants: **SJ**
Fred Ferguson, Office of U.S. Congressman Jason Chaffetz (UT-3)
Casey Snider, Office of U.S. Congressman Rob Bishop (UT-1)
Ron Dean, Office of U.S. Senator Orrin Hatch (UT)
Neil Kornze, Director, BLM
Nikki Buffa, Deputy Chief of Staff, DOI
Jenna Whitlock, Acting State Director, BLM-Utah
Beth Ransel, BLM Acting District Manager
Don Hoffheins, Field Manager, BLM-Utah
Don Simonis, Archaeologist, BLM-Utah
Cody Stewart, Governor Herbert Staff
Jason Keith, Access Fund
Ryan Bidwell, Conservation Lands Foundation

Matt Keller, The Wilderness Society

Vehicle Manifest:

(b) (6), (b) (7)(C)

Format:

- (11:15-11:45am) Stop at Donnelly Canyon to discuss technical rock climbing, improvements, and visit with partners
- (11:45-11:55am) Drive to Dugout Ranch
- (11:55am-12:30pm)Stop for lunch at Dugout Ranch
- (12:30-12:45pm) Drive to Newspaper Rock
- (12:45-1:00pm) Visit Newspaper Rock

1:15-2:00pm MDT: **Depart Dugout Ranch en route Hideout Community Center**

Location: 648 South Hideout Way
Monticello, UT

(b) (6), (b) (7)(C)

Drive time: ~ 40 minutes without traffic

2:00-2:45pm MDT: **Meet with San Juan County Commissioners**

Location: Main Meeting Space - 1st Floor

Participants: **SJ**
Phil Lyman, Chairman, San Juan County Commission
Bruce Adams, Commissioner, San Juan County Commission
Rebecca Benally, Commissioner, San Juan County Commission
Kelly Pherson, Administrator, San Juan County Commission
Fred Ferguson, Office of U.S. Congressman Jason Chaffetz (UT-3)
Casey Snider, Office of U.S. Congressman Rob Bishop (UT-1)
Ron Dean, Office of U.S. Senator Orrin Hatch (UT)
Cody Stewart, Governor Herbert Staff
Neil Kornze, Director, BLM
Jenna Whitlock, Acting State Director, BLM-Utah
Don Hoffheins, Field Manager, BLM-Utah
Robert Bonnie, Under Secretary Natural Resources and Environment, USDA
Leslie Jones, Deputy Under Secretary Natural Resources and Environment, USDA
Dan Jiron, Associate Chief, Forest Service
Glenn Casamassa, Associate Deputy Chief National Forest System
Nora Rasure, Regional Forester, U.S. Forest Service
Mark Pentecost, Forest Supervisor, Manti La-Sal

Press: Open

Staff: Nikki Buffa, Jessica Kershaw, Liz Pardue
Advance: Francis Iacobucci
Set-up: Chairs in semi circle
Format:

- Phil Lyman will open meeting with remarks; introduce commissioners; ask SJ to offer remarks
- SJ will offer brief remarks; introduce staff
- Open Dialogue

3:00-4:00pm MDT: **Meet with Ka'yelli Dine // Blue Mountain Dine Representatives**
Location: Main Meeting Space - 1st Floor
Participants: **SJ**
Kelsey Berg, Office of U.S. Congressman Jason Chaffetz (UT-3)
Casey Snider, Office of U.S. Congressman Rob Bishop (UT-1)
Ron Dean, Office of U.S. Senator Orrin Hatch (UT)
Cody Stewart, Governor Herbert Staff
Neil Kornze, Director, BLM
Jenna Whitlock, Acting State Director, BLM-Utah
Robert Bonnie, Under Secretary Natural Resources and Environment, USDA
Leslie Jones, Deputy Under Secretary Natural Resources and Environment, USDA
Dan Jiron, Associate Chief, Forest Service
Glenn Casamassa, Associate Deputy Chief National Forest System
Nora Rasure, Regional Forester, U.S. Forest Service
Mark Pentecost, Forest Supervisor, Manti La-Sal
Cody Stewart, Governor Herbert Staff
Byron Clarke, Vice President, Blue Mountain Dine
Press: Open
Staff: Nikki Buffa. Jessica Kershaw, Liz Pardue
Advance: Francis Iacobucci
Set-up: Chairs in semi circle
Format:

- U/S Bonnie will welcome representatives from both Blue Mountain Dine and Ka'yelli Dine and off them time for remarks
- Open Dialogue

4:00-4:05pm MDT: **Depart Hideout Community Center en route BLM Field Office**
Location: 365 North Main Street
Monticello, UT 84535
(b) (6), (b) (7)(C)
Drive time: ~5 minutes without traffic

4:15-4:45pm MDT: **Visit BLM Field Office // Meeting with Employees**
Location: Main Conference Room - 1st Floor
Participants: **SJ**
Neil Kornze, Director, BLM
Jenna Whitlock, Acting State Director, BLM-Utah
Attendees: ~20-30 BLM employees from Monticello and Moab field offices
Press: Closed
Staff: Nikki Buffa. Jessica Kershaw, Liz Pardue
Advance: Francis Iacobucci
Set-up: Conference Table

Format:

- Neil will say a few words and introduce SJ
- SJ will say a few words
- Open dialogue

4:45-5:15pm MDT: **Depart Hideout Community Center en route Recapture Canyon**

Location: Recapture Canyon

(b) (6), (b) (7)(C)

Drive time: ~30 minutes without traffic

5:15-7:45pm MDT: **Hike into Recapture Canyon**

Location: Recapture Canyon
Participants: **SJ**
Neil Kornze, Director, BLM
Jenna Whitlock, Acting State Director, BLM-Utah
Don Hoffheins, Field Manager, BLM-Utah
Press: Closed
Staff: Nikki Buffa, Jessica Kershaw, Liz Pardue
Advance: Francis Iacobucci

7:45-8:15pm MDT: **Depart Recapture Canyon en route Team Dinner**

Location: The Peace Tree
516 North Main Street
Monticello, UT 84535

(b) (6), (b) (7)(C)

Drive time: ~30 minutes without traffic

8:15-9:00pm MDT: **Team Dinner (Monticello, UT)**

Location: The Peace Tree
516 North Main Street
Monticello, UT 84535
Staff: Don Hoffheins
Neil Kornze
Jenna Whitlock
Nikki Buffa
Francis Iacobucci
Kerry McNellis
Jessica Kershaw
Liz Pardue
(b) (6), (b) (7)(C)

Note: Reservation for 12 people under "Kerry". During dinner, Kerry will take credit cards for travelers to check-in to hotel (cc needed for check-in).

9:00pm MDT: **Arrive RON**

Location: Inn at the Canyons
533 North Main Street
Monticello, UT 84535

Friday, July 15, 2016
Monticello, UT

Notes: Eat a hearty breakfast before leaving the hotel.
Everyone needs: *sunscreen, sunglasses, at least 2 liters of water, snacks as needed, cash for lunch (less than $20), lightweight clothing, hat, a change of clothes for evening reception (if you would like one).*

6:45-8:45am MDT: **Depart RON en route Moon House Ruin Parking Area**
Location: Moon House Ruin Parking Area
(b) (6), (b) (7)(C)
Drive time: ~2 hours without traffic
Note: There will be a stop at Kane Gulch Ranger Station for a bathroom break
Note: Press, external partners will arrive independently

8:45-9:30am MDT: **Hike to Moon House Ruin Site**
Location: Moon House Ruin Trail
Participants: **SJ**
Larry Roberts, Acting Assistant Secretary for Indian Affairs, DOI
Jon Jarvis, Director, NPS
Neil Kornze, Director, BLM
Nikki Buffa, Deputy Chief of Staff, DOI
Don Hoffheins, Field Manager, BLM-Utah
Scott Edwards, Archaeologist, BLM-Utah
Kelsey Berg, Office of U.S. Congressman Jason Chaffetz (UT-3)
Casey Snider, Office of U.S. Congressman Rob Bishop (UT-1)
Ron Dean, Office of U.S. Senator Orrin Hatch (UT)
Cody Stewart, Governor Herbert Staff
Josh Ewing, Executive Director, Friends of Cedar Mesa
Brian O'Donnell, Executive Director, Conservation Lands Foundation
Jessica Kershaw, Press Secretary, DOI
(b) (6), (b) (7)(C)
Press: Open (targeted invites)
Staff: Nikki Buffa, Jessica Kershaw
Advance: None
Set-up: Rigorous, steep hike down to Moon House Ruin
Format:
- Don Huffheins and Scott Edwards will lead the hike down to the ruins.

9:30am-12:00pm MDT: **Moon House Ruin Site Tour // Sack Lunch**
Location: Moon House Ruin
Participants: **SJ**
Larry Roberts, Acting Assistant Secretary for Indian Affairs, DOI
Jon Jarvis, Director, NPS
Neil Kornze, Director, BLM
Nikki Buffa, Deputy Chief of Staff, DOI
Don Hoffheins, Field Manager, BLM-Utah
Scott Edwards, Archaeologist, BLM-Utah
Kelsey Berg, Office of U.S. Congressman Jason Chaffetz (UT-3)

Casey Snider, Office of U.S. Congressman Rob Bishop (UT-1)
Ron Dean, Office of U.S. Senator Orrin Hatch (UT)
Cody Stewart, Governor Herbert Staff
Josh Ewing, Executive Director, Friends of Cedar Mesa
Brian O'Donnell, Executive Director, Conservation Lands Foundation
Jessica Kershaw, Press Secretary, DOI
(b) (6), (b) (7)(C)

Press: Open (targeted invites)
Staff: Nikki Buffa, Jessica Kershaw
Advance: None
Set-up: No more than 25 people can hike into ruin. DOI will provide sack lunches purchased through the Secretary's Representation Fund.

Format:

- Don Huffheins and Scott Edwards will provide information about the ruins.
- Tour of the three separate ruin sites that make up Moon House Ruin.
- Following the second ruin site, the group will stop for a picnic lunch.

12:00-1:00pm MDT: **Hike to Moon House Parking Area**

Location: Moon House Ruin Trail
Participants: **SJ**
Larry Roberts, Acting Assistant Secretary for Indian Affairs, DOI
Jon Jarvis, Director, NPS
Neil Kornze, Director, BLM
Nikki Buffa, Deputy Chief of Staff, DOI
Don Hoffheins, Field Manager, BLM-Utah
Scott Edwards, Archaeologist, BLM-Utah
Kelsey Berg, Office of U.S. Congressman Jason Chaffetz (UT-3)
Casey Snider, Office of U.S. Congressman Rob Bishop (UT-1)
Ron Dean, Office of U.S. Senator Orrin Hatch (UT)
Cody Stewart, Governor Herbert Staff
Josh Ewing, Executive Director, Friends of Cedar Mesa
Brian O'Donnell, Executive Director, Conservation Lands Foundation
Jessica Kershaw, Press Secretary, DOI
(b) (6), (b) (7)(C)

Press: Open (targeted invites)
Staff: Nikki Buffa, Jessica Kershaw
Advance: None
Set-up: Rigorous, steep hike out of the Moon House Ruin canyon.

Format:

- No formal program.

1:00-1:45pm MDT: **Depart Moon House Parking Area en route Kane Gulch Ranger Station**

Location: Kane Gulch Ranger Station (on UT261, 4 miles south of UT 95)
(b) (6), (b) (7)(C)
Drive time: ~40 minutes without traffic

1:45-2:15pm MDT: **Freshen Up at Kane Gulch Ranger Station**

Location: Kane Gulch Ranger Station
Participants: **SJ**
Larry Roberts, Acting Assistant Secretary for Indian Affairs, DOI
Jon Jarvis, Director, NPS
Neil Kornze, Director, BLM

Nikki Buffa, Deputy Chief of Staff, DOI
Press: N/A
Staff: Nikki Buffa, Jessica Kershaw
Advance: Kerry McNellis
Set-up: One shower is available. Two outhouses are available.
Format:

- N/A

2:15-3:00pm MDT: **Depart Kane Gulch Ranger Station en route Bears Ears Gathering**
Location: Bears Ears Gathering
(b) (6), (b) (7)(C)
Drive time: ~40 minutes without traffic
Note: Press will depart separately

3:00-6:00pm MDT: **Bears Ears Gathering**
Location: Bears Ears Meadow
Federal Participants:
SJ
Larry Roberts, Acting Assistant Secretary for Indian Affairs, DOI
Jon Jarvis, Director, NPS
Neil Kornze, Director, BLM
Nikki Buffa, Deputy Chief of Staff, DOI
Jenna Whitlock, Acting State Director, BLM-Utah
Don Hoffheins, Field Manager, BLM-Utah
Robert Bonnie, Under Secretary Natural Resources and Environment, USDA
Leslie Jones, Deputy Under Secretary Natural Resources and Environment, USDA
Dan Jiron, Associate Chief, Forest Service
Glenn Casamassa, Associate Deputy Chief National Forest System
Nora Rasure, Regional Forester, U.S. Forest Service
Tribal Leaders: **Shaun Chapoose**, Uintah & Ouray tribe Chairman
Edred Secakuku, Uintah & Ouray tribe Vice-Chairman
Carleton Bowekaty, Pueblo of Zuni councilmen
Alfred Lomahquahu, Hopi tribe Vice-Chairman & Bears Ears Intertribal Coalition Co-Chair
Davis Filfred, Navajo Nation Council Delegate
Walter Phelps, Navajo Nation Council Delegate
Malcolm Lehi, Ute Mountain Ute Tribe Councilmen
Attendees: Approximately 200 people are expected to attend the gathering
Press: Open
Staff: Nikki Buffa, Jessica Kershaw, Liz Pardue
Advance: Kerry McNellis
Set-up: Open field with a big white tent with stage, teepees, cultural demonstrations, cooking area set-up around the premises. Camping tents will be set-up on the premises. Teepee for dinner will be set-up with 15 chairs for delegation and tribal leaders.
Format:

- (3:00-4:45pm) Arrive at the top of the Bears Ears. Informal down time; cultural food demonstrations (traditional deer preparation), Navajo gourd dancers, bread making, etc. Delegation will visit with attendees.
- (4:40) Delegation and tribal leaders will enter the dinner line (traditional Hopi dinner).

- (4:45-5:45pm) Delegation and tribal leaders will have a private dinner in teepee and informal visit with tribal leaders and a tribal few elders.
- (5:45-6:00pm) Begin to head to cars and say goodbyes; tribal leaders will provide SJ with a gift offering.

6:00-7:30pm MDT: **Depart Bears Ears Gathering en route RON**
Location: Inn at the Canyons
533 North Main Street
Monticello, UT 84535
(b) (6), (b) (7)(C)
Drive time: ~1 hour 30 minutes without traffic

7:30pm MDT: **Arrive RON (Monticello, UT)**

Saturday, July 16, 2016

Monticello, UT → Bluff, UT → Durango, CO

6:00-6:50am MDT: **Depart RON en route Sand Island Ranger Station**
Location: Sand Island Ranger Station
Blanding, UT 84511
(b) (6), (b) (7)(C)
Drive time: ~50 minutes without traffic
Note: Press, external partners will arrive independently

6:50-7:00am MDT: **Arrive Sand Island Ranger Station**
NOTE: There will be an opportunity to use restrooms. Media and externals will meet our group here.

7:00-7:30am MDT: **Depart Sand Island Ranger Station en route Comb Ridge Parking Area**
Location: Cedar Mesa
(b) (6), (b) (7)(C)
Drive time: ~26 minutes without traffic

7:30-7:45am MDT: **Arrive Comb Ridge Parking Area**

7:45-10:15am MDT: **Hike at Comb Ridge**
Location: Comb Ridge
Participants: **SJ**
Larry Roberts, Acting Assistant Secretary for Indian Affairs, DOI
Jon Jarvis, Director, NPS
Neil Kornze, Director, BLM
Nikki Buffa, Deputy Chief of Staff, DOI
Josh Ewing, Executive Director, Friends of Cedar Mesa
Jason Keith, Access Fund
Ryan Bidwell, Conservation Lands Foundation
Matt Keller, The Wilderness Society

Cameron Cox, BLM Archeologist
Don Hoffheins, Field Manager, BLM-Utah
Jenna Whitlock, Acting State Director, BLM-Utah
Press: Open (targeted invites)
Staff: Nikki Buffa, Jessica Kershaw, Liz Pardue
Advance: Kerry McNellis
Set-up: 4 mile out and back hike
Format:

- 4 mile out and back hike, with a stop to look at rock art panel along the way
- At the top of Comb Ridge there are views of proposed monument lands and monument valley

10:20-10:30am MDT: Depart Comb Ridge en route Wolf Man Panel Parking Area
Location: Wolf Man Panel Parking Area
(b) (6), (b) (7)(C)
Drive time: ~10 minutes without traffic

10:30-11:10am MDT: Visit to Wolf Man Panel
Location: 10 minutes east of Bluff
Participants: **SJ**
Larry Roberts, Acting Assistant Secretary for Indian Affairs, DOI
Jon Jarvis, Director, NPS
Neil Kornze, Director, BLM
Nikki Buffa, Deputy Chief of Staff, DOI
Jenna Whitlock, Acting State Director, BLM-Utah
Don Hoffheins, Field Manager, BLM-Utah
Don Simonis, BLM Archeologist
Josh Ewing, Executive Director, Friends of Cedar Mesa
Jason Keith, Access Fund
Ryan Bidwell, Conservation Lands Foundation
Matt Keller, The Wilderness Society
Press: Open (targeted invites)
Staff: Nikki Buffa, Jessica Kershaw, Liz Pardue
Advance: Kerry McNellis
Set-up: Hike
Format:

- 10 minute hike down
- 20 minute visit to panel
- 10 minute hike back up

NOTE: This stop is subject to time availability.

11:10-11:30am MDT: Depart Wolf Man Panel Parking Area en route Sand Island Ranger Station
Location: Sand Island Ranger Station
Blanding, UT 84511
(b) (6), (b) (7)(C)
Drive time: ~TBD minutes without traffic

11:30am-12:15pm MDT: Freshen up // Lunch

Location: Sand Island Ranger Station
NOTE: 3 showers will be available. Kerry McNellis will bring in boxed lunches for the group.

12:15-12:30pm MDT: **Depart Sand Island Ranger Station en route Bluff Community Center**
Location: Corner of Third and Mulberry Avenue
Bluff, UT 84512
(b) (6), (b) (7)(C)
Drive time: ~15 minutes without traffic

12:30-12:55pm MDT: **HOLD FOR DOWNTIME/PREP TIME**

12:55-1:00pm MDT: **Pre-Program Brief**

1:00-4:00pm MDT: **Public Meeting**
Location: Gymnasium - Bluff Community Center
Participants: **SJ**
Larry Roberts, Acting Assistant Secretary for Indian Affairs, DOI
Jon Jarvis, Director, NPS
Neil Kornze, Director, BLM
Robert Bonnie, Under Secretary for Natural Resources and Environment, USDA
Dan Jiron, Associate Chief, U.S. Forest Service
Casey Snider, Office of U.S. Congressman Rob Bishop (UT-1)
Ron Dean, Office of U.S. Senator Orrin Hatch (UT)
Press: Open
Staff: Nikki Buffa, Jessica Kershaw, Liz Pardue
Advance: Kerry McNellis
Set-up: SJ, Larry Roberts, Jon Jarvis, Neil Kornze, and Robert Bonnie seated at dais.
Format:

- (1 p.m.) The moderator will introduce the meeting, provide opening remarks, and explain the lottery (random, open to anyone – inside or outside – who signed up before 1 p.m. Speakers will be limited to 2 minutes ONLY)
- (1:15 p.m.) Remarks by Secretary Jewell and Under Secretary Bonnie
- (1:30 p.m.) Remarks by designated elected officials and and tribal leaders
- (2:00 p.m.) Public speaking (by lottery) begins (Moderator reads off the first 12 numbers and asks them to line up in two rows at the two freestanding microphones. Moderator will continue to read off numbers and people will line up in order.
- (3:50 p.m.) Closing remarks by Secretary Jewell
- (4:00 p.m.) End
- *Notes: When the time approaches 3:45 p.m. Secretary Jewell will have the option to extend the meeting by signaling the moderator to do so. The moderator and Secretary Jewell will pre-arrange how this notification will occur. If speakers go over their two minute limit, the moderator will cut them off. It is the moderator's job to manage the speakers and keep the meeting on schedule.*

4:00-6:15pm MDT: **Depart Bluff Community Center en route Team Dinner Location**
Location: TBD
(b) (6), (b) (7)(C)

[redacted]
Drive time: ~2 hours and 12 minutes without traffic

6:15-7:15pm MDT: **HOLD for Team Dinner**

7:15-7:30pm MDT: **Depart Team Dinner Location en route RON**
Location: Homewood Suites Durango
15 Girard Street
Durango, CO 81303

[redacted]
Drive time: ~5 minutes without traffic

7:30pm MDT: **Arrive RON**
Location: Homewood Suites Durango
15 Girard Street
Durango, CO 81303

Conversation Contents

Fwd: Final News Releases

Attachments:

/2. Fwd: Final News Releases/1.1 RELEASE- Bears Ears Response.pdf
/2. Fwd: Final News Releases/1.2 122816_SITLA.pdf
/2. Fwd: Final News Releases/2.1 RELEASE- Bears Ears Response.pdf
/2. Fwd: Final News Releases/2.2 122816_SITLA.pdf

John Andrews <jandrews@utah.gov>

From:	John Andrews <jandrews@utah.gov>
Sent:	Wed Dec 28 2016 17:54:44 GMT-0700 (MST)
To:	<nicole_buffa@ios.doi.gov>, Justin Pidot <justin.pidot@sol.doi.gov>
Subject:	Fwd: Final News Releases
Attachments:	RELEASE- Bears Ears Response.pdf 122816_SITLA.pdf

FYI

Sent from my iPhone

Begin forwarded message:

From: Deena Loyola <deenaloyola@utah.gov>
Date: December 28, 2016 at 5:31:43 PM MST
To: "Loyola, Deena" <deenaloyola@utah.gov>
Subject: Final News Releases

All:

Attached are the final news releases from the Utah State Office of Education and SITLA.

FOR COMMITTEE USE ONLY

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Dec 28 2016 18:34:17 GMT-0700 (MST)
To:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject:	Fwd: Final News Releases
Attachments:	RELEASE- Bears Ears Response.pdf 122816_SITLA.pdf

Begin forwarded message:

From: John Andrews <jandrews@utah.gov>
Date: December 28, 2016 at 7:54:44 PM EST
To: <nicole_buffa@ios.doi.gov>, Justin Pidot <justin.pidot@sol.doi.gov>
Subject: Fwd: Final News Releases

FYI

Sent from my iPhone

Begin forwarded message:

From: Deena Loyola <deenaloyola@utah.gov>
Date: December 28, 2016 at 5:31:43 PM MST
To: "Loyola, Deena" <deenaloyola@utah.gov>
Subject: Final News Releases

All:

Attached are the final news releases from the Utah State Office of Education and SITLA.

NEWS RELEASE

Utah State Board of Education

250 EAST 500 SOUTH P.O. BOX 411200 SALT LAKE CITY, UT 84114-4200
www.schools.utah.gov

December 28 ,2016

For Immediate Release

Contact: Tim Donaldson, School Children's Trust Director, 801-706-3925

David Ure, School and Institutional Trust Lands Administration Director, 801-538-5101

Utah Leaders Ask President to Address 109,106 Acres of Trust Land Inholdings Captured Within New Monument

SALT LAKE CITY – Utah's new Bears Ears National Monument captures more than 100,000 acres of non-public land held in trust for public schools, and state leaders are asking President Barack Obama to promptly address the issue by making Utah's school children whole through an exchange of comparable lands.

"Monument designations inevitably capture hundreds of thousands of acres of school trust lands, rendering them undevelopable instead of providing revenue to directly support K-12 education as Congress intended," said Tim Donaldson, School Children's Trust Director for the Utah State Board of Education, which is charged with oversight of the state's efforts to generate revenue from school lands.

One year ago, the Utah State Board of Education passed a resolution regarding federal and school trust land policy, clarifying the need to adequately compensate Utah's public schools in the event of a national monument designation. "If conservation designations are made, they must be done in a way that holds schools harmless financially," said outgoing Utah State Board of Education member and new State Representative Jefferson Moss. "This may mean identifying lands of comparable value up front and providing for the costs of a land exchange."

The Utah School and Institutional Trust Lands Administration (SITLA), which manages the state's trust land portfolio, reports more than 109,000 acres of trust lands are now captured within monument boundaries.

"Approximately 64 percent of our state is federal public land, while only six percent is trust land," said SITLA Director David Ure. "Our president and our government must provide just and fair compensation to Utah's education system for lands captured within this monument designation."

Over the past 20 years, SITLA has generated $1.7 billion in revenue from Utah's trust lands, helping to grow Utah's Permanent School Fund to more than $2.1 billion. Interest and dividends from this Fund have provided $320 million to Utah schools over that same period.

President Bill Clinton's unilateral action creating the Grand Staircase-Escalante National Monument in 1996 led to a $50 million payment to the Permanent School Fund and a significant land exchange to protect Utah's education endowment.

Upon statehood, the federal government granted trust lands and created permanent endowments to support state institutions, including public schools, and state hospitals and colleges.

###

FOR COMMITTEE USE ONLY

SITLA RESPONSE TO PRESIDENTIAL DESIGNATION OF BEARS EARS NATIONAL MONUMENT

SALT LAKE CITY – President Barack Obama today unilaterally designated the Bears Ears National Monument in San Juan County.

The Utah School and Institutional Trust Lands Administration (SITLA) estimates the new monument captures within its boundaries approximately 109,000 acres of state school trust lands, which are managed by SITLA to provide financial support for Utah's K-12 public schools.

Over the past 20 years, SITLA has generated $1.7 billion in revenue from Utah's trust lands, helping to grow Utah's Permanent School Fund to more than $2.1 billion. Interest and dividends from this Fund have provided $320 million to Utah schools over that same period.

SITLA is currently reviewing the monument proclamation and map, and will work with its Board of Trustees, Utah State Board of Education and other state leaders to determine the best path forward.

Past monument designations have resulted in the exchange of school trust lands out of monument boundaries for federal Bureau of Land Management (BLM) lands elsewhere in Utah.

President Bill Clinton's creation of the Grand Staircase-Escalante National Monument in 1996 ultimately led to a $50 million payment to the Permanent School Fund and a significant land exchange to protect Utah's education endowment.

One year ago, the Utah State Board of Education passed a resolution on federal and school trust land policy, clarifying the need to adequately compensate Utah's public schools in the event of a national monument designation.

President Obama's proclamation today directs Secretary of the Interior Sally Jewell to explore entering into a memorandum of understanding with the State that would set forth terms for a land exchange between SITLA and BLM to remove state trust lands from within the monument boundaries.

SITLA Director David Ure stated: "We are disappointed that this designation happened through unilateral action by the President, rather than through negotiation and compromise, but SITLA will work in good faith to determine if an exchange agreement with the Department of the Interior is possible and in the best interests of the school trust beneficiaries."

Upon statehood, the federal government granted trust lands and created permanent endowments to support state institutions, including public schools, and state hospitals and colleges.

Contact:
Kim Christy, Deputy Director 801-201-7480
Deena Loyola, Information Officer 801-554-5199

NEWS RELEASE

Utah State Board of Education

250 EAST 500 SOUTH P.O. BOX 411200 SALT LAKE CITY, UT 84114-4200
www.schools.utah.gov

December 28 ,2016

For Immediate Release

Contact: Tim Donaldson, School Children's Trust Director, 801-706-3925

David Ure, School and Institutional Trust Lands Administration Director, 801-538-5101

Utah Leaders Ask President to Address 109,106 Acres of Trust Land Inholdings Captured Within New Monument

SALT LAKE CITY – Utah's new Bears Ears National Monument captures more than 100,000 acres of non-public land held in trust for public schools, and state leaders are asking President Barack Obama to promptly address the issue by making Utah's school children whole through an exchange of comparable lands.

"Monument designations inevitably capture hundreds of thousands of acres of school trust lands, rendering them undevelopable instead of providing revenue to directly support K-12 education as Congress intended," said Tim Donaldson, School Children's Trust Director for the Utah State Board of Education, which is charged with oversight of the state's efforts to generate revenue from school lands.

One year ago, the Utah State Board of Education passed a resolution regarding federal and school trust land policy, clarifying the need to adequately compensate Utah's public schools in the event of a national monument designation. "If conservation designations are made, they must be done in a way that holds schools harmless financially," said outgoing Utah State Board of Education member and new State Representative Jefferson Moss. "This may mean identifying lands of comparable value up front and providing for the costs of a land exchange."

The Utah School and Institutional Trust Lands Administration (SITLA), which manages the state's trust land portfolio, reports more than 109,000 acres of trust lands are now captured within monument boundaries.

"Approximately 64 percent of our state is federal public land, while only six percent is trust land," said SITLA Director David Ure. "Our president and our government must provide just and fair compensation to Utah's education system for lands captured within this monument designation."

Over the past 20 years, SITLA has generated $1.7 billion in revenue from Utah's trust lands, helping to grow Utah's Permanent School Fund to more than $2.1 billion. Interest and dividends from this Fund have provided $320 million to Utah schools over that same period.

President Bill Clinton's unilateral action creating the Grand Staircase-Escalante National Monument in 1996 led to a $50 million payment to the Permanent School Fund and a significant land exchange to protect Utah's education endowment.

Upon statehood, the federal government granted trust lands and created permanent endowments to support state institutions, including public schools, and state hospitals and colleges.

###

SITLA RESPONSE TO PRESIDENTIAL DESIGNATION OF BEARS EARS NATIONAL MONUMENT

SALT LAKE CITY – President Barack Obama today unilaterally designated the Bears Ears National Monument in San Juan County.

The Utah School and Institutional Trust Lands Administration (SITLA) estimates the new monument captures within its boundaries approximately 109,000 acres of state school trust lands, which are managed by SITLA to provide financial support for Utah's K-12 public schools.

Over the past 20 years, SITLA has generated $1.7 billion in revenue from Utah's trust lands, helping to grow Utah's Permanent School Fund to more than $2.1 billion. Interest and dividends from this Fund have provided $320 million to Utah schools over that same period.

SITLA is currently reviewing the monument proclamation and map, and will work with its Board of Trustees, Utah State Board of Education and other state leaders to determine the best path forward.

Past monument designations have resulted in the exchange of school trust lands out of monument boundaries for federal Bureau of Land Management (BLM) lands elsewhere in Utah.

President Bill Clinton's creation of the Grand Staircase-Escalante National Monument in 1996 ultimately led to a $50 million payment to the Permanent School Fund and a significant land exchange to protect Utah's education endowment.

One year ago, the Utah State Board of Education passed a resolution on federal and school trust land policy, clarifying the need to adequately compensate Utah's public schools in the event of a national monument designation.

President Obama's proclamation today directs Secretary of the Interior Sally Jewell to explore entering into a memorandum of understanding with the State that would set forth terms for a land exchange between SITLA and BLM to remove state trust lands from within the monument boundaries.

SITLA Director David Ure stated: "We are disappointed that this designation happened through unilateral action by the President, rather than through negotiation and compromise, but SITLA will work in good faith to determine if an exchange agreement with the Department of the Interior is possible and in the best interests of the school trust beneficiaries."

Upon statehood, the federal government granted trust lands and created permanent endowments to support state institutions, including public schools, and state hospitals and colleges.

Contact:
Kim Christy, Deputy Director 801-201-7480
Deena Loyola, Information Officer 801-554-5199

FOR COMMITTEE USE ONLY

Conversation Contents

Bears Ears National Monument

Attachments:

/3. Bears Ears National Monument/1.1 2016bearsears.prc.rel.pdf

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Dec 28 2016 15:27:17 GMT-0700 (MST)
To:	undisclosed-recipients:;
BCC:	"Harding, Justin" <jharding@utah.gov>, "Stewart, Cody" <codystewart@utah.gov>, Keith Brady <Keithb@emery.utah.gov>, Paul Cowley <paulc@emery.utah.gov>, Ethan Migliori <ethanm@emery.utah.gov>, "Ray D. Petersen" <rayp@emery.utah.gov>, Fred Ferguson <Fred.Ferguson@mail.house.gov>, Casey Snider <casey.snider@mail.house.gov>, "Dean, Ron (Hatch)" <Ron_Dean@hatch.senate.gov>, Clif Koontz (b) (6) John Andrews <jandrews@utah.gov>, David Ure <dure@utah.gov>, Ashley Korenblat <ashley@publiclandsolutions.org>, Bruce Adams <bbadams@sanjuancounty.org>, "Berg, Kelsey" <Kelsey.Berg@mail.house.gov>, "Baig, Wendy (Lee)" <wendy_baig@lee.senate.gov>, Wilcox Ryan <ryan_wilcox@lee.senate.gov>, Chris Prandoni <chris_prandoni@lee.senate.gov>, "John Tanner (Hatch)" <john_tanner@hatch.senate.gov>, "Wiser, Devin" <devin.wiser@mail.house.gov>, "Stewart, Adam" <adam.stewart@mail.house.gov>, Lyman Phil <plyman@sanjuancounty.org>, Benally Rebecca <rmbenally@sanjuancounty.org>, "McGrath, William" <William.McGrath@mail.house.gov>
Subject:	Bears Ears National Monument
Attachments:	2016bearsears.prc.rel.pdf

Hi All - I wanted to make sure you had the many different documents released today by the White House and the Departments of Agriculture and the Interior, sharing that the President designated two new monuments in Utah and Nevada. Please let me know how the Department or I can help answer your questions and address your concerns.

many thanks,
Nikki

Press Release on both Monuments: https://www.doi.gov/pressreleases/secretaries-jewell-vilsack-applaud-presidents-designation-new-national-monuments-utah

Bears Ears National Monument
Bears Ears Proclamation: (attached)
Bears Ears side-by-side map: https://on.doi.gov/2iFdNcU
Bears Ears monument map: https://on.doi.gov/2irqxob
Bears Ears 1936 map: https://on.doi.gov/2iibFLS
Bears Ears National Monument Webpage: https://www.blm.gov/programs/national-conservation-lands/national-monuments/utah
Bears Ears National Monument Fast Facts and Q&A: https://on.doi.gov/2iFMiUE

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
December 28, 2016

Statement by the President on the Designation of Bears Ears National Monument and Gold Butte National Monument

Today, I am designating two new national monuments in the desert landscapes of southeastern Utah and southern Nevada to protect some of our country's most important cultural treasures, including abundant rock art, archeological sites, and lands considered sacred by Native American tribes. Today's actions will help protect this cultural legacy and will ensure that future generations are able to enjoy and appreciate these scenic and historic landscapes. Importantly, today I have also established a Bears Ears Commission to ensure that tribal expertise and traditional knowledge help inform the management of the Bears Ears National Monument and help us to best care for its remarkable national treasures.

Following years of public input and various proposals to protect both of these areas, including legislation and a proposal from tribal governments in and around Utah, these monuments will protect places that a wide range of stakeholders all agree are worthy of protection. We also have worked to ensure that tribes and local communities can continue to access and benefit from these lands for generations to come.

THE WHITE HOUSE
Office of the Press Secretary

EMBARGOED UNTIL 12:00PM HAST/5:00PM EST, Wednesday, December 28, 2016

FACT SHEET: President Obama to Designate New National Monuments Protecting Significant Natural and Cultural Resources in Utah and Nevada

Today, President Obama will designate two new national monuments, protecting sacred sites, spectacular scenery, and important natural and cultural resources in the desert landscapes of southeastern Utah and southern Nevada. The creation of the Bears Ears National Monument in Utah and the Gold Butte National Monument in Nevada follow years of robust public input from tribes, local elected officials, and diverse stakeholders, and draws from legislation introduced in Congress.

In addition to protecting more land and water than any Administration in history, President Obama has taken unprecedented steps to elevate the voices of Native peoples in the management of our natural resources. Today's actions build on this important work, and further demonstrate the President's commitment to protecting sacred sites and our land, water and wildlife for future generations.

Bears Ears National Monument

Encompassing roughly 1.35 million acres of Federal land, the Bears Ears National Monument will protect some of the country's most significant natural, cultural and archaeological resources, including important ancestral grounds for numerous tribes, as well as incredible landscapes that support hiking, hunting, rock climbing and other world-class outdoor recreation opportunities. The area gets its name from the iconic Bears Ears Buttes, two distinctive geological formations in the center of lands that are considered sacred by tribes in the region. Based on ancestral ties to the landscape, five tribal governments came together in a historic coalition to urge protections for the broader area, which also includes ancient cliff dwellings, ceremonial sites, abundant rock art, and countless other artifacts that hold cultural significance.

In addition to protecting this sacred landscape and the region's wildlife habitat and natural resources, today's action establishes a Bears Ears Commission to ensure that management decisions reflect tribal expertise as well as traditional and historical knowledge. In recognition of the importance of tribal participation to the care and management of the monument, the Departments of Interior and Agriculture will engage with the Commission, which will help to inform management decisions by sharing traditional knowledge and providing recommendations.

There have been over 80 years of various efforts to protect the Bears Ears region, beginning with former Secretary of the Interior Harold Ickes in 1936 and by Members of Congress, state, local and tribal leaders, and conservation groups in recent decades. Most recently the Hopi Nation, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah Ouray, and Zuni Tribe developed a proposal to protect the area, and U.S. Representatives Rob Bishop and Jason Chaffetz introduced the Public Lands Initiative, legislation that included a similar protection proposal for the Bears Ears

landscape. Today's action responds to both of these recent proposals, recognizing the areas where there is broad agreement about the need for protections, tribal engagement, and allowances for historical uses such as grazing. Today's action also establishes a process for developing a management plan that will ensure robust opportunities for all interested stakeholders to provide input about how the monument should be managed.

Gold Butte National Monument

Located in Clark County, Nevada just northeast of the outskirts of Las Vegas, the Gold Butte National Monument spans nearly 300,000 acres and will protect significant cultural resources, important geological formations, and vital plant and wildlife habitat. The monument will provide critical protections for important Native American historical sites, as well as areas that are currently used for traditional purposes by tribes. Notably, the area includes abundant rock art, archeological artifacts, and rare fossils, including recently discovered dinosaur tracks dating back hundreds of millions of years. In recent years these resources have faced increasing damage from threats such as deliberate destruction and vandalism, and today's designation will help ensure that these cultural and archaeological treasures are better protected.

The monument will serve as an important connection between already protected lands, including Lake Mead Recreation Area and the Grand Canyon-Parashant National Monument across the Arizona border, protecting key wildlife corridors for large mammals such as desert bighorn sheep and mountain lions, and vital habitat for the threatened Mojave desert tortoise. Additionally, the monument will protect important historic resources. Structures that detail western ranching heritage can still be found in the Gold Butte area, as well as an early twentieth-century abandoned mining town and sites associated with Spanish explorers from the late eighteenth century.

Today's action follows decades of local support from tribes, local stakeholders and conservationists, and draws from legislation that was first introduced in 2008.

###

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

FOR COMMITTEE USE ONLY

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release December 28, 2016

ESTABLISHMENT OF THE BEARS EARS NATIONAL MONUMENT

- - - - - - -

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Rising from the center of the southeastern Utah landscape and visible from every direction are twin buttes so distinctive that in each of the native languages of the region their name is the same: Hoon'Naqvut, Shash Jáa, Kwiyagatu Nukavachi, Ansh An Lashokdiwe, or "Bears Ears." For hundreds of generations, native peoples lived in the surrounding deep sandstone canyons, desert mesas, and meadow mountaintops, which constitute one of the densest and most significant cultural landscapes in the United States. Abundant rock art, ancient cliff dwellings, ceremonial sites, and countless other artifacts provide an extraordinary archaeological and cultural record that is important to us all, but most notably the land is profoundly sacred to many Native American tribes, including the Ute Mountain Ute Tribe, Navajo Nation, Ute Indian Tribe of the Uintah Ouray, Hopi Nation, and Zuni Tribe.

The area's human history is as vibrant and diverse as the ruggedly beautiful landscape. From the earliest occupation, native peoples left traces of their presence. Clovis people hunted among the cliffs and canyons of Cedar Mesa as early as 13,000 years ago, leaving behind tools and projectile points in places like the Lime Ridge Clovis Site, one of the oldest known archaeological sites in Utah. Archaeologists believe that these early people hunted mammoths, ground sloths, and other now-extinct megafauna, a narrative echoed by native creation stories. Hunters and gatherers continued to live in this region in the Archaic Period, with sites dating as far back as 8,500 years ago.

Ancestral Puebloans followed, beginning to occupy the area at least 2,500 years ago, leaving behind items from their daily life such as baskets, pottery, and weapons. These early farmers of Basketmaker II, and III and builders of Pueblo I, II and III left their marks on the land. The remains of single family dwellings, granaries, kivas, towers, and large villages and roads linking them together reveal a complex cultural history. "Moki steps," hand and toe holds carved into steep canyon walls by the Ancestral Puebloans, illustrate the early people's ingenuity and perseverance and are still used today to access dwellings along cliff walls. Other, distinct cultures have thrived here as well -- the Fremont People, Numic- and Athabaskan-speaking hunter-gatherers, and Utes and Navajos. Resources such as the Doll House Ruin in Dark Canyon Wilderness Area and the Moon House Ruin on Cedar Mesa allow visitors to

marvel at artistry and architecture that have withstood thousands of seasons in this harsh climate.

The landscape is a milieu of the accessible and observable together with the inaccessible and hidden. The area's petroglyphs and pictographs capture the imagination with images dating back at least 5,000 years and spanning a range of styles and traditions. From life-size ghostlike figures that defy categorization, to the more literal depictions of bighorn sheep, birds, and lizards, these drawings enable us to feel the humanity of these ancient artists. The Indian Creek area contains spectacular rock art, including hundreds of petroglyphs at Newspaper Rock. Visitors to Bears Ears can also discover more recent rock art left by the Ute, Navajo, and Paiute peoples. It is also the less visible sites, however -- those that supported the food gathering, subsistence and ceremony of daily life -- that tell the story of the people who lived here. Historic remnants of Native American sheep-herding and farming are scattered throughout the area, and pottery and Navajo hogans record the lifeways of native peoples in the 19th and 20th centuries.

For thousands of years, humans have occupied and stewarded this land. With respect to most of these people, their contribution to the historical record is unknown, but some have played a more public role. Famed Navajo headman K'aayélii was born around 1800 near the twin Bears Ears buttes. His band used the area's remote canyons to elude capture by the U.S. Army and avoid the fate that befell many other Navajo bands: surrender, the Long Walk, and forced relocation to Bosque Redondo. Another renowned 19th century Navajo leader, "Hastiin Ch'ihaajin" Manuelito, was also born near the Bears Ears.

The area's cultural importance to Native American tribes continues to this day. As they have for generations, these tribes and their members come here for ceremonies and to visit sacred sites. Throughout the region, many landscape features, such as Comb Ridge, the San Juan River, and Cedar Mesa, are closely tied to native stories of creation, danger, protection, and healing. The towering spires in the Valley of the Gods are sacred to the Navajo, representing ancient Navajo warriors frozen in stone. Traditions of hunting, fishing, gathering, and wood cutting are still practiced by tribal members, as is collection of medicinal and ceremonial plants, edible herbs, and materials for crafting items like baskets and footwear. The traditional ecological knowledge amassed by the Native Americans whose ancestors inhabited this region, passed down from generation to generation, offers critical insight into the historic and scientific significance of the area. Such knowledge is, itself, a resource to be protected and used in understanding and managing this landscape sustainably for generations to come.

Euro-Americans first explored the Bears Ears area during the 18th century, and Mormon settlers followed in the late 19th century. The San Juan Mission expedition traversed this rugged country in 1880 on their journey to establish a new settlement in what is now Bluff, Utah. To ease the passage of wagons over the slick rock slopes and through the canyonlands, the settlers smoothed sections of the rock surface and constructed dugways and other features still visible along their

route, known as the Hole-in-the-Rock Trail. Cabins, corrals, trails, and carved inscriptions in the rock reveal the lives of ranchers, prospectors, and early archaeologists. Cattle rustlers and other outlaws created a convoluted trail network known as the Outlaw Trail, said to be used by Butch Cassidy and the Sundance Kid. These outlaws took advantage of the area's network of canyons, including the aptly-named Hideout Canyon, to avoid detection.

The area's stunning geology, from sharp pinnacles to broad mesas, labyrinthine canyons to solitary hoodoos, and verdant hanging gardens to bare stone arches and natural bridges, provides vital insights to geologists. In the east, the Abajo Mountains tower, reaching elevations of more than 11,000 feet. A long geologic history is documented in the colorful rock layers visible in the area's canyons.

For long periods over 300 million years ago, these lands were inundated by tropical seas and hosted thriving coral reefs. These seas infused the area's black rock shale with salts as they receded. Later, the lands were bucked upwards multiple times by the Monument Upwarp, and near-volcanoes punched up through the rock, leaving their marks on the landscape without reaching the surface. In the sandstone of Cedar Mesa, fossil evidence has revealed large, mammal-like reptiles that burrowed into the sand to survive the blistering heat of the end of the Permian Period, when the region was dominated by a seaside desert. Later, in the Late Triassic Period more than 200 million years ago, seasonal monsoons flooded an ancient river system that fed a vast desert here.

The paleontological resources in the Bears Ears area are among the richest and most significant in the United States, and protection of this area will provide important opportunities for further archaeological and paleontological study. Many sites, such as Arch Canyon, are teeming with fossils, and research conducted in the Bears Ears area is revealing new insights into the transition of vertebrate life from reptiles to mammals and from sea to land. Numerous ray-finned fish fossils from the Permian Period have been discovered, along with other late Paleozoic Era fossils, including giant amphibians, synapsid reptiles, and important plant fossils. Fossilized traces of marine and aquatic creatures such as clams, crayfish, fish, and aquatic reptiles have been found in Indian Creek's Chinle Formation, dating to the Triassic Period, and phytosaur and dinosaur fossils from the same period have been found along Comb Ridge. Paleontologists have identified new species of plant-eating crocodile-like reptiles and mass graves of lumbering sauropods, along with metoposaurus, crocodiles, and other dinosaur fossils. Fossilized trackways of early tetrapods can be seen in the Valley of the Gods and in Indian Creek, where paleontologists have also discovered exceptional examples of fossilized ferns, horsetails, and cycads. The Chinle Formation and the Wingate, Kayenta, and Navajo Formations above it provide one of the best continuous rock records of the Triassic-Jurassic transition in the world, crucial to understanding how dinosaurs dominated terrestrial ecosystems and how our mammalian ancestors evolved. In Pleistocene Epoch sediments, scientists have found traces of mammoths, short-faced bears, ground sloths, primates, and camels.

From earth to sky, the region is unsurpassed in wonders. The star-filled nights and natural quiet of the Bears Ears area transport visitors to an earlier eon. Against an absolutely black night sky, our galaxy and others more distant leap into view. As one of the most intact and least roaded areas in the contiguous United States, Bears Ears has that rare and arresting quality of deafening silence.

Communities have depended on the resources of the region for hundreds of generations. Understanding the important role of the green highlands in providing habitat for subsistence plants and animals, as well as capturing and filtering water from passing storms, the Navajo refer to such places as "Nahodishgish," or places to be left alone. Local communities seeking to protect the mountains for their watershed values have long recognized the importance of the Bears Ears' headwaters. Wildfires, both natural and human-set, have shaped and maintained forests and grasslands of this area for millennia. Ranchers have relied on the forests and grasslands of the region for ages, and hunters come from across the globe for a chance at a bull elk or other big game. Today, ecological restoration through the careful use of wildfire and management of grazing and timber is working to restore and maintain the health of these vital watersheds and grasslands.

The diversity of the soils and microenvironments in the Bears Ears area provide habitat for a wide variety of vegetation. The highest elevations, in the Elk Ridge area of the Manti-La Sal National Forest, contain pockets of ancient Engelmann spruce, ponderosa pine, aspen, and subalpine fir. Mesa tops include pinyon-juniper woodlands along with big sagebrush, low sage, blackbrush, rabbitbrush, bitterbrush, four-wing saltbush, shadscale, winterfat, Utah serviceberry, western chokecherry, hackberry, barberry, cliff rose, and greasewood. Canyons contain diverse vegetation ranging from yucca and cacti such as prickly pear, claret cup, and Whipple's fishhook to mountain mahogany, ponderosa pine, alder, sagebrush, birch, dogwood, and Gambel's oak, along with occasional stands of aspen. Grasses and herbaceous species such as bluegrass, bluestem, giant ryegrass, ricegrass, needle and thread, yarrow, common mallow, balsamroot, low larkspur, horsetail, and peppergrass also grow here, as well as pinnate spring parsley, Navajo penstemon, Canyonlands lomatium, and the Abajo daisy.

Tucked into winding canyons are vibrant riparian communities characterized by Fremont cottonwood, western sandbar willow, yellow willow, and box elder. Numerous seeps provide year-round water and support delicate hanging gardens, moisture-loving plants, and relict species such as Douglas fir. A few populations of the rare Kachina daisy, endemic to the Colorado Plateau, hide in shaded seeps and alcoves of the area's canyons. A genetically distinct population of Kachina daisy was also found on Elk Ridge. The alcove columbine and cave primrose, also regionally endemic, grow in seeps and hanging gardens in the Bears Ears landscape. Wildflowers such as beardtongue, evening primrose, aster, Indian paintbrush, yellow and purple beeflower, straight bladderpod, Durango tumble mustard, scarlet gilia, globe mallow, sand verbena, sego lily, cliffrose, sacred datura, monkey flower, sunflower, prince's plume, hedgehog cactus, and columbine, bring bursts of color to the landscape.

The diverse vegetation and topography of the Bears Ears area, in turn, support a variety of wildlife species. Mule deer and elk range on the mesas and near canyon heads, which provide crucial habitat for both species. The Cedar Mesa landscape is home to bighorn sheep which were once abundant but still live in Indian Creek, and in the canyons north of the San Juan River. Small mammals such as desert cottontail, black-tailed jackrabbit, prairie dog, Botta's pocket gopher, white-tailed antelope squirrel, Colorado chipmunk, canyon mouse, deer mouse, pinyon mouse, and desert woodrat, as well as Utah's only population of Abert's tassel-eared squirrels, find shelter and sustenance in the landscape's canyons and uplands. Rare shrews, including a variant of Merriam's shrew and the dwarf shrew can be found in this area.

Carnivores, including badger, coyote, striped skunk, ringtail, gray fox, bobcat, and the occasional mountain lion, all hunt here, while porcupines use their sharp quills and climbing abilities to escape these predators. Oral histories from the Ute describe the historic presence of bison, antelope, and abundant bighorn sheep, which are also depicted in ancient rock art. Black bear pass through the area but are rarely seen, though they are common in the oral histories and legends of this region, including those of the Navajo.

Consistent sources of water in a dry landscape draw diverse wildlife species to the area's riparian habitats, including an array of amphibian species such as tiger salamander, red-spotted toad, Woodhouse's toad, canyon tree frog, Great Basin spadefoot, and northern leopard frog. Even the most sharp-eyed visitors probably will not catch a glimpse of the secretive Utah night lizard. Other reptiles in the area include the sagebrush lizard, eastern fence lizard, tree lizard, side-blotched lizard, plateau striped whiptail, western rattlesnake, night snake, striped whipsnake, and gopher snake.

Raptors such as the golden eagle, peregrine falcon, bald eagle, northern harrier, northern goshawk, red-tailed hawk, ferruginous hawk, American kestrel, flammulated owl, and great horned owl hunt their prey on the mesa tops with deadly speed and accuracy. The largest contiguous critical habitat for the threatened Mexican spotted owl is on the Manti-La Sal National Forest. Other bird species found in the area include Merriam's turkey, Williamson's sapsucker, common nighthawk, white-throated swift, ash-throated flycatcher, violet-green swallow, cliff swallow, mourning dove, pinyon jay, sagebrush sparrow, canyon towhee, rock wren, sage thrasher, and the endangered southwestern willow flycatcher.

As the skies darken in the evenings, visitors may catch a glimpse of some the area's at least 15 species of bats, including the big free-tailed bat, pallid bat, Townsend's big-eared bat, spotted bat, and silver-haired bat. Tinajas, rock depressions filled with rainwater, provide habitat for many specialized aquatic species, including pothole beetles and freshwater shrimp. *Eucosma navajoensis*, an endemic moth that has only been described near Valley of the Gods, is unique to this area.

Protection of the Bears Ears area will preserve its cultural, prehistoric, and historic legacy and maintain its

diverse array of natural and scientific resources, ensuring that the prehistoric, historic, and scientific values of this area remain for the benefit of all Americans. The Bears Ears area has been proposed for protection by members of Congress, Secretaries of the Interior, State and tribal leaders, and local conservationists for at least 80 years. The area contains numerous objects of historic and of scientific interest, and it provides world class outdoor recreation opportunities, including rock climbing, hunting, hiking, backpacking, canyoneering, whitewater rafting, mountain biking, and horseback riding. Because visitors travel from near and far, these lands support a growing travel and tourism sector that is a source of economic opportunity for the region.

WHEREAS, section 320301 of title 54, United States Code (known as the "Antiquities Act"), authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Federal Government to be national monuments, and to reserve as a part thereof parcels of land, the limits of which shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS, it is in the public interest to preserve the objects of scientific and historic interest on the Bears Ears lands;

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim the objects identified above that are situated upon lands and interests in lands owned or controlled by the Federal Government to be the Bears Ears National Monument (monument) and, for the purpose of protecting those objects, reserve as part thereof all lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. These reserved Federal lands and interests in lands encompass approximately 1.35 million acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws or laws applicable to the U.S. Forest Service, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

The establishment of the monument is subject to valid existing rights, including valid existing water rights. If the Federal Government acquires ownership or control of any lands or interests in lands that it did not previously own or control within the boundaries described on the accompanying map, such lands and interests in lands shall be reserved as a part of the monument, and objects identified above that are situated upon

those lands and interests in lands shall be part of the monument, upon acquisition of ownership or control by the Federal Government.

The Secretary of Agriculture and the Secretary of the Interior (Secretaries) shall manage the monument through the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM), pursuant to their respective applicable legal authorities, to implement the purposes of this proclamation. The USFS shall manage that portion of the monument within the boundaries of the National Forest System (NFS), and the BLM shall manage the remainder of the monument. The lands administered by the USFS shall be managed as part of the Manti-La Sal National Forest. The lands administered by the BLM shall be managed as a unit of the National Landscape Conservation System, pursuant to applicable legal authorities.

For purposes of protecting and restoring the objects identified above, the Secretaries shall jointly prepare a management plan for the monument and shall promulgate such regulations for its management as they deem appropriate. The Secretaries, through the USFS and the BLM, shall consult with other Federal land management agencies in the local area, including the National Park Service, in developing the management plan. In promulgating any management rules and regulations governing the NFS lands within the monument and developing the management plan, the Secretary of Agriculture, through the USFS, shall consult with the Secretary of the Interior through the BLM. The Secretaries shall provide for maximum public involvement in the development of that plan including, but not limited to, consultation with federally recognized tribes and State and local governments. In the development and implementation of the management plan, the Secretaries shall maximize opportunities, pursuant to applicable legal authorities, for shared resources, operational efficiency, and cooperation.

The Secretaries, through the BLM and USFS, shall establish an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.) to provide information and advice regarding the development of the management plan and, as appropriate, management of the monument. This advisory committee shall consist of a fair and balanced representation of interested stakeholders, including State and local governments, tribes, recreational users, local business owners, and private landowners.

In recognition of the importance of tribal participation to the care and management of the objects identified above, and to ensure that management decisions affecting the monument reflect tribal expertise and traditional and historical knowledge, a Bears Ears Commission (Commission) is hereby established to provide guidance and recommendations on the development and implementation of management plans and on management of the monument. The Commission shall consist of one elected officer each from the Hopi Nation, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah Ouray, and Zuni Tribe, designated by the officers' respective tribes. The Commission may adopt such procedures as it deems necessary to govern its activities, so that it may effectively partner with the Federal

agencies by making continuing contributions to inform decisions regarding the management of the monument.

The Secretaries shall meaningfully engage the Commission or, should the Commission no longer exist, the tribal governments through some other entity composed of elected tribal government officers (comparable entity), in the development of the management plan and to inform subsequent management of the monument. To that end, in developing or revising the management plan, the Secretaries shall carefully and fully consider integrating the traditional and historical knowledge and special expertise of the Commission or comparable entity. If the Secretaries decide not to incorporate specific recommendations submitted to them in writing by the Commission or comparable entity, they will provide the Commission or comparable entity with a written explanation of their reasoning. The management plan shall also set forth parameters for continued meaningful engagement with the Commission or comparable entity in implementation of the management plan.

To further the protective purposes of the monument, the Secretary of the Interior shall explore entering into a memorandum of understanding with the State that would set forth terms, pursuant to applicable laws and regulations, for an exchange of land currently owned by the State of Utah and administered by the Utah School and Institutional Trust Lands Administration within the boundary of the monument for land of approximately equal value managed by the BLM outside the boundary of the monument. The Secretary of the Interior shall report to the President by January 19, 2017, regarding the potential for such an exchange.

Nothing in this proclamation shall be construed to interfere with the operation or maintenance, or the replacement or modification within the current authorization boundary, of existing utility, pipeline, or telecommunications facilities located within the monument in a manner consistent with the care and management of the objects identified above.

Nothing in this proclamation shall be deemed to enlarge or diminish the rights or jurisdiction of any Indian tribe. The Secretaries shall, to the maximum extent permitted by law and in consultation with Indian tribes, ensure the protection of Indian sacred sites and traditional cultural properties in the monument and provide access by members of Indian tribes for traditional cultural and customary uses, consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996) and Executive Order 13007 of May 24, 1996 (Indian Sacred Sites), including collection of medicines, berries and other vegetation, forest products, and firewood for personal noncommercial use in a manner consistent with the care and management of the objects identified above.

For purposes of protecting and restoring the objects identified above, the Secretaries shall prepare a transportation plan that designates the roads and trails where motorized and non-motorized mechanized vehicle use will be allowed. Except for emergency or authorized administrative purposes, motorized and non-motorized mechanized vehicle use shall be allowed only on roads and trails designated for such use, consistent with the care and management of such objects. Any additional roads or

trails designated for motorized vehicle use must be for the purposes of public safety or protection of such objects.

Laws, regulations, and policies followed by USFS or BLM in issuing and administering grazing permits or leases on lands under their jurisdiction shall continue to apply with regard to the lands in the monument to ensure the ongoing consistency with the care and management of the objects identified above.

Nothing in this proclamation shall be deemed to enlarge or diminish the jurisdiction of the State of Utah, including its jurisdiction and authority with respect to fish and wildlife management.

Nothing in this proclamation shall preclude low-level overflights of military aircraft, the designation of new units of special use airspace, or the use or establishment of military flight training routes over the lands reserved by this proclamation consistent with the care and management of the objects identified above.

Nothing in this proclamation shall be construed to alter the authority or responsibility of any party with respect to emergency response activities within the monument, including wildland fire response.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of the monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of December, in the year of our Lord two thousand sixteen, and of the Independence of the United States of America the two hundred and forty-first.

BARACK OBAMA

# # #

Conversation Contents

Weekly UT Check-in Call

Attachments:

/4. Weekly UT Check-in Call/16.1 8C2F14DE-0CBA-4EC2-A0CB-6395F17ACCB4[53].png
/4. Weekly UT Check-in Call/16.2 A9B26BD2-D158-4E65-A00E-5C5E82C21BE7[53].png
/4. Weekly UT Check-in Call/16.3 1FB105FD-D6F1-4C8A-84D2-C31065963580[53].png
/4. Weekly UT Check-in Call/16.4 9A60E4E8-34BE-4E9C-8558-AB870360C0D4[53].png
/4. Weekly UT Check-in Call/17.1 8C2F14DE-0CBA-4EC2-A0CB-6395F17ACCB4[53].png
/4. Weekly UT Check-in Call/17.2 A9B26BD2-D158-4E65-A00E-5C5E82C21BE7[53].png
/4. Weekly UT Check-in Call/17.3 1FB105FD-D6F1-4C8A-84D2-C31065963580[53].png
/4. Weekly UT Check-in Call/17.4 9A60E4E8-34BE-4E9C-8558-AB870360C0D4[53].png
/4. Weekly UT Check-in Call/20.1 8C2F14DE-0CBA-4EC2-A0CB-6395F17ACCB4[53].png
/4. Weekly UT Check-in Call/20.2 A9B26BD2-D158-4E65-A00E-5C5E82C21BE7[53].png
/4. Weekly UT Check-in Call/20.3 1FB105FD-D6F1-4C8A-84D2-C31065963580[53].png
/4. Weekly UT Check-in Call/20.4 9A60E4E8-34BE-4E9C-8558-AB870360C0D4[53].png
/4. Weekly UT Check-in Call/21.1 8C2F14DE-0CBA-4EC2-A0CB-6395F17ACCB4[53].png
/4. Weekly UT Check-in Call/21.2 A9B26BD2-D158-4E65-A00E-5C5E82C21BE7[53].png
/4. Weekly UT Check-in Call/21.3 1FB105FD-D6F1-4C8A-84D2-C31065963580[53].png
/4. Weekly UT Check-in Call/21.4 9A60E4E8-34BE-4E9C-8558-AB870360C0D4[53].png

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Wed Dec 28 2016 07:26:32 GMT-0700 (MST)
fred.ferguson@mail.house.gov, codystewart@utah.gov,

To: adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, john_tanner@hatch.senate.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

Subject: Weekly UT Check-in Call

Sorry for the short notice, team. But I need to move us to 330pm today. If that doesn't work for you, please let me know. Would like to talk today, if possible. Thanks!

Weekly UT Check-in Call
Scheduled: Wednesday, Dec 28, 2016 from 3:30 PM to 4:00 PM
Location: Dial-in: (b) (5) and code: (b) (5)
Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, john_tanner@hatch.senate.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent: Wed Dec 28 2016 07:27:15 GMT-0700 (MST)
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Re: Weekly UT Check-in Call

Works for me

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

On Dec 28, 2016, at 09:26, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Sorry for the short notice, team. But I need to move us to 330pm today. If that doesn't work for you, please let me know. Would like to talk today, if possible. Thanks!
>
> **Weekly UT Check-in Call**
> Scheduled: Wednesday, Dec 28, 2016 from 3:30 PM to 4:00 PM
> Location: Dial-in: (b) (5) and code: (b) (5)
> Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, john_tanner@hatch.senate.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>

FOR COMMITTEE USE ONLY

From: "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Sent: Wed Dec 28 2016 07:48:22 GMT-0700 (MST)
To: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject: Re: Weekly UT Check-in Call

I'll be there.

Sent from my iPhone

On Dec 28, 2016, at 9:27 AM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> Works for me
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell
>
> On Dec 28, 2016, at 09:26, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> > Sorry for the short notice, team. But I need to move us to 330pm today. If that doesn't work for you, please let me know. Would like to talk today, if possible. Thanks!
> >
> > **Weekly UT Check-in Call**
> > Scheduled: Wednesday, Dec 28, 2016 from 3:30 PM to 4:00 PM
> > Location: Dial-in: (b) (5) and code: (b) (5)
> > Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, john_tanner@hatch.senate.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

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

From: "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Sent: Wed Dec 28 2016 07:51:09 GMT-0700 (MST)
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Re: Weekly UT Check-in Call

Works for me.

Sent from my iPhone

On Dec 28, 2016, at 9:26 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Sorry for the short notice, team. But I need to move us to 330pm today. If that doesn't work for you, please let me know. Would like to talk today, if possible. Thanks!

Weekly UT Check-in Call
Scheduled: Wednesday, Dec 28, 2016 from 3:30 PM to 4:00 PM
Location: Dial-in: (b) (5) and code (b) (5)
Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, john_tanner@hatch.senate.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

Cody Stewart <codystewart@utah.gov>

From: Cody Stewart <codystewart@utah.gov>
Sent: Wed Dec 28 2016 07:52:29 GMT-0700 (MST)
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Re: Weekly UT Check-in Call

Me too

Sent from my iPhone

On Dec 28, 2016, at 9:26 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Sorry for the short notice, team. But I need to move us to 330pm today. If that doesn't work for you, please let me know. Would like to talk today, if possible. Thanks!
>
> **Weekly UT Check-in Call**
> Scheduled: Wednesday, Dec 28, 2016 from 3:30 PM to 4:00 PM
> Location: Dial-in: (b) (5) and code: (b) (5)
> Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, john_tanner@hatch.senate.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

"Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>

From: "Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>
Sent: Wed Dec 28 2016 08:01:07 GMT-0700 (MST)
To: Cody Stewart <codystewart@utah.gov>
Subject: Re: Weekly UT Check-in Call

Sounds good.

Ryan D. Wilcox
Northern Utah Director | Policy Advisor
U.S. Senator Mike Lee
Office: 801-392-9623 | Cell: 801-200-5595
Ryan_Wilcox@lee.senate.gov

On Dec 28, 2016, at 07:52, Cody Stewart <codystewart@utah.gov> wrote:

> Me too
>
> Sent from my iPhone
>
> On Dec 28, 2016, at 9:26 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> > Sorry for the short notice, team. But I need to move us to 330pm today. If that doesn't work for you, please let me know. Would like to talk today, if possible. Thanks!
> >
> > **Weekly UT Check-in Call**
> > Scheduled: Wednesday, Dec 28, 2016 from 3:30 PM to 4:00 PM
> > Location: Dial-in: (b) (5) and code (b) (5)
> > Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, john_tanner@hatch.senate.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Dec 28 2016 12:47:07 GMT-0700 (MST)
To:	"Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>
CC:	Cody Stewart <codystewart@utah.gov>, "fred.ferguson@mail.house.gov" <fred.ferguson@mail.house.gov>, "adam.stewart@mail.house.gov" <adam.stewart@mail.house.gov>, "devin.wiser@mail.house.gov" <devin.wiser@mail.house.gov>, "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>, "casey.snider@mail.house.gov" <casey.snider@mail.house.gov>, "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>
Subject:	Re: Weekly UT Check-in Call

Sorry... Moving this again to 4:30pm. Talk to you then. Won't move again.

On Wed, Dec 28, 2016 at 10:01 AM, Wilcox, Ryan (Lee) <Ryan_Wilcox@lee.senate.gov> wrote:

> Sounds good.
>
> Ryan D. Wilcox

FOR COMMITTEE USE ONLY

Northern Utah Director | Policy Advisor
U.S. Senator Mike Lee
Office: 801-392-9623 | Cell: 801-200-5595
Ryan_Wilcox@lee.senate.gov

On Dec 28, 2016, at 07:52, Cody Stewart <codystewart@utah.gov> wrote:

> Me too
>
> Sent from my iPhone
>
> On Dec 28, 2016, at 9:26 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> > Sorry for the short notice, team. But I need to move us to 330pm today. If that doesn't work for you, please let me know. Would like to talk today, if possible. Thanks!
> >
> > **Weekly UT Check-in Call**
> > Scheduled: Wednesday, Dec 28, 2016 from 3:30 PM to 4:00 PM
> > Location: Dial-in:(b) (5) and code:(b) (5)
> > Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, john_tanner@hatch.senate.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>

From:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Sent:	Wed Dec 28 2016 13:07:18 GMT-0700 (MST)
To:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject:	Re: Weekly UT Check-in Call

Hey Nikki,

Sen. Lee's scheduler is out. If anyone in your shop would like to talk to him, I can arrange that. Talk

soon.

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Date: Wednesday, December 28, 2016 at 2:47 PM
To: "Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>
Cc: Cody Stewart <codystewart@utah.gov>, "fred.ferguson@mail.house.gov" <fred.ferguson@mail.house.gov>, "adam.stewart@mail.house.gov" <adam.stewart@mail.house.gov>, "devin.wiser@mail.house.gov" <devin.wiser@mail.house.gov>, "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>, "casey.snider@mail.house.gov" <casey.snider@mail.house.gov>, Chris Prandoni <chris_prandoni@lee.senate.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>
Subject: Re: Weekly UT Check-in Call

Sorry... Moving this again to 4:30pm. Talk to you then. Won't move again.

On Wed, Dec 28, 2016 at 10:01 AM, Wilcox, Ryan (Lee) <Ryan_Wilcox@lee.senate.gov> wrote:

> Sounds good.
>
> Ryan D. Wilcox
> Northern Utah Director | Policy Advisor
> U.S. Senator Mike Lee
> Office: 801-392-9623 | Cell: 801-200-5595
> Ryan_Wilcox@lee.senate.gov
>
> On Dec 28, 2016, at 07:52, Cody Stewart <codystewart@utah.gov> wrote:
>
> > Me too
> >
> > Sent from my iPhone
> >
> > On Dec 28, 2016, at 9:26 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
> >
> > > Sorry for the short notice, team. But I need to move us to 330pm today. If that doesn't work for you, please let me know. Would like to talk today, if possible. Thanks!
> > >
> > > **Weekly UT Check-in Call**
> > > Scheduled: Wednesday, Dec 28, 2016 from 3:30 PM to 4:00 PM
> > > Location: Dial-in: (b) (5) and code: (b) (5)
> > > Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, john_tanner@hatch.senate.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

--
Nikki Buffa
Deputy Chief of Staff
US Department of the Interior

FOR COMMITTEE USE ONLY

202-219-3861
nicole_buffa@ios.doi.gov*

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Dec 28 2016 13:40:43 GMT-0700 (MST)
To:	Neil Kornze <nkornze@blm.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Leslie Jones <Leslie.Jones@osec.usda.gov>
Subject:	Fwd: Weekly UT Check-in Call

Can someone please call him...

---------- Forwarded message ----------
From: **Prandoni, Chris (Lee)** <Chris_Prandoni@lee.senate.gov>
Date: Wed, Dec 28, 2016 at 3:07 PM
Subject: Re: Weekly UT Check-in Call
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>

Hey Nikki,

Sen. Lee's scheduler is out. If anyone in your shop would like to talk to him, I can arrange that. Talk soon.

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Date: Wednesday, December 28, 2016 at 2:47 PM
To: "Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>
Cc: Cody Stewart <codystewart@utah.gov>, "fred.ferguson@mail.house.gov" <fred.ferguson@mail.house.gov>, "adam.stewart@mail.house.gov" <adam.stewart@mail.house.gov>, "devin.wiser@mail.house.gov" <devin.wiser@mail.house.gov>, "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>, "casey.snider@mail.house.gov" <casey.snider@mail.house.gov>, Chris Prandoni <chris_prandoni@lee.senate.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>
Subject: Re: Weekly UT Check-in Call

Sorry... Moving this again to 4:30pm. Talk to you then. Won't move again.

On Wed, Dec 28, 2016 at 10:01 AM, Wilcox, Ryan (Lee) <Ryan_Wilcox@lee.senate.gov> wrote:

> Sounds good.
>
> Ryan D. Wilcox
> Northern Utah Director | Policy Advisor
> U.S. Senator Mike Lee
> Office: 801-392-9623 | Cell: 801-200-5595
> Ryan_Wilcox@lee.senate.gov

On Dec 28, 2016, at 07:52, Cody Stewart <codystewart@utah.gov> wrote:

Me too

Sent from my iPhone

On Dec 28, 2016, at 9:26 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

Sorry for the short notice, team. But I need to move us to 330pm today. If that doesn't work for you, please let me know. Would like to talk today, if possible. Thanks!

Weekly UT Check-in Call
Scheduled: Wednesday, Dec 28, 2016 from 3:30 PM to 4:00 PM
Location: Dial-in: (b) (5) and code: (b) (5)
Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, john_tanner@hatch.senate.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

-

Neil Kornze <nkornze@blm.gov>

From:	Neil Kornze <nkornze@blm.gov>
Sent:	Wed Dec 28 2016 13:41:39 GMT-0700 (MST)
To:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
CC:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Leslie Jones <Leslie.Jones@osec.usda.gov>
Subject:	Re: Weekly UT Check-in Call

Leslie has confirmed that the Chief is taking this one.

On Dec 28, 2016, at 3:40 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

Can someone please call him...

---------- Forwarded message ----------
From: **Prandoni, Chris (Lee)** <Chris_Prandoni@lee.senate.gov>
Date: Wed, Dec 28, 2016 at 3:07 PM
Subject: Re: Weekly UT Check-in Call
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>

Hey Nikki,

Sen. Lee's scheduler is out. If anyone in your shop would like to talk to him, I can arrange that. Talk soon.

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Date: Wednesday, December 28, 2016 at 2:47 PM
To: "Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>
Cc: Cody Stewart <codystewart@utah.gov>, "fred.ferguson@mail.house.gov" <fred.ferguson@mail.house.gov>, "adam.stewart@mail.house.gov" <adam.stewart@mail.house.gov>, "devin.wiser@mail.house.gov" <devin.wiser@mail.house.gov>, "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>, "casey.snider@mail.house.gov" <casey.snider@mail.house.gov>, Chris Prandoni <chris_prandoni@lee.senate.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>
Subject: Re: Weekly UT Check-in Call

Sorry... Moving this again to 4:30pm. Talk to you then. Won't move again.

On Wed, Dec 28, 2016 at 10:01 AM, Wilcox, Ryan (Lee) <Ryan_Wilcox@lee.senate.gov> wrote:

> Sounds good.
>
> Ryan D. Wilcox
> Northern Utah Director | Policy Advisor
> U.S. Senator Mike Lee
> Office: 801-392-9623 | Cell: 801-200-5595
> Ryan_Wilcox@lee.senate.gov
>
> On Dec 28, 2016, at 07:52, Cody Stewart <codystewart@utah.gov> wrote:
>
> > Me too
> >
> > Sent from my iPhone
> >
> > On Dec 28, 2016, at 9:26 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
> >
> > > Sorry for the short notice, team. But I need to move us to 330pm today. If that doesn't work for you, please let me know. Would like to talk today, if possible. Thanks!
> > >
> > > **Weekly UT Check-in Call**
> > > Scheduled: Wednesday, Dec 28, 2016 from 3:30 PM to 4:00 PM
> > > Location: Dial-in: (b) (5) and code: (b) (5)
> > > Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, john_tanner@hatch.senate.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

-

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

FOR COMMITTEE USE ONLY

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent: Wed Dec 28 2016 13:41:48 GMT-0700 (MST)
To: "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Subject: Re: Weekly UT Check-in Call

What number can I call you on?

On Wed, Dec 28, 2016 at 3:07 PM, Prandoni, Chris (Lee) <Chris_Prandoni@lee.senate.gov> wrote:

Hey Nikki,

Sen. Lee's scheduler is out. If anyone in your shop would like to talk to him, I can arrange that. Talk soon.

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Date: Wednesday, December 28, 2016 at 2:47 PM
To: "Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>
Cc: Cody Stewart <codystewart@utah.gov>, "fred.ferguson@mail.house.gov" <fred.ferguson@mail.house.gov>, "adam.stewart@mail.house.gov" <adam.stewart@mail.house.gov>, "devin.wiser@mail.house.gov" <devin.wiser@mail.house.gov>, "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>, "casey.snider@mail.house.gov" <casey.snider@mail.house.gov>, Chris Prandoni <chris_prandoni@lee.senate.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>
Subject: Re: Weekly UT Check-in Call

Sorry... Moving this again to 4:30pm. Talk to you then. Won't move again.

On Wed, Dec 28, 2016 at 10:01 AM, Wilcox, Ryan (Lee) <Ryan_Wilcox@lee.senate.gov> wrote:

Sounds good.

Ryan D. Wilcox
Northern Utah Director | Policy Advisor
U.S. Senator Mike Lee
Office: 801-392-9623 | Cell: 801-200-5595
Ryan_Wilcox@lee.senate.gov

On Dec 28, 2016, at 07:52, Cody Stewart <codystewart@utah.gov> wrote:

Me too

Sent from my iPhone

On Dec 28, 2016, at 9:26 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

Sorry for the short notice, team. But I need to move us to 330pm today. If that doesn't work for you, please let me know. Would like to talk today, if possible. Thanks!

Weekly UT Check-in Call
Scheduled: Wednesday, Dec 28, 2016 from 3:30 PM to 4:00 PM
Location: Dial-in: (b) (5) and code: (b) (5)

Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, john_tanner@hatch.senate.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Dec 28 2016 13:41:56 GMT-0700 (MST)
To:	Neil Kornze <nkornze@blm.gov>
CC:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Leslie Jones <Leslie.Jones@osec.usda.gov>
Subject:	Re: Weekly UT Check-in Call

YAY!!

On Wed, Dec 28, 2016 at 3:41 PM, Neil Kornze <nkornze@blm.gov> wrote:

Leslie has confirmed that the Chief is taking this one.

On Dec 28, 2016, at 3:40 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

Can someone please call him...

---------- Forwarded message ----------
From: **Prandoni, Chris (Lee)** <Chris_Prandoni@lee.senate.gov>
Date: Wed, Dec 28, 2016 at 3:07 PM
Subject: Re: Weekly UT Check-in Call
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>

Hey Nikki,

Sen. Lee's scheduler is out. If anyone in your shop would like to talk to him, I can arrange that. Talk soon.

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Date: Wednesday, December 28, 2016 at 2:47 PM
To: "Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>
Cc: Cody Stewart <codystewart@utah.gov>, "fred.ferguson@mail.house.gov" <fred.ferguson@mail.house.gov>, "adam.stewart@mail.house.gov" <adam.stewart@mail.house.gov>, "devin.wiser@mail.house.gov" <devin.wiser@mail.house.gov>, "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>, "casey.snider@mail.house.gov" <casey.snider@mail.house.gov>, Chris Prandoni <chris_prandoni@lee.senate.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>
Subject: Re: Weekly UT Check-in Call

Sorry... Moving this again to 4:30pm. Talk to you then. Won't move again.

On Wed, Dec 28, 2016 at 10:01 AM, Wilcox, Ryan (Lee) <Ryan_Wilcox@lee.senate.gov> wrote:

> Sounds good.
>
> Ryan D. Wilcox
> Northern Utah Director | Policy Advisor
> U.S. Senator Mike Lee
> Office: 801-392-9623 | Cell: 801-200-5595
> Ryan_Wilcox@lee.senate.gov
>
> On Dec 28, 2016, at 07:52, Cody Stewart <codystewart@utah.gov> wrote:
>
> > Me too
> >
> > Sent from my iPhone
> >
> > On Dec 28, 2016, at 9:26 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
> >
> > > Sorry for the short notice, team. But I need to move us to 330pm today. If that doesn't work for you, please let me know. Would like to talk today, if possible. Thanks!
> > >
> > > **Weekly UT Check-in Call**
> > > Scheduled: Wednesday, Dec 28, 2016 from 3:30 PM to 4:00 PM
> > > Location: Dial-in: (b) (5) and code (b) (5)
> > > Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, john_tanner@hatch.senate.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

-

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>

From:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Sent:	Wed Dec 28 2016 13:42:23 GMT-0700 (MST)
To:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject:	Re: Weekly UT Check-in Call

202 224 3910

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Date: Wednesday, December 28, 2016 at 3:41 PM
To: Chris Prandoni <chris_prandoni@lee.senate.gov>
Subject: Re: Weekly UT Check-in Call

What number can I call you on?

On Wed, Dec 28, 2016 at 3:07 PM, Prandoni, Chris (Lee) <Chris_Prandoni@lee.senate.gov> wrote:

> Hey Nikki,
>
> Sen. Lee's scheduler is out. If anyone in your shop would like to talk to him, I can arrange that. Talk soon.
>
> ---
>
> **From:** "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
> **Date:** Wednesday, December 28, 2016 at 2:47 PM
> **To:** "Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>
> **Cc:** Cody Stewart <codystewart@utah.gov>, "fred.ferguson@mail.house.gov" <fred.ferguson@mail.house.gov>, "adam.stewart@mail.house.gov" <adam.stewart@mail.house.gov>, "devin.wiser@mail.house.gov" <devin.wiser@mail.house.gov>, "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>, "casey.snider@mail.house.gov" <casey.snider@mail.house.gov>, Chris Prandoni <chris_prandoni@lee.senate.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>
> **Subject:** Re: Weekly UT Check-in Call
>
> Sorry... Moving this again to 4:30pm. Talk to you then. Won't move again.
>
> On Wed, Dec 28, 2016 at 10:01 AM, Wilcox, Ryan (Lee) <Ryan_Wilcox@lee.senate.gov> wrote:
>
> > Sounds good.
> >
> > Ryan D. Wilcox

Northern Utah Director | Policy Advisor
U.S. Senator Mike Lee
Office: 801-392-9623 | Cell: 801-200-5595
Ryan_Wilcox@lee.senate.gov

On Dec 28, 2016, at 07:52, Cody Stewart <codystewart@utah.gov> wrote:

> Me too
>
> Sent from my iPhone
>
> On Dec 28, 2016, at 9:26 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> > Sorry for the short notice, team. But I need to move us to 330pm today. If that doesn't work for you, please let me know. Would like to talk today, if possible. Thanks!
> >
> > **Weekly UT Check-in Call**
> > Scheduled: Wednesday, Dec 28, 2016 from 3:30 PM to 4:00 PM
> > Location: Dial-in: (b) (5) and code: (b) (5)
> > Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, john_tanner@hatch.senate.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

FOR COMMITTEE USE ONLY

From: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent: Wed Dec 28 2016 14:36:27 GMT-0700 (MST)
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject: Re: Weekly UT Check-in Call

Are we still on?

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

On Dec 28, 2016, at 14:47, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Sorry... Moving this again to 4:30pm. Talk to you then. Won't move again.
>
> On Wed, Dec 28, 2016 at 10:01 AM, Wilcox, Ryan (Lee) <Ryan_Wilcox@lee.senate.gov> wrote:
>> Sounds good.
>>
>> Ryan D. Wilcox
>> Northern Utah Director | Policy Advisor
>> U.S. Senator Mike Lee
>> Office: 801-392-9623 | Cell: 801-200-5595
>> Ryan_Wilcox@lee.senate.gov
>>
>> On Dec 28, 2016, at 07:52, Cody Stewart <codystewart@utah.gov> wrote:
>>
>>> Me too
>>>
>>> Sent from my iPhone
>>>
>>> On Dec 28, 2016, at 9:26 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>>>
>>>> Sorry for the short notice, team. But I need to move us to 330pm today. If that doesn't work for you, please let me know. Would like to talk today, if possible. Thanks!
>>>>
>>>> **Weekly UT Check-in Call**
>>>> Scheduled: Wednesday, Dec 28, 2016 from 3:30 PM to 4:00 PM
>>>> Location: Dial-in: (b) (5) and code: (b) (5)
>>>> Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, john_tanner@hatch.senate.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

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

From:	"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Sent:	Wed Dec 28 2016 14:36:58 GMT-0700 (MST)
To:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>, "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject:	Re: Weekly UT Check-in Call

I'm still holding.

From: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Date: Wednesday, December 28, 2016 at 4:36 PM
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Cc: "Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>, Cody Stewart <codystewart@utah.gov>, "adam.stewart@mail.house.gov" <Adam.Stewart@mail.house.gov>, "Devin.wiser@mail.house.gov" <Devin.Wiser@mail.house.gov>, John Tanner <John_Tanner@hatch.senate.gov>, Casey Snider <Casey.Snider@mail.house.gov>, "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>, Wendy Baig <Wendy_Baig@lee.senate.gov>
Subject: Re: Weekly UT Check-in Call

Are we still on?

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

On Dec 28, 2016, at 14:47, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Sorry... Moving this again to 4:30pm. Talk to you then. Won't move again.
>
> On Wed, Dec 28, 2016 at 10:01 AM, Wilcox, Ryan (Lee) <Ryan_Wilcox@lee.senate.gov> wrote:
>
> > Sounds good.
> >
> > Ryan D. Wilcox
> > Northern Utah Director | Policy Advisor

U.S. Senator Mike Lee
Office: 801-392-9623 | Cell: 801-200-5595
Ryan_Wilcox@lee.senate.gov

On Dec 28, 2016, at 07:52, Cody Stewart <codystewart@utah.gov> wrote:

> Me too
>
> Sent from my iPhone
>
> On Dec 28, 2016, at 9:26 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> > Sorry for the short notice, team. But I need to move us to 330pm today. If that doesn't work for you, please let me know. Would like to talk today, if possible. Thanks!
> >
> > **Weekly UT Check-in Call**
> > Scheduled: Wednesday, Dec 28, 2016 from 3:30 PM to 4:00 PM
> > Location: Dial-in: (b) (5) and code: (b) (5)
> > Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, john_tanner@hatch.senate.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

"Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>

From:	"Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>
Sent:	Wed Dec 28 2016 14:37:38 GMT-0700 (MST)
To:	"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>, "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>, "Buffa, Nicole" <nicole_buffa@ios.doi.gov>

FOR COMMITTEE USE ONLY

Subject: Re: Weekly UT Check-in Call

Attachments: 8C2F14DE-0CBA-4EC2-A0CB-6395F17ACCB4[53].png
A9B26BD2-D158-4E65-A00E-5C5E82C21BE7[53].png
1FB105FD-D6F1-4C8A-84D2-C31065963580[53].png
9A60E4E8-34BE-4E9C-8558-AB870360C0D4[53].png

Me too.

Ryan D. Wilcox
United States Senator Mike Lee
Northern Utah Director | ENR Policy Advisor
O: 801-392-9623 | UT: 801-200-5595 | DC: 202-870-9330

From: "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Date: Wednesday, December 28, 2016 at 2:36 PM
To: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>, "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Cc: Ryan Wilcox <Ryan_Wilcox@lee.senate.gov>, Cody Stewart <codystewart@utah.gov>, "Stewart, Adam" <Adam.Stewart@mail.house.gov>, "Wiser, Devin" <Devin.Wiser@mail.house.gov>, "Snider, Casey" <Casey.Snider@mail.house.gov>, "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>
Subject: Re: Weekly UT Check-in Call

I'm still holding.

From: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Date: Wednesday, December 28, 2016 at 4:36 PM
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Cc: "Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>, Cody Stewart <codystewart@utah.gov>, "adam.stewart@mail.house.gov" <Adam.Stewart@mail.house.gov>, "Devin.wiser@mail.house.gov" <Devin.Wiser@mail.house.gov>, John Tanner <John_Tanner@hatch.senate.gov>, Casey Snider <Casey.Snider@mail.house.gov>, "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>, Wendy Baig <Wendy_Baig@lee.senate.gov>
Subject: Re: Weekly UT Check-in Call

Are we still on?

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

On Dec 28, 2016, at 14:47, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Sorry... Moving this again to 4:30pm. Talk to you then. Won't move again.
>
> On Wed, Dec 28, 2016 at 10:01 AM, Wilcox, Ryan (Lee) <Ryan_Wilcox@lee.senate.gov>

wrote:

> Sounds good.
>
> Ryan D. Wilcox
> Northern Utah Director | Policy Advisor
> U.S. Senator Mike Lee
> Office: 801-392-9623 | Cell: 801-200-5595
> Ryan_Wilcox@lee.senate.gov
>
> On Dec 28, 2016, at 07:52, Cody Stewart <codystewart@utah.gov> wrote:
>
> > Me too
> >
> > Sent from my iPhone
> >
> > On Dec 28, 2016, at 9:26 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
> >
> > > Sorry for the short notice, team. But I need to move us to 330pm today. If that doesn't work for you, please let me know. Would like to talk today, if possible. Thanks!
> > >
> > > **Weekly UT Check-in Call**
> > > Scheduled: Wednesday, Dec 28, 2016 from 3:30 PM to 4:00 PM
> > > Location: Dial-in: (b) (5) and code: (b) (5)
> > > Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, john_tanner@hatch.senate.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

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

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent: Wed Dec 28 2016 14:42:21 GMT-0700 (MST)

FOR COMMITTEE USE ONLY

To:	"Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>
CC:	"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>, "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>, Cody Stewart <codystewart@utah.gov>, "Stewart, Adam" <Adam.Stewart@mail.house.gov>, "Wiser, Devin" <Devin.Wiser@mail.house.gov>, "Snider, Casey" <Casey.Snider@mail.house.gov>, "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>
Subject:	Re: Weekly UT Check-in Call
Attachments:	8C2F14DE-0CBA-4EC2-A0CB-6395F17ACCB4[53].png A9B26BD2-D158-4E65-A00E-5C5E82C21BE7[53].png 1FB105FD-D6F1-4C8A-84D2-C31065963580[53].png 9A60E4E8-34BE-4E9C-8558-AB870360C0D4[53].png

Sorry. I'm late!

On Wed, Dec 28, 2016 at 4:37 PM, Wilcox, Ryan (Lee) <Ryan_Wilcox@lee.senate.gov> wrote:

> Me too.
>
> Ryan D. Wilcox
> United States Senator Mike Lee
> Northern Utah Director | ENR Policy Advisor
> O: 801-392-9623 | UT: 801-200-5595 | DC: 202-870-9330
>
> ---
>
> **From:** "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
> **Date:** Wednesday, December 28, 2016 at 2:36 PM
> **To:** "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>, "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
> **Cc:** Ryan Wilcox <Ryan_Wilcox@lee.senate.gov>, Cody Stewart <codystewart@utah.gov>, "Stewart, Adam" <Adam.Stewart@mail.house.gov>, "Wiser, Devin" <Devin.Wiser@mail.house.gov>, "Snider, Casey" <Casey.Snider@mail.house.gov>, "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>
>
> **Subject:** Re: Weekly UT Check-in Call
>
> I'm still holding.
>
> ---
>
> **From:** Fred Ferguson <Fred.Ferguson@mail.house.gov>
> **Date:** Wednesday, December 28, 2016 at 4:36 PM
> **To:** "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
> **Cc:** "Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>, Cody Stewart <codystewart@utah.gov>, "adam.stewart@mail.house.gov" <Adam.Stewart@mail.house.gov>, "Devin.wiser@mail.house.gov" <Devin.Wiser@mail.house.gov>, John Tanner <John_Tanner@hatch.senate.gov>, Casey Snider <Casey.Snider@mail.house.gov>, "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>, Wendy Baig <Wendy_Baig@lee.senate.gov>
> **Subject:** Re: Weekly UT Check-in Call

Are we still on?

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

On Dec 28, 2016, at 14:47, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Sorry... Moving this again to 4:30pm. Talk to you then. Won't move again.
>
> On Wed, Dec 28, 2016 at 10:01 AM, Wilcox, Ryan (Lee) <Ryan_Wilcox@lee.senate.gov> wrote:
> Sounds good.
>
> Ryan D. Wilcox
> Northern Utah Director | Policy Advisor
> U.S. Senator Mike Lee
> Office: 801-392-9623 | Cell: 801-200-5595
> Ryan_Wilcox@lee.senate.gov
>
> On Dec 28, 2016, at 07:52, Cody Stewart <codystewart@utah.gov> wrote:
>
> > Me too
> >
> > Sent from my iPhone
> >
> > On Dec 28, 2016, at 9:26 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
> >
> > > Sorry for the short notice, team. But I need to move us to 330pm today. If that doesn't work for you, please let me know. Would like to talk today, if possible. Thanks!
> > >
> > > **Weekly UT Check-in Call**
> > > Scheduled: Wednesday, Dec 28, 2016 from 3:30 PM to 4:00 PM
> > > Location: Dial-in: (b) (5) and code: (b) (5)
> > > Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, john_tanner@hatch.senate.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

--

FOR COMMITTEE USE ONLY

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

--

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

"Jones, Leslie - OSEC" <Leslie.Jones@osec.usda.gov>

From:	"Jones, Leslie - OSEC" <Leslie.Jones@osec.usda.gov>
Sent:	Wed Dec 28 2016 14:43:21 GMT-0700 (MST)
To:	Neil Kornze <nkornze@blm.gov>, "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject:	RE: Weekly UT Check-in Call

Chief just spoke with the Senator. Nothing unexpected. He was furious and vowed to repeal.

From: Neil Kornze [mailto:nkornze@blm.gov]
Sent: Wednesday, December 28, 2016 3:42 PM
To: Buffa, Nicole <nicole_buffa@ios.doi.gov>
Cc: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>; Jones, Leslie - OSEC <Leslie.Jones@osec.usda.gov>
Subject: Re: Weekly UT Check-in Call

Leslie has confirmed that the Chief is taking this one.

On Dec 28, 2016, at 3:40 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

Can someone please call him...

---------- Forwarded message ----------
From: **Prandoni, Chris (Lee)** <Chris_Prandoni@lee.senate.gov>
Date: Wed, Dec 28, 2016 at 3:07 PM
Subject: Re: Weekly UT Check-in Call
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>

FOR COMMITTEE USE ONLY

Hey Nikki,

Sen. Lee's scheduler is out. If anyone in your shop would like to talk to him, I can arrange that. Talk soon.

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Date: Wednesday, December 28, 2016 at 2:47 PM
To: "Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>
Cc: Cody Stewart <codystewart@utah.gov>, "fred.ferguson@mail.house.gov" <fred.ferguson@mail.house.gov>, "adam.stewart@mail.house.gov" <adam.stewart@mail.house.gov>, "devin.wiser@mail.house.gov" <devin.wiser@mail.house.gov>, "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>, "casey.snider@mail.house.gov" <casey.snider@mail.house.gov>, Chris Prandoni <chris_prandoni@lee.senate.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>
Subject: Re: Weekly UT Check-in Call

Sorry... Moving this again to 4:30pm. Talk to you then. Won't move again.

On Wed, Dec 28, 2016 at 10:01 AM, Wilcox, Ryan (Lee) <Ryan_Wilcox@lee.senate.gov> wrote:

> Sounds good.
>
> Ryan D. Wilcox
> Northern Utah Director | Policy Advisor
> U.S. Senator Mike Lee
> Office: 801-392-9623 | Cell: 801-200-5595
> Ryan_Wilcox@lee.senate.gov
>
> On Dec 28, 2016, at 07:52, Cody Stewart <codystewart@utah.gov> wrote:
>
> > Me too
> >
> > Sent from my iPhone
> >
> > On Dec 28, 2016, at 9:26 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
> >
> > > Sorry for the short notice, team. But I need to move us to 330pm today. If that doesn't work for you, please let me know. Would like to talk today, if possible. Thanks!
> > >
> > > **Weekly UT Check-in Call**
> > > Scheduled: Wednesday, Dec 28, 2016 from 3:30 PM to 4:00 PM
> > > Location: Dial-in: (b) (5) and code: (b) (5)
> > > Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, john_tanner@hatch.senate.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Dec 28 2016 14:50:01 GMT-0700 (MST)
To:	"Jones, Leslie - OSEC" <Leslie.Jones@osec.usda.gov>
CC:	Neil Kornze <nkornze@blm.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject:	Re: Weekly UT Check-in Call

Thanks, Leslie. I'm talking to the staff now. Same feelings there.

On Wed, Dec 28, 2016 at 4:43 PM, Jones, Leslie - OSEC <Leslie.Jones@osec.usda.gov> wrote:

> Chief just spoke with the Senator. Nothing unexpected. He was furious and vowed to repeal.
>
> **From:** Neil Kornze [mailto:nkornze@blm.gov]
> **Sent:** Wednesday, December 28, 2016 3:42 PM
> **To:** Buffa, Nicole <nicole_buffa@ios.doi.gov>
> **Cc:** Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>; Jones, Leslie - OSEC <Leslie.Jones@osec.usda.gov>
>
> **Subject:** Re: Weekly UT Check-in Call
>
> Leslie has confirmed that the Chief is taking this one.
>
> On Dec 28, 2016, at 3:40 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
>
> Can someone please call him...
>
> ---------- Forwarded message ----------
> From: **Prandoni, Chris (Lee)** <Chris_Prandoni@lee.senate.gov>
> Date: Wed, Dec 28, 2016 at 3:07 PM
> Subject: Re: Weekly UT Check-in Call
> To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
>
> Hey Nikki,
>
> Sen. Lee's scheduler is out. If anyone in your shop would like to talk to him, I can arrange that. Talk soon.
>
> **From:** "Buffa, Nicole" <nicole_buffa@ios.doi.gov>

Date: Wednesday, December 28, 2016 at 2:47 PM
To: "Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>
Cc: Cody Stewart <codystewart@utah.gov>, "fred.ferguson@mail.house.gov" <fred.ferguson@mail.house.gov>, "adam.stewart@mail.house.gov" <adam.stewart@mail.house.gov>, "devin.wiser@mail.house.gov" <devin.wiser@mail.house.gov>, "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>, "casey.snider@mail.house.gov" <casey.snider@mail.house.gov>, Chris Prandoni <chris_prandoni@lee.senate.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>
Subject: Re: Weekly UT Check-in Call

Sorry... Moving this again to 4:30pm. Talk to you then. Won't move again.

On Wed, Dec 28, 2016 at 10:01 AM, Wilcox, Ryan (Lee) <Ryan_Wilcox@lee.senate.gov> wrote:

> Sounds good.
>
> Ryan D. Wilcox
> Northern Utah Director | Policy Advisor
> U.S. Senator Mike Lee
> Office: 801-392-9623 | Cell: 801-200-5595
> Ryan_Wilcox@lee.senate.gov
>
> On Dec 28, 2016, at 07:52, Cody Stewart <codystewart@utah.gov> wrote:
>
> > Me too
> >
> > Sent from my iPhone
> >
> > On Dec 28, 2016, at 9:26 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
> >
> > > Sorry for the short notice, team. But I need to move us to 330pm today. If that doesn't work for you, please let me know. Would like to talk today, if possible. Thanks!
> > >
> > > **Weekly UT Check-in Call**
> > > Scheduled: Wednesday, Dec 28, 2016 from 3:30 PM to 4:00 PM
> > > Location: Dial-in: (b) (5) and code: (b) (5)
> > > Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, john_tanner@hatch.senate.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

-

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Wed Dec 28 2016 15:04:06 GMT-0700 (MST)
To:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject:	Re: Weekly UT Check-in Call
Attachments:	8C2F14DE-0CBA-4EC2-A0CB-6395F17ACCB4[53].png A9B26BD2-D158-4E65-A00E-5C5E82C21BE7[53].png 1FB105FD-D6F1-4C8A-84D2-C31065963580[53].png 9A60E4E8-34BE-4E9C-8558-AB870360C0D4[53].png

Nikki,

Thanks for the call. Obviously we are very frustrated. It's hard to accept that the Tribes support the co-management language and boundaries in the monument yet opposed them in PLI. As you stated, they are basically word-for-word the same.

This monument decision makes it utterly transparent and obvious that the Tribes and their environmental backers never intended to support PLI and always opted for the monument route because it comes with no cost (ie the balance provided for in the PLI opportunity section).

Very frustrating.

Best,
Fred

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

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

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

FOR COMMITTEE USE ONLY

Sent: Wed Dec 28 2016 15:06:53 GMT-0700 (MST)

To: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Michael Degnan (b) (6)

Subject: Fwd: Weekly UT Check-in Call

Attachments: 8C2F14DE-0CBA-4EC2-A0CB-6395F17ACCB4[53].png
A9B26BD2-D158-4E65-A00E-5C5E82C21BE7[53].png
1FB105FD-D6F1-4C8A-84D2-C31065963580[53].png
9A60E4E8-34BE-4E9C-8558-AB870360C0D4[53].png

---------- Forwarded message ----------
From: **Ferguson, Fred** <Fred.Ferguson@mail.house.gov>
Date: Wed, Dec 28, 2016 at 5:04 PM
Subject: Re: Weekly UT Check-in Call
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Cc: "Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>, "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>, Cody Stewart <codystewart@utah.gov>, "Stewart, Adam" <Adam.Stewart@mail.house.gov>, "Wiser, Devin" <Devin.Wiser@mail.house.gov>, "Snider, Casey" <Casey.Snider@mail.house.gov>, "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>, "McGrath, William" <William.McGrath@mail.house.gov>, Stephenne Harding (b) (6)

Nikki,

Thanks for the call. Obviously we are very frustrated. It's hard to accept that the Tribes support the co-management language and boundaries in the monument yet opposed them in PLI. As you stated, they are basically word-for-word the same.

This monument decision makes it utterly transparent and obvious that the Tribes and their environmental backers never intended to support PLI and always opted for the monument route because it comes with no cost (ie the balance provided for in the PLI opportunity section).

Very frustrating.

Best,
Fred

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

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

FOR COMMITTEE USE ONLY

*I will no longer have access to this email on 1/19 – to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

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

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

Sent: Wed Dec 28 2016 15:08:43 GMT-0700 (MST)

To: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

CC: "Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>, "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>, Cody Stewart <codystewart@utah.gov>, "Stewart, Adam" <Adam.Stewart@mail.house.gov>, "Wiser, Devin" <Devin.Wiser@mail.house.gov>, "Snider, Casey" <Casey.Snider@mail.house.gov>, "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>, "McGrath, William" <William.McGrath@mail.house.gov>, Stephenne Harding (b) (6)

Subject: Re: Weekly UT Check-in Call

I hear you and will pass along your frustrations. I stand ready to work with you guys and help as much as I can. I think it'll be really important for those of you who are interested, to develop good relationships with the BLM folks on the ground who will be taking the reigns from here. I'm happy to help make those connections, although, I'm sure many of you have them already. Again, I'll send you the details as soon as I can.

Thanks,
Nikki

On Wed, Dec 28, 2016 at 5:04 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> Nikki,
>
> Thanks for the call. Obviously we are very frustrated. It's hard to accept that the Tribes support the co-management language and boundaries in the monument yet opposed them in PLI. As you stated, they are basically word-for-word the same.
>
> This monument decision makes it utterly transparent and obvious that the Tribes and their environmental backers never intended to support PLI and always opted for the monument route because it comes with no cost (ie the balance provided for in the PLI opportunity section).
>
> Very frustrating.
>
> Best,
> Fred
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Wed Dec 28 2016 15:10:02 GMT-0700 (MST)
To:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject:	Re: Weekly UT Check-in Call

Forgot to add Neil.

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

On Dec 28, 2016, at 17:04, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> Nikki,
>
> Thanks for the call. Obviously we are very frustrated. It's hard to accept that the Tribes support the co-management language and boundaries in the monument yet opposed them in PLI. As you stated, they are basically word-for-word the same.
>
> This monument decision makes it utterly transparent and obvious that the Tribes and their environmental backers never intended to support PLI and always opted for the monument route because it comes with no cost (ie the balance provided for in the PLI opportunity section).
>
> Very frustrating.
>
> Best,
> Fred
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell

Conversation Contents

Accepted: Updated Invitation: Weekly UT Check-in Call @ Wed Dec 28, 2016 4:30pm - 5pm (EST) (chris_prandoni@lee.senate.gov)

Attachments:

/5. Accepted: Updated Invitation: Weekly UT Check-in Call @ Wed Dec 28, 2016 4:30pm - 5pm (EST) (chris_prandoni@lee.senate.gov)/1.1 invite.ics

"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>

From:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Sent:	Wed Dec 28 2016 12:34:17 GMT-0700 (MST)
To:	"nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Subject:	Accepted: Updated Invitation: Weekly UT Check-in Call @ Wed Dec 28, 2016 4:30pm - 5pm (EST) (chris_prandoni@lee.senate.gov)
Attachments:	invite.ics

FOR COMMITTEE USE ONLY

From: Prandoni, Chris (Lee) <Chris_Prandoni@lee.senate.gov>
Subject: Accepted: Updated Invitation: Weekly UT Check-in Call @ Wed Dec 28, 2016 4:30pm - 5pm (EST) (chris_prandoni@lee.senate.gov)

Conversation Contents

Accepted: Updated Invitation: Weekly UT Check-in Call @ Wed Dec 28, 2016 3:30pm - 4pm (EST) (chris_prandoni@lee.senate.gov)

Attachments:

/6. Accepted: Updated Invitation: Weekly UT Check-in Call @ Wed Dec 28, 2016 3:30pm - 4pm (EST) (chris_prandoni@lee.senate.gov)/1.1 invite.ics

"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>

From:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Sent:	Wed Dec 28 2016 07:48:03 GMT-0700 (MST)
To:	"nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Subject:	Accepted: Updated Invitation: Weekly UT Check-in Call @ Wed Dec 28, 2016 3:30pm - 4pm (EST) (chris_prandoni@lee.senate.gov)
Attachments:	invite.ics

FOR COMMITTEE USE ONLY

From: Prandoni, Chris (Lee)
To: nicole_buffa@ios.doi.gov; Prandoni, Chris (Lee)
Subject: Accepted: Updated Invitation: Weekly UT Check-in Call @ Wed Dec 28, 2016 3:30pm - 4pm (EST) (chris_prandoni@lee.senate.gov)

Conversation Contents

Accepted: Updated Invitation: Weekly UT Check-in Call @ Wed Dec 28, 2016 3:30pm - 4pm (EST) (fred.ferguson@mail.house.gov)

Attachments:

/7. Accepted: Updated Invitation: Weekly UT Check-in Call @ Wed Dec 28, 2016 3:30pm - 4pm (EST) (fred.ferguson@mail.house.gov)/1.1 invite.ics

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Wed Dec 28 2016 07:27:01 GMT-0700 (MST)
To:	"nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Subject:	Accepted: Updated Invitation: Weekly UT Check-in Call @ Wed Dec 28, 2016 3:30pm - 4pm (EST) (fred.ferguson@mail.house.gov)
Attachments:	invite.ics

FOR COMMITTEE USE ONLY

From: Ferguson, Fred
To: nicole_buffa@ios.doi.gov; Ferguson, Fred
Subject: Accepted: Updated Invitation: Weekly UT Check-in Call @ Wed Dec 28, 2016 3:30pm - 4pm (EST) (fred.ferguson@mail.house.gov)

Conversation Contents

In Lieu Selection MOU

Attachments:

/8. In Lieu Selection MOU/1.1 MOU with BLM on Pool Value.pdf

John Andrews <jandrews@utah.gov>

From:	John Andrews <jandrews@utah.gov>
Sent:	Tue Dec 27 2016 12:07:50 GMT-0700 (MST)
To:	Justin Pidot <justin.pidot@sol.doi.gov>, "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject:	In Lieu Selection MOU
Attachments:	MOU with BLM on Pool Value.pdf

Justin and Nikki;

I hope that your Christmas was nice. We had our largest Christmas day snowstorm in 100 years (and resultant awesome skiing), so things were great out here.

We have talked about the existing MOU concerning the Utah's in lieu selection ledger account. I have attached a copy. It is technically expired, but we have proceeded under it nonetheless. We'll work with BLM to get it renewed.

Hope this helps.

John

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

"Pidot, Justin" <justin.pidot@sol.doi.gov>

From: "Pidot, Justin" <justin.pidot@sol.doi.gov>
Sent: Tue Dec 27 2016 12:18:27 GMT-0700 (MST)
To: John Andrews <jandrews@utah.gov>
CC: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject: Re: In Lieu Selection MOU

John,

Thanks very much. I'm glad the snow and skiing in Utah were wonderful. It was a beautiful winter day in Maine.

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Tue, Dec 27, 2016 at 2:07 PM, John Andrews <jandrews@utah.gov> wrote:

> Justin and Nikki;
>
> I hope that your Christmas was nice. We had our largest Christmas day snowstorm in 100 years (and resultant awesome skiing), so things were great out here.
>
> We have talked about the existing MOU concerning the Utah's in lieu selection ledger account. I have attached a copy. It is technically expired, but we have proceeded under it nonetheless. We'll work with BLM to get it renewed.
>
> Hope this helps.
>
> John
>
> --
> John W. Andrews
> Associate Director & Chief Legal Counsel
> Utah School and Institutional Trust Lands Administration
> 675 East 500 South, Suite 500
> Salt Lake City, Utah 84102
>
> (801) 538-5180 (o)

(801) 538-5118 (fax)
(801) 243-8611 (mobile)

(5)

BLM MOU UT921 – FY0601

Memorandum of Understanding

for

Updating and Adjusting the Remaining State of Utah In-Lieu Lands Pool Value

THIS Memorandum of Understanding (MOU) is entered this 7th day June 2006, by and between the State of Utah, School and Institutional Trust Lands Administration ("SITLA" or the "State"), and the United States Department of the Interior, Bureau of Land Management, Utah State Office ("BLM").

The BLM enters into this MOU under the authority of Section 307(b) of the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. 1737. SITLA enters into this MOU under the authority of the Utah School and Trust Lands Management Act, Utah Code Annotated Chapter 53C.

The purpose of this MOU is solely to establish a procedure for ensuring that valuation of base and selected lands is effectively contemporaneous as required by BLM Manual 2621.07B, and to set forth the understanding of the BLM and SITLA concerning remaining pool values and credits. It is not intended to modify existing policies, procedures or regulations with respect to the processing of state indemnity selections. Nor is it intended to waive any claim that either party may have against the other with respect to such selections.

WHEREAS, SITLA, as statutory successor to the Utah Division of State Lands & Forestry, is the state agency responsible by law for management of lands granted to Utah by Congress at statehood for the support of public schools and other public institutions; and

WHEREAS, pursuant to Section 6 of the Utah Enabling Act, Act of July 16, 1894, ch. 138, 28 Stat. 107, the State of Utah was granted the right to select unappropriated federal lands within Utah in lieu of numbered school sections for which title could not pass due to prior reservation or conveyance; and

WHEREAS, by letter agreement dated August 20, 1983, the Utah Division of State Lands and Forestry and BLM agreed that the then-outstanding but unfulfilled state in lieu selection right was for 223,000 acres of base lands; and

WHEREAS, the parties contemporaneously established an agreed total value for such base lands (the "pooled value"), with future selections made by the State of Utah appraised and such appraised values deducted from the pooled value upon conveyance of the selected lands by BLM to the State; and

WHEREAS, BLM Manual 2621.07B provides that valuation of both base and selected lands must be made at the same date, and as near to the proposed date of conveyance as practicable; and

WHEREAS, the long period of time that has elapsed since the pooled value of the State's selection rights was determined requires adjustment of the remaining pooled value for inflation since the original date of valuation, so that valuation of remaining base lands and selected lands will be contemporaneous; and

WHEREAS, SITLA agrees that it is also appropriate to adjust for inflation a credit to the pooled value that accrued to BLM by agreement of the parties; and

WHEREAS, the Implicit Price Deflator/Gross Domestic Product (the "IPD/GDP") provides a readily available and applicable index for calculating inflation, which is utilized by BLM for other inflation adjustments, and which is acceptable to both parties to this MOU.

WHEREAS, BLM and SITLA agree that the processing of remaining in-lieu land entitlement due the State shall be expedited and should be concluded within the five (5) year term of this Agreement.

WHEREAS, BLM and SITLA agree that all In-Lieu selections completed prior to the execution of this Agreement shall not be reviewed, adjusted, or otherwise disturbed in any way.

NOW, THEREFORE, SITLA and the BLM set forth the following mutual understanding with respect to the valuation and adjustment of remaining state indemnity selections in Utah:

1. Unadjusted Pooled Value. The remaining pooled value, upon which the State of Utah is entitled to draw in making indemnity selections, prior to adjustment pursuant to this MOU, is $1,401,100.00.

2. BLM Credit. SITLA and BLM acknowledge that pursuant to a final judgment of the United States District Court for the District of Utah in that certain case entitled *United States of America v. State of Utah, School and Institutional Trust Lands Administration*, Case No. 2:97 CV 0885B, the United States became entitled as of October 20, 1998 to a $180,000.00 credit against the above-referenced pooled value, prior to adjustment pursuant to this MOU.

3. Adjustment of Pooled Value. The remaining pooled value should be adjusted for inflation from August 20, 1982 until the current date utilizing the IPD/GDP for the 3rd quarter of 1982 (63.182) and the IPD/GDP for the most recent calendar quarter that has been officially published (1st quarter 2006 = 114.417), as follows: $1,401,100 x 114.417/63.182 = $2,537,268.

4. Adjustment of BLM Credit. The BLM Credit should be adjusted for inflation from October 20, 1998 until the current date utilizing the IPD/GDP for the 4th quarter of 1998 (96.934) and the IPD/GDP for the most recent calendar quarter that has been officially published (1st quarter 2006 = 114.417), as follows: $180,000 x 114.417/96.934 = $212,465.

5. Adjusted Pool Value After Credit. The adjusted pooled value after consideration of the adjusted BLM Credit is $2,537,268 - $212,465 = $2,324,803 as of the date of this MOU.

Term The term of this Agreement is five (5) years, ending June 6, 2011 unless extended as provided below.

Extension and Termination of Agreement In the event that the adjusted pool value is not exhausted within the prescribed term, this Agreement may be extended upon the written agreement of both parties. Any extension will identify the minimum term necessary to complete the State in-lieu land entitlement, and an adjustment of the remaining pooled value made at the time of extension.

6. Future Adjustments. At the time that valuation is established by the BLM for public lands which are the subject of future state indemnity selections, the adjusted pooled value shall contemporaneously be adjusted from the 1st quarter of 2006 utilizing the IDP/GDP for the most recent calendar quarter that has been officially published as of the date of valuation of the selected land. If an extension of the Agreement is agreed upon, further adjustment to the remaining pool value will be made at the time of extension to this Agreement.

DATED as of the date first set forth above.

U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT

JUN 07 2006

By: _____
Henri Bisson
Utah State Director

STATE OF UTAH, SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION

JUN 07 2006

By: _____
Kevin Carter
Director

Conversation Contents

Who

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Mon Dec 26 2016 12:27:13 GMT-0700 (MST)
To: Fred Ferguson - (b) (6)
Subject: Who

Should I be working with in your old office?

Conversation Contents

Update

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Fri Dec 23 2016 06:04:03 GMT-0700 (MST)
To:	Nikki Buffa <nicole_buffa@ios.doi.gov>
Subject:	Update

Hey Nikki,

I hope you are well and able to enjoy the holiday season! As we discussed on our call, you said you would like to give the delegation 48 hours notice prior to a monument being declared. I want to confirm that's still the plan?

Also, we've heard a rumor that Secretary Jewell will be in Utah today. Is there any merit to that?

Thanks again and all the best,
Fred

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

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Fri Dec 23 2016 08:24:31 GMT-0700 (MST)
To:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
CC:	John Tanner <john_tanner@hatch.senate.gov>, Cody Stewart <codystewart@utah.gov>
Subject:	Re: Update

Hi guys - Nothing is happening today. And I can't promise 48 hours notice, but I will do my best. I do promise that.

Hope you all have a nice holiday and I'll be back in touch early next week. I'm on my email and cell if you need anything before then.

All my best,
Nikki

On Dec 23, 2016, at 5:04 AM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> Hey Nikki,
>
> I hope you are well and able to enjoy the holiday season! As we discussed on our call, you said you would like to give the delegation 48 hours notice prior to a monument being declared. I want to confirm that's still the plan?
>
> Also, we've heard a rumor that Secretary Jewell will be in Utah today. Is there any merit to that?
>
> Thanks again and all the best,
> Fred
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell

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

From:	"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Sent:	Mon Dec 26 2016 09:27:36 GMT-0700 (MST)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Update

Any update for us?

Sent from my iPhone

On Dec 23, 2016, at 10:24 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Hi guys - Nothing is happening today. And I can't promise 48 hours notice, but I will do my best. I do promise that.
>
> Hope you all have a nice holiday and I'll be back in touch early next week. I'm on my email and cell if you need anything before then.

All my best,
Nikki

On Dec 23, 2016, at 5:04 AM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> Hey Nikki,
>
> I hope you are well and able to enjoy the holiday season! As we discussed on our call, you said you would like to give the delegation 48 hours notice prior to a monument being declared. I want to confirm that's still the plan?
>
> Also, we've heard a rumor that Secretary Jewell will be in Utah today. Is there any merit to that?
>
> Thanks again and all the best,
> Fred
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell

FOR COMMITTEE USE ONLY

Conversation Contents

Markup

Attachments:

/13. Markup/1.1 Draft Exchange Agreement 2016-12-15 v3.docx
/13. Markup/4.1 BearsEars_FINAL_PLIBoundary_36x72_12212016 (1).pdf
/13. Markup/11.1 BearsEars_FINAL_PLIBoundary_36x72_12212016 (1).pdf

John Andrews <jandrews@utah.gov>

From:	John Andrews <jandrews@utah.gov>
Sent:	Thu Dec 15 2016 17:02:04 GMT-0700 (MST)
To:	Justin Pidot <justin.pidot@sol.doi.gov>
Subject:	Markup
Attachments:	Draft Exchange Agreement 2016-12-15 v3.docx

Justin;

Here is our markup of the document to reflect your prior comments.

Let me know of any questions. Thanks.

John

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

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

From:	Justin Pidot <justin.pidot@sol.doi.gov>
Sent:	Tue Dec 20 2016 07:10:50 GMT-0700 (MST)

FOR COMMITTEE USE ONLY

To:	John Andrews <jandrews@utah.gov>
CC:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>, David Ure <dure@utah.gov>
Subject:	Re: Markup

John, I'm going to look at this today. Can you send us your tentative maps too? Thanks! Justin Sent from my iPhone > On Dec 15, 2016, at 7:07 PM, John Andrews <jandrews@utah.gov> wrote: > > Justin; > > Here is our markup of the document to reflect your prior comments. > > Let me know of any questions. Thanks. > > John > > -- > John W. Andrews > Associate Director & Chief Legal Counsel > Utah School and Institutional Trust Lands Administration > 675 East 500 South, Suite 500 > Salt Lake City, Utah 84102 > > (801) 538-5180 (o) > (801) 538-5118 (fax) > (801) 243-8611 (mobile) >

John Andrews <jandrews@utah.gov>

From:	John Andrews <jandrews@utah.gov>
Sent:	Tue Dec 20 2016 13:03:28 GMT-0700 (MST)
To:	Justin Pidot <justin.pidot@sol.doi.gov>
Subject:	Re: Markup

Justin;

Thanks. We're having a meeting with several of our Board members this afternoon, which may lead to some changes. I should be able to get you something tomorrow.

John

On Tue, Dec 20, 2016 at 7:10 AM, Justin Pidot <justin.pidot@sol.doi.gov> wrote:

> John,
>
> I'm going to look at this today. Can you send us your tentative maps too?
>
> Thanks!
>
> Justin
>
> Sent from my iPhone
>
> > On Dec 15, 2016, at 7:07 PM, John Andrews <jandrews@utah.gov> wrote:
> >
> > Justin;
> >
> > Here is our markup of the document to reflect your prior comments.
> >
> > Let me know of any questions. Thanks.

>
> John
>
> --
> John W. Andrews
> Associate Director & Chief Legal Counsel
> Utah School and Institutional Trust Lands Administration
> 675 East 500 South, Suite 500
> Salt Lake City, Utah 84102
>
> (801) 538-5180 (o)
> (801) 538-5118 (fax)
> (801) 243-8611 (mobile)
> <Draft Exchange Agreement 2016-12-15 v3.docx>

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

John Andrews <jandrews@utah.gov>

From:	John Andrews <jandrews@utah.gov>
Sent:	Wed Dec 21 2016 14:37:56 GMT-0700 (MST)
To:	Justin Pidot <justin.pidot@sol.doi.gov>
Subject:	Re: Markup
Attachments:	BearsEars_FINAL_PLIBoundary_36x72_12212016 (1).pdf

Justin;

I have attached our tentative map for your team's review. It isn't significantly different from what we had previously sent, with one exception, which is that the SITLA proposal for acquisition of lands near Bluff has been eliminated, and a block of BLM lands to the north and east identified in its stead. We have also proposed trading to BLM the surface estate only of some of the more sensitive lands adjacent to the Town of Bluff. These two changes should help with the Bluff constituency.

I do have to note that the politics on our end of this are getting quite difficult. At some point, we should probably have another call.

Thanks, and you all have happy holidays if we don't speak in the interim.

John

On Tue, Dec 20, 2016 at 7:10 AM, Justin Pidot <justin.pidot@sol.doi.gov> wrote:

> John,
>
> I'm going to look at this today. Can you send us your tentative maps too?
>
> Thanks!
>
> Justin
>
> Sent from my iPhone
>
> > On Dec 15, 2016, at 7:07 PM, John Andrews <jandrews@utah.gov> wrote:
> >
> > Justin;
> >
> > Here is our markup of the document to reflect your prior comments.
> >
> > Let me know of any questions. Thanks.
> >
> > John
> >
> > --
> > John W. Andrews
> > Associate Director & Chief Legal Counsel
> > Utah School and Institutional Trust Lands Administration
> > 675 East 500 South, Suite 500
> > Salt Lake City, Utah 84102
> >
> > (801) 538-5180 (o)
> > (801) 538-5118 (fax)
> > (801) 243-8611 (mobile)
> > <Draft Exchange Agreement 2016-12-15 v3.docx>

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

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

From:	Justin Pidot <justin.pidot@sol.doi.gov>
Sent:	Wed Dec 21 2016 16:07:02 GMT-0700 (MST)
To:	John Andrews <jandrews@utah.gov>
CC:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>, David Ure <dure@utah.gov>
Subject:	Re: Markup

John, Thanks very much for sending this along and, and as always, for your constructive spirit. I'll talk with Nikki about when we can do another call, but I'm guessing it won't be until after Christmas. I hope that you and yours have a very happy holiday. All the best, Justin Sent from my iPhone > On Dec 21, 2016, at 4:41 PM, John Andrews <jandrews@utah.gov> wrote: > > Justin; > > I have attached our tentative map for your team's review. It isn't > significantly different from what we had previously sent, with one > exception, which is that the SITLA proposal for acquisition of lands near > Bluff has been eliminated, and a block of BLM lands to the north and east > identified in its stead. We have also proposed trading to BLM the surface > estate only of some of the more sensitive lands adjacent to the Town of > Bluff. These two changes should help with the Bluff constituency. > > I do have to note that the politics on our end of this are getting quite > difficult. At some point, we should probably have another call. > > Thanks, and you all have happy holidays if we don't speak in the interim. > > John > > > > > On Tue, Dec 20, 2016 at 7:10 AM, Justin Pidot <justin.pidot@sol.doi.gov> > wrote: > >> John, >> >> I'm going to look at this today. Can you send us your tentative maps too? >> >> Thanks! >> >> Justin >> >> Sent from my iPhone >> >>> On Dec 15, 2016, at 7:07 PM, John Andrews <jandrews@utah.gov> wrote: >>> >>> Justin; >>> >>> Here is our markup of the document to reflect your prior comments. >>> >>> Let me know of any questions. Thanks. >>> >>> John >>> >>> -- >>> John W. Andrews >>> Associate Director & Chief Legal Counsel >>> Utah School and Institutional Trust Lands Administration >>> 675 East 500 South, Suite 500 >>> Salt Lake City, Utah 84102 >>> >>> (801) 538-5180 (o) >>> (801) 538-5118 (fax) >>> (801) 243-8611 (mobile) >>> > > > > -- > John W. Andrews > Associate Director & Chief Legal Counsel > Utah School and Institutional Trust Lands Administration > 675 East 500 South, Suite 500 > Salt Lake City, Utah 84102 > > (801) 538-5180 (o) > (801) 538-5118 (fax) > (801) 243-8611 (mobile) >

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Dec 21 2016 17:43:24 GMT-0700 (MST)
To:	John Andrews <jandrews@utah.gov>

CC: Justin Pidot <justin.pidot@sol.doi.gov>, David Ure <dure@utah.gov>

Subject: Re: Markup

Thanks, John. We'll take a close look. I hope you have a happy holiday! > On Dec 21, 2016, at 4:42 PM, John Andrews <jandrews@utah.gov> wrote: > > Justin; > > I have attached our tentative map for your team's review. It isn't > significantly different from what we had previously sent, with one > exception, which is that the SITLA proposal for acquisition of lands near > Bluff has been eliminated, and a block of BLM lands to the north and east > identified in its stead. We have also proposed trading to BLM the surface > estate only of some of the more sensitive lands adjacent to the Town of > Bluff. These two changes should help with the Bluff constituency. > > I do have to note that the politics on our end of this are getting quite > difficult. At some point, we should probably have another call. > > Thanks, and you all have happy holidays if we don't speak in the interim. > > John > > > > > On Tue, Dec 20, 2016 at 7:10 AM, Justin Pidot <justin.pidot@sol.doi.gov> > wrote: > >> John, >> >> I'm going to look at this today. Can you send us your tentative maps too? >> >> Thanks! >> >> Justin >> >> Sent from my iPhone >> >>> On Dec 15, 2016, at 7:07 PM, John Andrews <jandrews@utah.gov> wrote: >>> >>> Justin; >>> >>> Here is our markup of the document to reflect your prior comments. >>> >>> Let me know of any questions. Thanks. >>> >>> John >>> >>> -- >>> John W. Andrews >>> Associate Director & Chief Legal Counsel >>> Utah School and Institutional Trust Lands Administration >>> 675 East 500 South, Suite 500 >>> Salt Lake City, Utah 84102 >>> >>> (801) 538-5180 (o) >>> (801) 538-5118 (fax) >>> (801) 243-8611 (mobile) >>> > > > > -- > John W. Andrews > Associate Director & Chief Legal Counsel > Utah School and Institutional Trust Lands Administration > 675 East 500 South, Suite 500 > Salt Lake City, Utah 84102 > > (801) 538-5180 (o) > (801) 538-5118 (fax) > (801) 243-8611 (mobile) >

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Wed Dec 21 2016 17:45:36 GMT-0700 (MST)
To: Justin Pidot <justin.pidot@sol.doi.gov>
Subject: Re: Markup

I can do a call whenever works for you but I'll mostly be listening I'm sure! > On Dec 21, 2016, at 6:07 PM, Justin Pidot <justin.pidot@sol.doi.gov> wrote: > > John, > > Thanks very much for sending this along and, and as always, for your > constructive spirit. I'll talk with Nikki about when we can do > another call, but I'm guessing it won't be until after Christmas. > > I hope that you and yours have a very happy holiday. > > All the best, > > Justin > > Sent from my iPhone > >> On Dec 21, 2016, at 4:41 PM, John Andrews <jandrews@utah.gov> wrote: >> >> Justin; >> >> I have attached our tentative map for your team's review. It isn't >> significantly different from what we had previously sent, with one >> exception, which is that the SITLA proposal for acquisition of lands near >> Bluff has been eliminated, and a block of BLM lands to the north and east >> identified in its stead. We have also proposed trading to BLM the surface >> estate only of some of the

more sensitive lands adjacent to the Town of >> Bluff. These two changes should help with the Bluff constituency. >> >> I do have to note that the politics on our end of this are getting quite >> difficult. At some point, we should probably have another call. >> >> Thanks, and you all have happy holidays if we don't speak in the interim. >> >> John >> >> >> >> >> On Tue, Dec 20, 2016 at 7:10 AM, Justin Pidot <justin.pidot@sol.doi.gov> >> wrote: >> >>> John, >>> >>> I'm going to look at this today. Can you send us your tentative maps too? >>> >>> Thanks! >>> >>> Justin >>> >>> Sent from my iPhone >>> >>>> On Dec 15, 2016, at 7:07 PM, John Andrews <jandrews@utah.gov> wrote: >>>> >>>> Justin; >>>> >>>> Here is our markup of the document to reflect your prior comments. >>>> >>>> Let me know of any questions. Thanks. >>>> >>>> John >>>> >>>> -- >>>> John W. Andrews >>>> Associate Director & Chief Legal Counsel >>>> Utah School and Institutional Trust Lands Administration >>>> 675 East 500 South, Suite 500 >>>> Salt Lake City, Utah 84102 >>>> >>>> (801) 538-5180 (o) >>>> (801) 538-5118 (fax) >>>> (801) 243-8611 (mobile) >>>> >> >> >> >> -- >> John W. Andrews >> Associate Director & Chief Legal Counsel >> Utah School and Institutional Trust Lands Administration >> 675 East 500 South, Suite 500 >> Salt Lake City, Utah 84102 >> >> (801) 538-5180 (o) >> (801) 538-5118 (fax) >> (801) 243-8611 (mobile) >>

"Pidot, Justin" <justin.pidot@sol.doi.gov>

From: "Pidot, Justin" <justin.pidot@sol.doi.gov>
Sent: Thu Dec 22 2016 07:02:38 GMT-0700 (MST)
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Re: Markup

From his email, it sounded to me like he might want to talk about the political situation more than the legalese. But I can't say for sure. I can be available for a call tomorrow if you think it makes sense to talk to him further about timing. I won't have comments on his markup until sometime next week.

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Wed, Dec 21, 2016 at 7:45 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> I can do a call whenever works for you but I'll mostly be listening I'm sure!
>
> > On Dec 21, 2016, at 6:07 PM, Justin Pidot <justin.pidot@sol.doi.gov> wrote:
> >
> > John,
> >

> Thanks very much for sending this along and, and as always, for your
> constructive spirit. I'll talk with Nikki about when we can do
> another call, but I'm guessing it won't be until after Christmas.
>
> I hope that you and yours have a very happy holiday.
>
> All the best,
>
> Justin
>
> Sent from my iPhone
>
>> On Dec 21, 2016, at 4:41 PM, John Andrews <jandrews@utah.gov> wrote:
>>
>> Justin;
>>
>> I have attached our tentative map for your team's review. It isn't
>> significantly different from what we had previously sent, with one
>> exception, which is that the SITLA proposal for acquisition of lands near
>> Bluff has been eliminated, and a block of BLM lands to the north and east
>> identified in its stead. We have also proposed trading to BLM the surface
>> estate only of some of the more sensitive lands adjacent to the Town of
>> Bluff. These two changes should help with the Bluff constituency.
>>
>> I do have to note that the politics on our end of this are getting quite
>> difficult. At some point, we should probably have another call.
>>
>> Thanks, and you all have happy holidays if we don't speak in the interim.
>>
>> John
>>
>>
>>
>>
>> On Tue, Dec 20, 2016 at 7:10 AM, Justin Pidot <justin.pidot@sol.doi.gov>
>> wrote:
>>
>>> John,
>>>
>>> I'm going to look at this today. Can you send us your tentative maps too?
>>>
>>> Thanks!
>>>
>>> Justin
>>>
>>> Sent from my iPhone
>>>
>>>> On Dec 15, 2016, at 7:07 PM, John Andrews <jandrews@utah.gov> wrote:
>>>>
>>>> Justin;

>>>>
>>>> Here is our markup of the document to reflect your prior comments.
>>>>
>>>> Let me know of any questions. Thanks.
>>>>
>>>> John
>>>>
>>>> --
>>>> John W. Andrews
>>>> Associate Director & Chief Legal Counsel
>>>> Utah School and Institutional Trust Lands Administration
>>>> 675 East 500 South, Suite 500
>>>> Salt Lake City, Utah 84102
>>>>
>>>> (801) 538-5180 (o)
>>>> (801) 538-5118 (fax)
>>>> (801) 243-8611 (mobile)
>>>> <Draft Exchange Agreement 2016-12-15 v3.docx>
>>
>>
>>
>> --
>> John W. Andrews
>> Associate Director & Chief Legal Counsel
>> Utah School and Institutional Trust Lands Administration
>> 675 East 500 South, Suite 500
>> Salt Lake City, Utah 84102
>>
>> (801) 538-5180 (o)
>> (801) 538-5118 (fax)
>> (801) 243-8611 (mobile)
>> <BearsEars_FINAL_PLIBoundary_36x72_12212016 (1).pdf>

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

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent: Thu Dec 22 2016 07:17:14 GMT-0700 (MST)
To: "Pidot, Justin" <justin.pidot@sol.doi.gov>
Subject: Re: Markup

Ok

On Thu, Dec 22, 2016 at 9:02 AM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:
From his email, it sounded to me like he might want to talk about the political situation more than the legalese. But I can't say for sure. I can be available for a call tomorrow if you think it makes sense to talk to him further about timing. I won't have comments

on his markup until sometime next week.

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Wed, Dec 21, 2016 at 7:45 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

I can do a call whenever works for you but I'll mostly be listening I'm sure!

> On Dec 21, 2016, at 6:07 PM, Justin Pidot <justin.pidot@sol.doi.gov> wrote:
>
> John,
>
> Thanks very much for sending this along and, and as always, for your
> constructive spirit. I'll talk with Nikki about when we can do
> another call, but I'm guessing it won't be until after Christmas.
>
> I hope that you and yours have a very happy holiday.
>
> All the best,
>
> Justin
>
> Sent from my iPhone
>
>> On Dec 21, 2016, at 4:41 PM, John Andrews <jandrews@utah.gov> wrote:
>>
>> Justin;
>>
>> I have attached our tentative map for your team's review. It isn't
>> significantly different from what we had previously sent, with one
>> exception, which is that the SITLA proposal for acquisition of lands near
>> Bluff has been eliminated, and a block of BLM lands to the north and east
>> identified in its stead. We have also proposed trading to BLM the surface
>> estate only of some of the more sensitive lands adjacent to the Town of
>> Bluff. These two changes should help with the Bluff constituency.
>>
>> I do have to note that the politics on our end of this are getting quite
>> difficult. At some point, we should probably have another call.
>>
>> Thanks, and you all have happy holidays if we don't speak in the interim.
>>
>> John
>>

>>
>>
>>
>> On Tue, Dec 20, 2016 at 7:10 AM, Justin Pidot <justin.pidot@sol.doi.gov>
>> wrote:
>>
>>> John,
>>>
>>> I'm going to look at this today. Can you send us your tentative maps too?
>>>
>>> Thanks!
>>>
>>> Justin
>>>
>>> Sent from my iPhone
>>>
>>>> On Dec 15, 2016, at 7:07 PM, John Andrews <jandrews@utah.gov> wrote:
>>>>
>>>> Justin;
>>>>
>>>> Here is our markup of the document to reflect your prior comments.
>>>>
>>>> Let me know of any questions. Thanks.
>>>>
>>>> John
>>>>
>>>> --
>>>> John W. Andrews
>>>> Associate Director & Chief Legal Counsel
>>>> Utah School and Institutional Trust Lands Administration
>>>> 675 East 500 South, Suite 500
>>>> Salt Lake City, Utah 84102
>>>>
>>>> (801) 538-5180 (o)
>>>> (801) 538-5118 (fax)
>>>> (801) 243-8611 (mobile)
>>>> <Draft Exchange Agreement 2016-12-15 v3.docx>
>>
>>
>>
>> --
>> John W. Andrews
>> Associate Director & Chief Legal Counsel
>> Utah School and Institutional Trust Lands Administration
>> 675 East 500 South, Suite 500
>> Salt Lake City, Utah 84102
>>
>> (801) 538-5180 (o)
>> (801) 538-5118 (fax)
>> (801) 243-8611 (mobile)

FOR COMMITTEE USE ONLY

>> <BearsEars_FINAL_PLIBoundary_36x72_12212016 (1).pdf>

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Thu Dec 22 2016 07:18:45 GMT-0700 (MST)
To:	John Andrews <jandrews@utah.gov>
CC:	Justin Pidot <justin.pidot@sol.doi.gov>, David Ure <dure@utah.gov>
Subject:	Re: Markup

Hi John - We won't have substantive thoughts on your latest draft by tomorrow. But we are happy to do a call with you if you are available to talk. Would 6am PT work?

Thanks,
Nikki

On Thu, Dec 15, 2016 at 7:02 PM, John Andrews <jandrews@utah.gov> wrote:

> Justin;
>
> Here is our markup of the document to reflect your prior comments.
>
> Let me know of any questions. Thanks.
>
> John
>
> --
> John W. Andrews
> Associate Director & Chief Legal Counsel
> Utah School and Institutional Trust Lands Administration
> 675 East 500 South, Suite 500
> Salt Lake City, Utah 84102
>
> (801) 538-5180 (o)
> (801) 538-5118 (fax)

FOR COMMITTEE USE ONLY

(801) 243-8611 (mobile)

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

*I will no longer have access to this email on 1/19 – to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

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

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent: Thu Dec 22 2016 10:57:58 GMT-0700 (MST)
To: Madelyn Morrison <madelyn_morrison@ios.doi.gov>
Subject: Fwd: Markup
Attachments: BearsEars_FINAL_PLIBoundary_36x72_12212016 (1).pdf

John Andrews <jandrews@utah.gov>

From: John Andrews <jandrews@utah.gov>
Sent: Thu Dec 22 2016 11:57:12 GMT-0700 (MST)
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject: Re: Markup

That would work, if your team will set up a call-in.

On Thu, Dec 22, 2016 at 7:18 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Hi John - We won't have substantive thoughts on your latest draft by tomorrow. But we are happy to do a call with you if you are available to talk. Would 6am PT work?
>
> Thanks,
> Nikki
>
> On Thu, Dec 15, 2016 at 7:02 PM, John Andrews <jandrews@utah.gov> wrote:
>
> > Justin;
> >
> > Here is our markup of the document to reflect your prior comments.
> >
> > Let me know of any questions. Thanks.

John

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Thu Dec 22 2016 16:12:20 GMT-0700 (MST)
To:	John Andrews <jandrews@utah.gov>
CC:	Justin Pidot <justin.pidot@sol.doi.gov>, David Ure <dure@utah.gov>
Subject:	Re: Markup

I'm the team today. How does 1030am eastern tomorrow sound?

On Dec 22, 2016, at 10:57 AM, John Andrews <jandrews@utah.gov> wrote:

That would work, if your team will set up a call-in.

On Thu, Dec 22, 2016 at 7:18 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

Hi John - We won't have substantive thoughts on your latest draft by tomorrow. But we are happy to do a call with you if you are available to talk. Would 6am PT work?

Thanks,
Nikki

On Thu, Dec 15, 2016 at 7:02 PM, John Andrews <jandrews@utah.gov> wrote:

Justin;

Here is our markup of the document to reflect your prior comments.

Let me know of any questions. Thanks.

John

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) [redacted] For DOI-related business after 1/19, please call 202-208-7351.

--

FOR COMMITTEE USE ONLY

John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

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

From:	Justin Pidot <justin.pidot@sol.doi.gov>
Sent:	Thu Dec 22 2016 16:16:52 GMT-0700 (MST)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
CC:	John Andrews <jandrews@utah.gov>, David Ure <dure@utah.gov>
Subject:	Re: Markup

That works for me.

Sent from my iPhone

On Dec 22, 2016, at 6:12 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> I'm the team today. How does 1030am eastern tomorrow sound?
>
> On Dec 22, 2016, at 10:57 AM, John Andrews <jandrews@utah.gov> wrote:
>
> > That would work, if your team will set up a call-in.
> >
> > On Thu, Dec 22, 2016 at 7:18 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
> > > Hi John - We won't have substantive thoughts on your latest draft by tomorrow. But we are happy to do a call with you if you are available to talk. Would 6am PT work?
> > >
> > > Thanks,
> > > Nikki
> > >
> > > On Thu, Dec 15, 2016 at 7:02 PM, John Andrews <jandrews@utah.gov> wrote:
> > > > Justin;
> > > >
> > > > Here is our markup of the document to reflect your prior

comments.

Let me know of any questions. Thanks.

John

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

John Andrews <jandrews@utah.gov>

From: John Andrews <jandrews@utah.gov>
Sent: Thu Dec 22 2016 16:36:38 GMT-0700 (MST)
To: Justin Pidot <justin.pidot@sol.doi.gov>
Subject: Re: Markup

10:30 ET works for me.

Sent from my iPhone

On Dec 22, 2016, at 4:17 PM, Justin Pidot <justin.pidot@sol.doi.gov> wrote:

> That works for me.
>
> Sent from my iPhone
>
> On Dec 22, 2016, at 6:12 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> > I'm the team today. How does 1030am eastern tomorrow sound?
> >
> > On Dec 22, 2016, at 10:57 AM, John Andrews <jandrews@utah.gov> wrote:
> >
> > > That would work, if your team will set up a call-in.
> > >
> > > On Thu, Dec 22, 2016 at 7:18 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
> > > > Hi John - We won't have substantive thoughts on your latest draft by tomorrow. But we are happy to do a call with you if you are available to talk. Would 6am PT work?
> > > >
> > > > Thanks,
> > > > Nikki
> > > >
> > > > On Thu, Dec 15, 2016 at 7:02 PM, John Andrews <jandrews@utah.gov> wrote:
> > > > > Justin;
> > > > >
> > > > > Here is our markup of the document to reflect your prior comments.
> > > > >
> > > > > Let me know of any questions. Thanks.
> > > > >
> > > > > John
> > > > >
> > > > > --
> > > > > John W. Andrews
> > > > > Associate Director & Chief Legal Counsel
> > > > > Utah School and Institutional Trust Lands Administration
> > > > > 675 East 500 South, Suite 500
> > > > > Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

MEMORANDUM OF UNDERSTANDING - ~~AGREEMENT FOR~~ EXCHANGE OF LANDS
BEARS EARS NATIONAL MONUMENT

Formatted: Justified

THIS MEMORANDUM OF UNDERSTANDING - ~~AGREEMENT FOR~~ EXCHANGE OF LANDS is entered this ___ day of January~~December~~, 2017~~6~~, by and between the State of Utah and the United States ~~of America,~~ Department of the Interior (collectively the "Parties").

Formatted: Justified

Purpose

The purpose of this instrument is to document an understanding between the~~agreement, subject to ratification by the Congress of the United States and the Legislature of the State of Utah,~~ Parties of mutually-agreeable terms for the ~~to~~ exchange of federal and state lands and interests therein, of equal value, located in the State of Utah. The parties acknowledge that this agreement is not legally binding unless ratified by Congress, and that the transfer of state lands to the United States is subject to approval of the Utah legislature, as provided by law.

Agreement

The parties agree that:

1. Definitions. As used in this Agreement:

   a. BLM means the Bureau of Land Management of the Department of the Interior.

   b. Department means the Department of the Interior and its ~~subsidiary agencies~~bureaus, including the BLM.

   c. FLPMA means the Federal Land Policy and Management Act, Act of October 21, 1976, Pub. L. 94-579, 90 Stat. 2743, as amended.

   d. Mineral Interests means all right, title and interest in the mineral estate, including but not limited to metals, ores, oil and gas, carbon dioxide, helium, coal, lignite, peat, gas contained in or taken from coal seams (coalbed methane), geothermal steam and heat, rock, stone, gravel, sand and quartz, subject to valid existing rights held by third parties as of the date of this Agreement, except as specifically agreed to be reserved ~~by~~in this Agreement.

   e. Monument means the Bears Ears National Monument, established by presidential proclamation dated [_____].

   f. State means the State of Utah and its subsidiary agencies, including the Utah School and Institutional Trust Lands Administration.

DRAFT

g. Secretary means the Secretary of the Interior.

h. Trust Lands means lands granted by the United States to the State pursuant to sections 6, 7, 8 and 12 of the Utah Enabling Act, ch. 138, 28 Stat. 107 (1894), and other lands owned by the State managed under Title 53C of the Utah Code.

i. SITLA means the Utah School and Institutional Trust Lands Administration.

2. State Lands and Mineral Interests to be Conveyed to the United States. Subject to the terms and conditions of this Agreement, the State shall convey to the United States all right, title and interest of the State in the Trust Lands and Mineral Interests generally depicted on the map entitled "Bears Ears National Monument -- Utah Trust Lands" dated [_____], and more specifically described in Exhibit "A" to this Agreement.

3. Federal Lands and Mineral Interests to Be Conveyed to the State. Subject to the terms and conditions of this Agreement, the Department shall convey to the State ~~or its nominee~~ all right, title and interest of the United States in the BLM lands and Mineral Interests generally depicted on the map entitled "Bears Ears National Monument Land Exchange - BLM Lands" dated [_____], and more specifically described in Exhibit "B" to this Agreement.

4. Reservation of Federal Mineral Interests - Potash. The Secretary shall reserve an interest in all potash resources in the Federal Lands conveyed to the State as follows: (a) [tbd]~~50~~ percent of any bonus bid or other payment received by the State as consideration for securing any lease or authorization to develop potash resources; (b) 50 percent of the amount that would have been received by the Federal Government under the minimum royalty rate established by 43 C.F.R. §3504.21 (2016) if the potash resources had been retained in Federal ownership; and (c) 50 percent of any other payment received by the State pursuant to any lease or authorization to develop the potash resources. Upon receipt of any funds from potash leasing and development on lands in which the Secretary has reserved an interest, the State shall pay the Secretary amounts attributable to the reserved interest of the United States not less than quarterly. The State may deduct an administrative fee of three per cent from all payments due to the United States under this paragraph. The State shall not be obligated to lease or otherwise develop potash resources in which the United States retains an interest under this subsection.

~~5. Reservation of Federal Mineral Interests – Oil and Gas. The Secretary shall reserve a wellbore interest in each oil and gas well on Federal land that has been determined by the Secretary to be capable of production in paying quantities as of the date of conveyance. The wellbore interest reserved to the United States under paragraph (1) shall consist of all royalties attributable to any zones or horizons that are being produced from an oil and gas well located on Federal land as of the date of conveyance. Upon receipt of any funds attributable to the reserve wellbore interest of the United States, the State shall pay the Secretary all such amounts not less than quarterly. The State may deduct an administrative~~

Commented [A1]: What's the goal here?

Formatted: Highlight

Commented [A2]: This language was a holdover from the Public Lands Initiative draft exchange, which would have included federal lands with significant oil and gas production. This language was included to avoid problems with CBO scoring. SITLA has reviewed the current Bears Ears proposal and determined that there is little or no current production from federal lands, and thus no scoring issue, so this language can be deleted. The United States will be compensated for any oil and gas values through the appraisal process.

Commented [A3]: This language was a holdover from the Public Lands Initiative draft exchange, which would have included federal lands with significant oil and gas production. This language was included to avoid problems with CBO scoring. SITLA has reviewed the current Bears Ears proposal and determined that there is little or no current production from federal lands, and thus no scoring issue, so this language can be deleted. The United States will be compensated for any oil and gas values through the appraisal process.

Formatted: Indent: Left: 0.5", No bullets or numbering

Commented [A4]: ?

~~fee of three per cent from all payments due to the United States under this paragraph. The reserved wellbore interests of the United States in oil and gas shall automatically terminate on the date that is thirty years after the enactment of this Act. The United States shall share all revenue received with respect to its reserved wellbore mineral interest in oil and gas with the State of Utah in accordance with 30 U.S.C. 191(a).~~

Commented [A5]: I appreciate the effort to address concerns about ensuring federal retention for a sufficiently long period of time. We may need to further refine the period of time after discussion with BLM.

~~6.~~5. Valuation. The Secretary and the State contemplate that ratifying legislation enacted by Congress will include a condition that all lands to be conveyed under this Agreement will be appraised in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and other applicable law, and that any imbalance in land value will be equalized as follows: (a) if the imbalance favors the United States, SITLA will convey to the United States Trust Lands located in the Red Cliffs National Conservation Area or any federal Wilderness or wilderness study area in Utah, as mutually agreed on by the Department and the State, ~~to the United States~~ having an appraised value equal to the amount of the imbalance; and (b) if the imbalance favors the State, the United States will give SITLA a credit in the amount of the imbalance in the existing ledger account maintained by the BLM for state indemnity selections available under section 6 of the Utah Enabling Act.

~~7.~~6. Term. This agreement ~~is not subject to termination before January 1, 2019. Beginning on January 1, 2019, either party may, but is not obligated to, terminate this Agreement unless legislation shall have been enacted by the United States and the State of Utah authorizing and ratifying this Agreement~~ may be terminated by either Party upon written notice to the other Party.

~~8.~~7. Closing; Transfer of Title. The following provisions shall govern conveyances of lands to be exchanged pursuant to this Agreement:

a. All conveyances by the United States and the State shall be subject to valid existing rights and interests outstanding in third parties; provided, however, that all conveyances by the State to the United States shall be subject only to those valid existing surface and mineral leases, grazing permits and leases, easements, rights of way, and other interests outstanding in third parties found acceptable under the Attorney General's title regulations.

b. All conveyances by the State shall be in a form acceptable to the Secretary and in conformity with applicable title standards of the Attorney General of the United States.

9. Management of Lands Acquired by the United States. All lands or interests therein acquired by the United States pursuant to section 2 of this Agreement within the exterior boundaries of the Monument shall become a part of the Monument and shall be subject to all laws and regulations applicable to the Monument, subject to valid existing rights. ~~Notwithstanding the foregoing, i~~If any portion of the transferred lands are wholly or

partially encompassed within a wilderness study area created pursuant to Section 603 of FLPMA or other authority if applicable, or within a wilderness area created by Congress under authority of the Wilderness Act, then those lands shall also be administered, subject to valid existing rights, pursuant to applicable statutes and regulations governing wilderness study areas or wilderness areas, respectively.

10. Management of Lands Acquired by the State. All lands or interests therein acquired by the State pursuant to section 3 of this Agreement shall be managed by SITLA as Trust Lands pursuant to Title 53C of the Utah Code.

11. Water Rights. All water rights, if any, held by the transferor that are appurtenant to the lands exchanged pursuant to this Agreement shall be conveyed with the land. Nothing contained in this Agreement shall impair valid existing water rights owned by private parties. Nothing in this Agreement shall expand or diminish Federal or State jurisdiction, responsibilities, interests, or rights, in water resource adjudication, allocation, development, or control.

12. Grazing Permits.

a. On all lands acquired by the United States under section 2, the Secretary shall honor, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Trust Lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Upon expiration of any lease or permit, the holder shall be entitled to a preference right to renew such lease or permit to the extent provided by law.

b. In any instance where lands conveyed by the State under section 2 are used by a grazing permittee or lessee to meet the base property requirements for a federal grazing permit or lease, such lands shall continue to qualify as base properties for the remaining term of the lease or permit and any renewal or extensions thereof.

c. Title to, or any interest in, any range improvement held by the United States or the State on any lands exchanges under this Agreement shall be transferred with such lands. Nothing in this Agreement shall operate to divest title to, or any interest in, any range improvement held by any person on such lands.

d. On all lands acquired by the State under section 3, the State shall continue, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Federal lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Such leases, permits and contracts shall be subject to compliance with terms and conditions of the leases, permits or

contracts, together with such reasonable regulations as the State may prescribe concerning range conditions. Upon expiration of any lease or permit, the holder shall be entitled to a right of first refusal for the renewal of such lease or permit under state law. Nothing in this Agreement shall prevent the State from canceling any grazing permit when the underlying land is sold or leased for non-grazing purposes by the State.

13. Surface Agreements and Permits.

a. The United States shall assume all rights and duties of the State under all State rights-of-way and special use agreements on lands conveyed to the United States pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way and agreements shall be managed and enforced by the United States. The rents, fees and other payments formerly due to the State under the terms of such rights-of-way and agreements shall be payable by the holder to the United States.

b. The State shall assume all rights and duties of the United States under all Federal rights-of-way, surface use permits and agreements on lands conveyed to the State pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way, permits and agreements shall be managed and enforced by the State. The rents, fees, and other payments formerly due to the United States under the terms of such rights-of-way, permits and agreements shall be payable by the holder to the State.

c. Nothing in this Act shall expand or diminish the rights of any person or entity in any pre-existing rights-of-way established under State or Federal law, and the conveyances to be made under this Agreement shall be subject to such pre-existing rights-of-way, if any, as valid existing rights.

14. Mineral Leases and Lands. In connection with mineral lands and interests conveyed pursuant to this Agreement:

a. The State shall succeed the United States as lessor of all federal mineral leases on lands conveyed to the State pursuant to this Agreement. All rights, terms, and agreements under such leases (including authorizations for easements, facilities, operations, or other appurtenances on such lands) shall remain in effect after such conveyance except that such rights, terms, and agreements shall be managed and enforced by the State. The rents, royalties, fees and other payments formerly due the United States under such terms shall be payable by the Lessee to the State. The Leaseholder shall be entitled to Lease extension and renewal to the extent provided

under Federal law, regulations, and the Lease Agreement.

b. The Secretary shall succeed the State as lessor of all State mineral leases on lands conveyed to the Secretary pursuant to this Agreement. All rights, terms and agreements under such Lease (including authorizations for easements, facilities, operations, or other appurtenances on such lands) shall remain in effect after such conveyance, except that such rights, terms and agreements shall be managed and enforced by the Secretary. The rents, royalties, fees, and other payments formerly due to the State under such terms shall be payable by the Lessee to the United States.

c. If any of the lands conveyed to the State under this Agreement are encumbered by mining claims, mill sites or tunnel sites located under the Mining Law of 1872, 30 U.S.C. § 22 *et seq*, the State will recognize the mining claimants' and siteholders' interests in all valid mining claims and site locations and allow them to develop those minerals or use the sites so long as they comply with applicable laws and regulations, including without limitation applicable state filing and claim maintenance requirements; provided, however, that nothing herein shall preclude the State and any claimant or siteholder from agreeing to the relinquishment of any claim or site on mutually acceptable terms. The State shall further adjudicate any mining claim or site validity issues in the appropriate state or Federal court according to the Mining Law of 1872, as amended, and case law and administrative guidance interpreting that law. The BLM will provide notice to each mining claimant and site holder that its mining claims or site locations: (1) will be administered by the Trust Lands Administration and that compliance with state filing and claim maintenance requirements contained in Utah Code Ann. §53C-2-104 will be required to avoid abandonment of such claim under state law; (2) will no longer be administered by the United States; (3) will no longer be subject to Federal filing or fee requirements or BLM surface management requirements; and (4) that the Secretary no longer has jurisdiction to adjudicate the validity of any mining claim or site.

15. Hazardous Waste.

a. Notwithstanding the transfer to the United States of the lands and interests therein described in section 2, the State shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

b. Notwithstanding the transfer to the State of the lands and interests therein described in section 3, the United States shall continue to be responsible to the extent it is

responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from the ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

16. General Provisions. In addition to the foregoing, the Department and the State agree as follows:

a. Nothing in this Agreement shall prevent the parties from mutually agreeing to the correction of technical errors and omissions in maps and legal descriptions contained or incorporated herein.

b. The parties agree to use reasonable diligence and efforts to fulfill their respective obligations under this Agreement, at all times that this Agreement is in effect.

~~c.~~ c. Nothing in this agreement may be construed to obligate the United States to any current or future expenditure of resources in advance of the availability of appropriations from Congress. Nor does this agreement obligate the United States to spend funds on any particular project or purpose, even if funds are available.

Formatted: Indent: Left: 0.5", Hanging: 0.5", No bullets or numbering

Formatted: No bullets or numbering

Formatted: Indent: Left: 0", Hanging: 1", No bullets or numbering

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused to be affixed the Great Seal of the State of Utah on the date first above written.

UNITED STATES DEPARTMENT OF THE INTERIOR

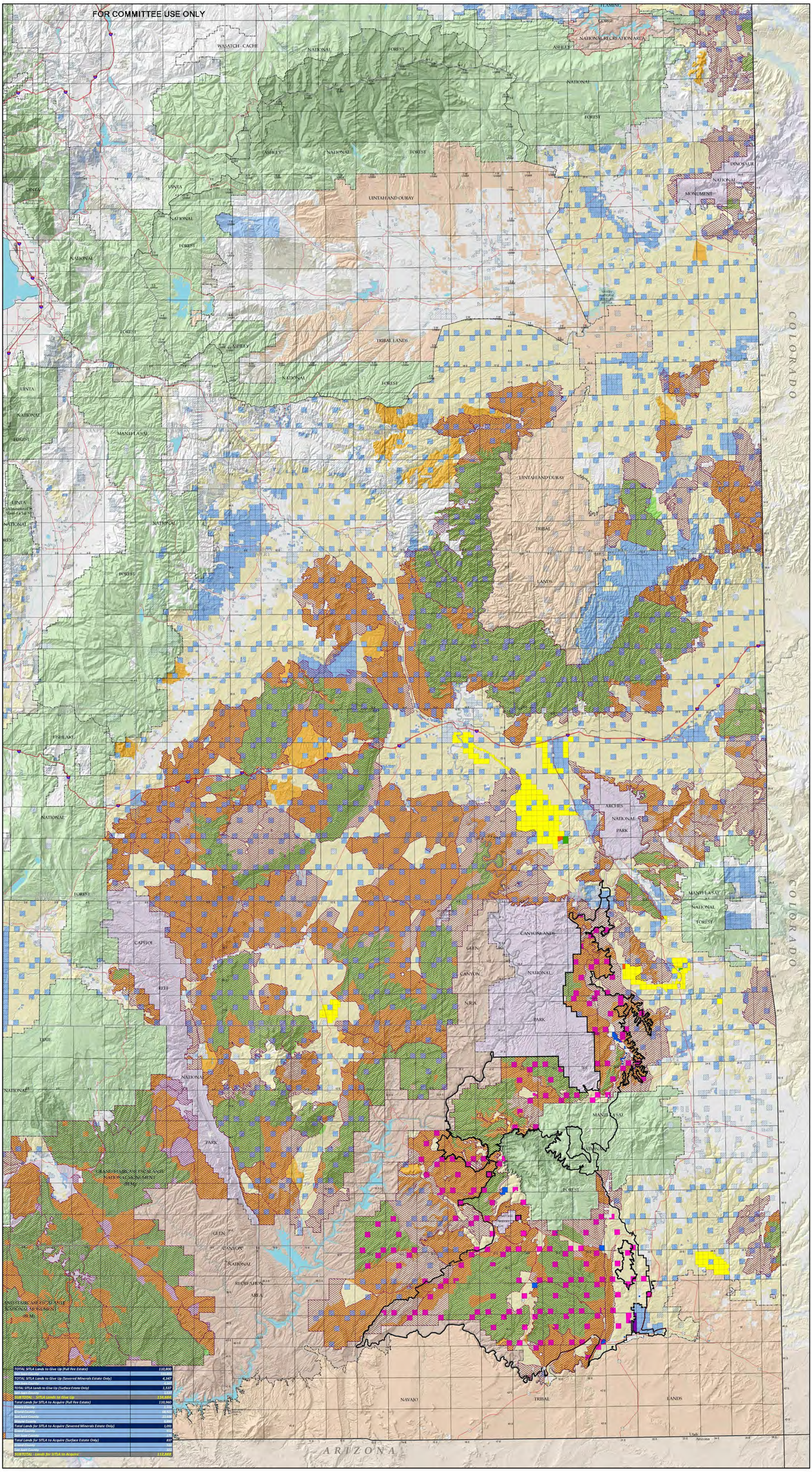
_____
Secretary of the Interior

STATE OF UTAH

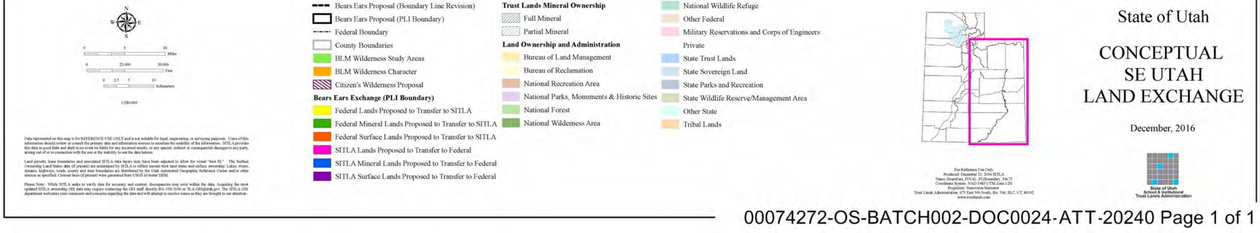
_____
Governor

DRAFT

FOR COMMITTEE USE ONLY



TOTAL SITLA Lands to Give Up (Full Fee Estate)	110,800
TOTAL SITLA Lands to Give Up (Severed Minerals Estate Only)	4,347
TOTAL SITLA Lands to Give Up (Surface Estate Only)	1,537
SUBTOTAL - SITLA Lands to Give Up	116,684
Total Lands for SITLA to Acquire (Full Fee Estate)	110,960
Beaver County	1,120
Grand County	48,920
San Juan County	60,920
Total Lands for SITLA to Acquire (Severed Minerals Estate Only)	1,050
Grand County	720
San Juan County	330
Total Lands for SITLA to Acquire (Surface Estate Only)	835
Grand County	505
San Juan County	330
SUBTOTAL - Lands for SITLA to Acquire	112,845



Data represented on this map is for REFERENCE USE ONLY and is not suitable for legal, engineering, or surveying purposes. Users of this data acknowledge that the State of Utah, its agencies, officers, employees, and contractors shall not be liable for any claims or losses resulting from this data in good faith and shall in no event be liable for any incurred results, or any special, indirect or consequential damages in any party arising out of or in connection with the use or the inability to use the data hereto.

Land parcels, lease boundaries and associated SITLA data layers may have been adjusted to allow for visual "best fit." The Surface Ownership Land Status data (if present) are maintained by SITLA to reflect current best land status and surface ownership. Lakes, rivers, and streams are from the USGS National Hydrography Dataset (NHD). Roads are from the USGS Transportation Geographic Reference Frame and/or other sources as specified. Contour lines (if present) were generated from USGS 10 meter DEM.

Please Note: While SITLA seeks to verify data for accuracy and content, discrepancies may exist within the data. Accessing the most updated SITLA ownership GIS data may require contacting the GIS staff directly 801-538-5166 or SLA-GIS@utah.gov. The SITLA GIS department welcomes your comments and concerns regarding the data and will attempt to resolve issues as they are brought to our attention.

For Reference Use Only
Produced: December 21, 2016 SITLA
Source: Bureau of Land Management, 2012, 2013
Coordinate System: NAD 1983 UTM Zone 12N
Projection: Transverse Mercator
Trust Lands Administration, 675 East 500 South, Ste. 500, SLC, UT, 84102
www.trustlands.com

State of Utah

CONCEPTUAL SE UTAH LAND EXCHANGE

December, 2016

State of Utah
School & Institutional Trust Lands Administration

FOR COMMITTEE USE ONLY

TOTAL SITLA Lands to Give Up (Full Fee Estate)	110,800
San Juan County	1,840
TOTAL SITLA Lands to Give Up (Severed Minerals Estate Only)	4,347
San Juan County	4,347
TOTAL SITLA Lands to Give Up (Surface Estate Only)	1,537
San Juan County	1,537
SUBTOTAL - SITLA Lands to Give Up	116,684
Total Lands for SITLA to Acquire (Full Fee Estate)	110,960
Duchesne County	1,440
Grand County	68,921
San Juan County	31,600
Wayne County	6,888
Total Lands for SITLA to Acquire (Severed Minerals Estate Only)	1,091
Grand County	916
San Juan County	175
Total Lands for SITLA to Acquire (Surface Estate Only)	837
Grand County	510
San Juan County	327
SUBTOTAL - Lands for SITLA to Acquire	112,888

1:280,000

Miles 0 5 10

Feet 0 25,000 50,000

Kilometers 0 2.5 5 10

Data represented on this map is for REFERENCE USE ONLY and is not suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. SITLA provides this data in good faith and shall in no event be liable for any incorrect results, or any special, indirect or consequential damages to any party arising out of or in connection with the use or the inability to use the data hereon.

Land parcels, lease boundaries and associated SITLA data layers may have been adjusted to allow for visual "best fit." The Surface Ownership Land Status data (if present) are maintained by SITLA to reflect current trust land status and surface ownership. Lakes, rivers, streams, highways, roads, county and state boundaries are distributed by the Utah Automated Geographic Reference Center and/or other sources as specified. Contour lines (if present) were generated from USGS 10 meter DEM.

Please Note: While SITLA seeks to verify data for accuracy and content, discrepancies may exist within the data. Acquiring the most updated SITLA ownership GIS data may require contacting the GIS staff directly 801-538-5100 or TLA-GIS@utah.gov. The SITLA GIS department welcomes your comments and concerns regarding the data and will attempt to resolve issues as they are brought to our attention.

- Bears Ears Proposal (Boundary Line Revision)
- Bears Ears Proposal (PLI Boundary)
- Federal Boundary
- County Boundaries
- BLM Wilderness Study Areas
- BLM Wilderness Character
- Citizen's Wilderness Proposal

Bears Ears Exchange (PLI Boundary)

- Federal Lands Proposed to Transfer to SITLA
- Federal Mineral Lands Proposed to Transfer to SITLA
- Federal Surface Lands Proposed to Transfer to SITLA
- SITLA Lands Proposed to Transfer to Federal
- SITLA Mineral Lands Proposed to Transfer to Federal
- SITLA Surface Lands Proposed to Transfer to Federal

Trust Lands Mineral Ownership

- Full Mineral
- Partial Mineral

Land Ownership and Administration

- Bureau of Land Management
- Bureau of Reclamation
- National Recreation Area
- National Parks, Monuments & Historic Sites
- National Forest
- National Wilderness Area
- National Wildlife Refuge
- Other Federal
- Military Reservations and Corps of Engineers
- Private
- State Trust Lands
- State Sovereign Land
- State Parks and Recreation
- State Wildlife Reserve/Management Area
- Other State
- Tribal Lands

For Reference Use Only
Produced December 21, 2016 SITLA
Name: BoardFare_FINAL_PLIBoundary_16x72
Coordinate System: NAD 1983 UTM Zone 12N
Projection: Transverse Mercator
Trust Lands Administration, 675 East 500 South, Ste. 500, SLC, UT, 84102
www.trustlands.com

State of Utah

CONCEPTUAL SE UTAH LAND EXCHANGE

December, 2016

State of Utah
School & Institutional
Trust Lands Administration

Conversation Contents

Fwd: Markup

Attachments:

/14. Fwd: Markup/1.1 BearsEars_FINAL_PLIBoundary_36x72_12212016 (1).pdf

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Dec 21 2016 17:44:57 GMT-0700 (MST)
To:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject:	Fwd: Markup
Attachments:	BearsEars_FINAL_PLIBoundary_36x72_12212016 (1).pdf

I think this is much better maybe. Need to confirm with a few folks.

Begin forwarded message:

From: John Andrews <jandrews@utah.gov>
To: Justin Pidot <justin.pidot@sol.doi.gov>
Cc: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>, David Ure <dure@utah.gov>
Subject: Re: Markup

Justin;

I have attached our tentative map for your team's review. It isn't significantly different from what we had previously sent, with one exception, which is that the SITLA proposal for acquisition of lands near Bluff has been eliminated, and a block of BLM lands to the north and east identified in its stead. We have also proposed trading to BLM the surface estate only of some of the more sensitive lands adjacent to the Town of Bluff. These two changes should help with the Bluff constituency.

I do have to note that the politics on our end of this are getting quite difficult. At some point, we should probably have another call.

Thanks, and you all have happy holidays if we don't speak in the interim.

John

On Tue, Dec 20, 2016 at 7:10 AM, Justin Pidot <justin.pidot@sol.doi.gov> wrote:

> John,
>
> I'm going to look at this today. Can you send us your tentative maps too?
>
> Thanks!
>
> Justin
>
> Sent from my iPhone
>
> > On Dec 15, 2016, at 7:07 PM, John Andrews <jandrews@utah.gov> wrote:
> >
> > Justin;
> >
> > Here is our markup of the document to reflect your prior comments.
> >
> > Let me know of any questions. Thanks.
> >
> > John
> >
> > --
> > John W. Andrews
> > Associate Director & Chief Legal Counsel
> > Utah School and Institutional Trust Lands Administration
> > 675 East 500 South, Suite 500
> > Salt Lake City, Utah 84102
> >
> > (801) 538-5180 (o)
> > (801) 538-5118 (fax)
> > (801) 243-8611 (mobile)
> > <Draft Exchange Agreement 2016-12-15 v3.docx>

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)

FOR COMMITTEE USE ONLY

(801) 243-8611 (mobile)

"Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>

From: "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
Sent: Thu Dec 22 2016 06:10:11 GMT-0700 (MST)
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Re: Markup

Just taking a quick look at the map, this is better

On Wed, Dec 21, 2016 at 7:44 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

I think this is much better maybe. Need to confirm with a few folks.

Begin forwarded message:

From: John Andrews <jandrews@utah.gov>
To: Justin Pidot <justin.pidot@sol.doi.gov>
Cc: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>, David Ure <dure@utah.gov>
Subject: Re: Markup

Justin;

I have attached our tentative map for your team's review. It isn't significantly different from what we had previously sent, with one exception, which is that the SITLA proposal for acquisition of lands near Bluff has been eliminated, and a block of BLM lands to the north and east identified in its stead. We have also proposed trading to BLM the surface estate only of some of the more sensitive lands adjacent to the Town of Bluff. These two changes should help with the Bluff constituency.

I do have to note that the politics on our end of this are getting quite difficult. At some point, we should probably have another call.

Thanks, and you all have happy holidays if we don't speak in the interim.

John

On Tue, Dec 20, 2016 at 7:10 AM, Justin Pidot <justin.pidot@sol.doi.gov> wrote:

John,

I'm going to look at this today. Can you send us your tentative maps too?

Thanks!

Justin

Sent from my iPhone

> On Dec 15, 2016, at 7:07 PM, John Andrews <jandrews@utah.gov> wrote:
>
> Justin;
>
> Here is our markup of the document to reflect your prior comments.
>
> Let me know of any questions. Thanks.
>
> John
>
> --
> John W. Andrews
> Associate Director & Chief Legal Counsel
> Utah School and Institutional Trust Lands Administration
> 675 East 500 South, Suite 500
> Salt Lake City, Utah 84102
>
> (801) 538-5180 (o)
> (801) 538-5118 (fax)
> (801) 243-8611 (mobile)
> <Draft Exchange Agreement 2016-12-15 v3.docx>

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Thu Dec 22 2016 06:23:18 GMT-0700 (MST)
To: "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
Subject: Re: Markup

Yeah. I think so too.

On Dec 22, 2016, at 8:10 AM, Beaudreau, Tommy <tommy_beaudreau@ios.doi.gov> wrote:

> Just taking a quick look at the map, this is better
>
> On Wed, Dec 21, 2016 at 7:44 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
> > I think this is much better maybe. Need to confirm with a few folks.
> >
> > Begin forwarded message:
> >
> > **From:** John Andrews <jandrews@utah.gov>
> > **To:** Justin Pidot <justin.pidot@sol.doi.gov>
> > **Cc:** "Buffa, Nicole" <nicole_buffa@ios.doi.gov>, David Ure <dure@utah.gov>
> > **Subject: Re: Markup**
> >
> > Justin;
> >
> > I have attached our tentative map for your team's review. It isn't significantly different from what we had previously sent, with one exception, which is that the SITLA proposal for acquisition of lands near Bluff has been eliminated, and a block of BLM lands to the north and east identified in its stead. We have also proposed trading to BLM the surface estate only of some of the more sensitive lands adjacent to the Town of Bluff. These two changes should help with the Bluff constituency.
> >
> > I do have to note that the politics on our end of this are getting quite difficult. At some point, we should probably have another call.
> >
> > Thanks, and you all have happy holidays if we don't speak in the interim.
> >
> > John

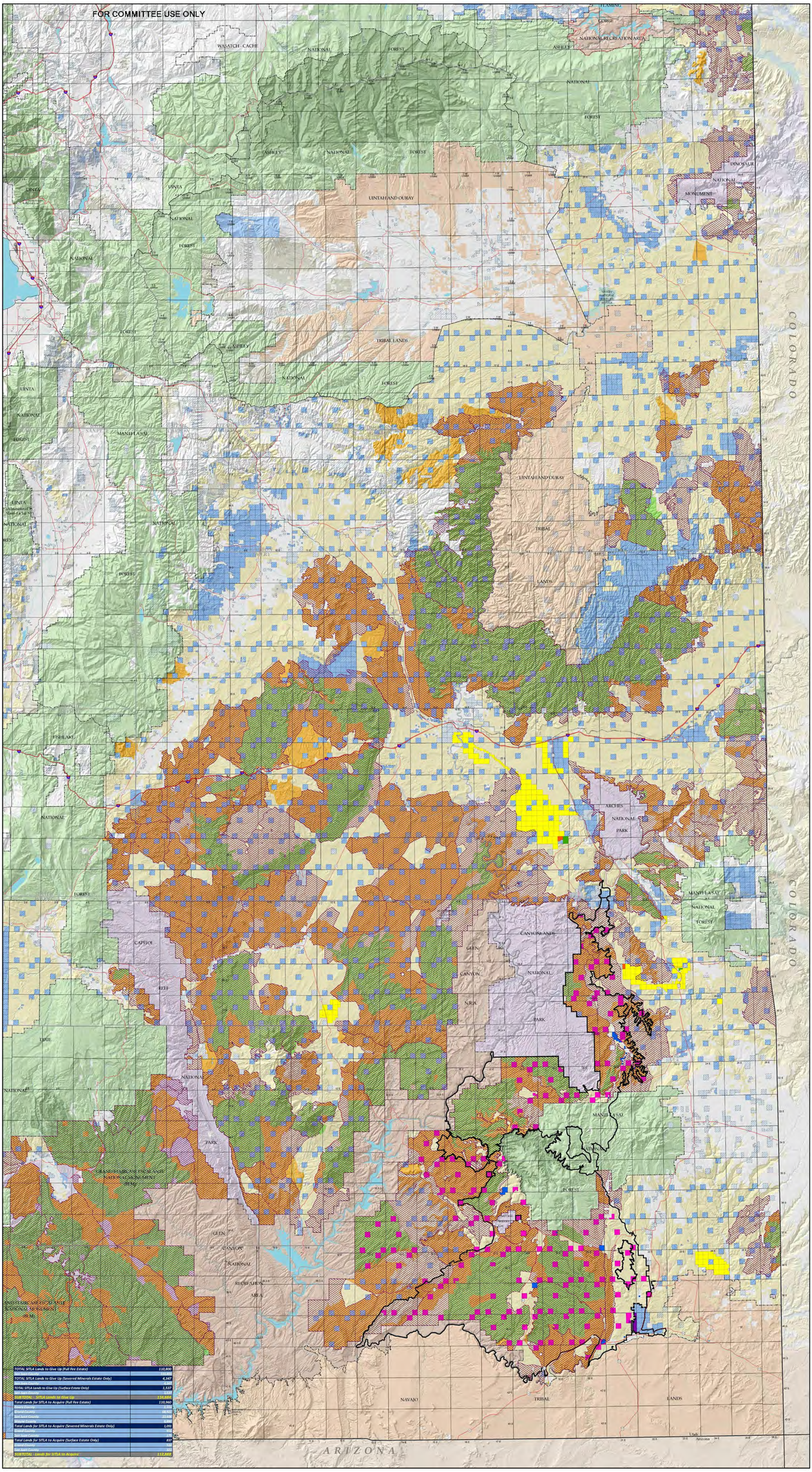
On Tue, Dec 20, 2016 at 7:10 AM, Justin Pidot <justin.pidot@sol.doi.gov> wrote:

> John,
>
> I'm going to look at this today. Can you send us your tentative maps too?
>
> Thanks!
>
> Justin
>
> Sent from my iPhone
>
> > On Dec 15, 2016, at 7:07 PM, John Andrews <jandrews@utah.gov> wrote:
> >
> > Justin;
> >
> > Here is our markup of the document to reflect your prior comments.
> >
> > Let me know of any questions. Thanks.
> >
> > John
> >
> > --
> > John W. Andrews
> > Associate Director & Chief Legal Counsel
> > Utah School and Institutional Trust Lands Administration
> > 675 East 500 South, Suite 500
> > Salt Lake City, Utah 84102
> >
> > (801) 538-5180 (o)
> > (801) 538-5118 (fax)
> > (801) 243-8611 (mobile)
> > <Draft Exchange Agreement 2016-12-15 v3.docx>

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

FOR COMMITTEE USE ONLY



TOTAL SITLA Lands to Give Up (Full Fee Estate)	110,800
TOTAL SITLA Lands to Give Up (Severed Minerals Estate Only)	4,347
TOTAL SITLA Lands to Give Up (Surface Estate Only)	1,537
SUBTOTAL - SITLA Lands to Give Up	116,684
Total Lands for SITLA to Acquire (Full Fee Estate)	110,960
Beaver County	1,120
Grand County	48,920
San Juan County	11,120
Total Lands for SITLA to Acquire (Severed Minerals Estate Only)	1,050
Grand County	160
San Juan County	890
Total Lands for SITLA to Acquire (Surface Estate Only)	835
Grand County	160
San Juan County	675
SUBTOTAL - Lands for SITLA to Acquire	112,845

N

0 5 10 Miles

0 25,000 50,000 Feet

0 3.5 7 10 Kilometers

1:200,000

Data represented on this map is for REFERENCE USE ONLY and is not suitable for legal, engineering, or surveying purposes. Users of this data should take appropriate steps to assure the accuracy and suitability of the data for their own purposes. The State of Utah makes this data in good faith and shall incur no cost to Gaby for any incorrect results, or any special, indirect or consequential damages to any party arising out of or in connection with the use or the inability to use the data hereon.

Land parcels, lease boundaries and associated SITLA data layers may have been adjusted to allow for visual "best fit." The Surface Ownership Land Status data (if present) are maintained by SITLA to reflect current best land status and surface ownership. Lakes, rivers, and streams are from the USGS National Hydrography Dataset (NHD). Roads are from the National Geographic Reference Online and/or other sources as specified. Contour lines (if present) were generated from USGS 10 meter DEMs.

Please Note: While SITLA seeks to verify data for accuracy and content, discrepancies may exist within the data. Acquiring the most updated SITLA ownership GIS data may require contacting the GIS staff directly 801-538-5166 or SLA-GIS@utah.gov. The SITLA GIS department welcomes your comments and concerns regarding the data set and will attempt to resolve issues as they are brought to our attention.

- Bears Ears Proposal (Boundary Line Revision)
- Bears Ears Proposal (PLI Boundary)
- Federal Boundary
- County Boundaries
- BLM Wilderness Study Areas
- BLM Wilderness Character
- Citizen's Wilderness Proposal

Bears Ears Exchange (PLI Boundary)

- Federal Lands Proposed to Transfer to SITLA
- Federal Mineral Lands Proposed to Transfer to SITLA
- Federal Surface Lands Proposed to Transfer to SITLA
- SITLA Lands Proposed to Transfer to Federal
- SITLA Mineral Lands Proposed to Transfer to Federal
- SITLA Surface Lands Proposed to Transfer to Federal

Trust Lands Mineral Ownership

- Full Mineral
- Partial Mineral

Land Ownership and Administration

- Bureau of Land Management
- Bureau of Reclamation
- National Recreation Area
- National Parks, Monuments & Historic Sites
- National Forest
- National Wilderness Area
- National Wildlife Refuge
- Other Federal
- Military Reservations and Corps of Engineers
- Private
- State Trust Lands
- State Sovereign Land
- State Parks and Recreation
- State Wildlife Reserve/Management Area
- Other State
- Tribal Lands

For Reference Use Only
Produced: December 21, 2016 SITLA
Source: Bureau of Land Management, Data Basin, ESRI
Coordinate System: NAD 1983 UTM Zone 12N
Projection: Transverse Mercator
Trust Lands Administration, 675 East 500 South, Ste. 500, SLC, UT, 84102
www.trustlands.com

State of Utah

CONCEPTUAL SE UTAH LAND EXCHANGE

December, 2016

State of Utah
School & Institutional Trust Lands Administration

Conversation Contents

Fwd: TRANSCRIPT: Commr. Rebecca Benally on Bear Ears, Dec. 19, 2016

Cody Stewart <codystewart@utah.gov>

From:	Cody Stewart <codystewart@utah.gov>
Sent:	Wed Dec 21 2016 08:33:17 GMT-0700 (MST)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Fwd: TRANSCRIPT: Commr. Rebecca Benally on Bear Ears, Dec. 19, 2016

Thanks again for all your time. I'm not kidding when I say you're an amazing example of a public servant. I have the utmost respect for you. Thank you for time and attention.

On a somewhat related note, and for what it's worth, I was asked recently to forward this to you:

https://www.facebook.com/senatormikelee/videos/1339805726051117/

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert
801 513-8991

TRANSCRIPT: Commr. Rebecca Benally on Bear Ears, Dec. 19, 2016

Brothers and sisters, I stand here before you as a Native American woman, the first elected woman in San Juan County. I am here today to tell you that my constituents do not want a national monument in San Juan County, because it's just another federal overreach with empty promises.

As a Native American, we understand what broken treaties mean and broken promises; we've lived it for the last 200 years. So what makes you think, President Obama, that you think you're doing the right thing? All you're doing is breaking up families using divide and conquer among my brothers and sisters, San Juan County residents, the State of Utah.

Your legacy I hope we can soon forget because you're not doing it for the local people. So I'm here today to tell you that Grandma Jones, Grandma Ada Benally, they shed tears because this is

a place of reverent spirituality where they gather medicinal plants, wood to heat their home and cook, hunt; you're taking that away. There is no such a thing as a special proclamation that can be done by the president. This is a Congressional authority that has to happen.

You've been lied to by environmental groups. Environmental groups, I'm here to tell you: stop romanticizing and stop pretending. And stop pretending that you are doing this for Native American people. I've seen it time and time again. It is wrong and I'm tired of you using my people, talking for them, it is wrong that you do this. Come to San Juan County where we still have over 700 miles of dirt road and high high school dropout rates, unemployment. Put your mind and money to better use instead of making people work against one another. That's wrong.

I want to tell you about trust. There is no trust. We as Native Americans do not trust the federal government. And so President Obama, why should you be any different? I'm here to tell you to look in the eye of Grandma Ada Benally and to the eye of Grandma Betty Jones, and you tell them that you're doing this in their best interest. You're not. You're limiting access and you're lying to them.

So today I want to thank everyone for being here, stewards of San Juan County and the Jones family, the Morris family and San Juan County residents, the State of Utah, the governor, lieutenant governor, commissioners and Utah delegation, state and congressional level, titleholders, I want to let you know that at a personal level it's disheartening, it makes you want to cry. It hurts. Emotionally, spiritually, physically, mentally, it has split families as I said. It has split San Juan County members. So this national monument, all it's going to represent is a division. It's not going to be a one mind, one voice, one heart movement. So today I'm going to tell you in this press conference, 'no national monument.'

Thank you.

# # #

Conversation Contents

Fwd: Letter from Utah Delegation

Attachments:

/17. Fwd: Letter from Utah Delegation/1.1 Letter From Utah Delegation.pdf
/17. Fwd: Letter from Utah Delegation/1.2 ATT00001.htm

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Thu Dec 15 2016 11:27:27 GMT-0700 (MST)
To:	Nikki Buffa <nicole_buffa@ios.doi.gov>
Subject:	Fwd: Letter from Utah Delegation
Attachments:	Letter From Utah Delegation.pdf ATT00001.htm

FYI

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

Begin forwarded message:

From: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
To: "jbrossy@nnwo.org" <jbrossy@nnwo.org>
Subject: Letter from Utah Delegation

Jackson,

Please see attached a letter from the Utah delegation about the potential Bears Ears National Monument.

Please let me know if you have any questions.

All the best,
Fred

FOR COMMITTEE USE ONLY

Congress of the United States
Washington, DC 20515

December 15, 2016

The Honorable Russell Begaye
President
Navajo Nation
100 Parkway
P.O. Box 7440
Window Rock, Arizona 86515

Dear President Begaye:

We are troubled by recent news that U.S. President Barack Obama may designate a massive new National Monument in southeast Utah in the next few weeks.[1] Such a unilateral designation infringes on the rights and the way of life of the Federally Recognized Indian Tribes in the area, including the Navajo. This decision could abruptly and permanently close off a substantial area of land respected and used by generations of local Indian Tribes in an area already containing numerous national parks and monuments.[2]

One of the most alarming aspects of this prospective action arises from potential misrepresentations made by the U.S. Department of the Interior (DOI) to Indian tribes that DOI and the tribes will allegedly co-manage the monument.[3] As noted in a recent letter to Interior Secretary Sally Jewell, DOI lacks authority to enter into any such cooperative management arrangement with the Tribes in the absence of authorization from Congress.[4] We believe that such misleading promises may have been made by DOI in an attempt to persuade Navajo, and members of other tribes, to support a possible designation. With the long and sordid history of the federal government's treatment of tribal obligations it would be the height of irresponsibility to designate a monument based on misrepresentations.[5]

With this extremely controversial decision allegedly pending, we write to, again, strongly and unequivocally voice our opposition to designating Bears Ears as a national monument. Doing so will not only deprive local Navajo of use of land they have valued and rights they have

---

[1] Brian Maffly, *If Obama declares a mini Bears Ears monument, would anyone in Utah be happy?*, THE SALT LAKE TRIBUNE, Dec. 9, 2016, *available at* http://www.sltrib.com/home/4689454-155/if-obama-declares-a-mini-bears.
[2] Brian Maffly, *If Obama declares a Bears Ears monument in Utah, could President-elect Trump undo it?*, THE SALT LAKE TRIBUNE, Nov. 11, 2016, *available at* http://www.sltrib.com/news/4563968-155/if-obama-declares-a-bears-ears.
[3] Dept. of Interior Sec. Order No. 3342 (Oct 21, 2016). https://www.doi.gov/sites/doi.gov/files/uploads/so3342_partnerships.pdf.
[4] Letter from Hon. Jason Chaffetz, Chairman, H. Comm. on Oversight and Gov't Reform, to Hon. Sally Jewell, Sec'y, U.S. Dept. of the Interior (Dec. 9, 2016).
[5] Hansi Lo Wang, *Broken Promisies On Display At Native American Treaties Exhibit.*. NATIONAL PUBLIC RADIO, Jan. 18, 2015 *available at* http://www.npr.org/sections/codeswitch/2015/01/18/368559990/broken-promises-on-display-at-native-american-treaties-exhibit.

PRINTED ON RECYCLED PAPER

enjoyed, but it will also ensure that we will be unable to work towards a commonsense Congressional solution that could allow for co-management with affected Tribes.

Sincerely,

Orrin G. Hatch
United States Senator

Jason Chaffetz
Member of Congress

Michael S. Lee
United States Senator

Rob Bishop
Member of Congress

Enclosure

cc: President Barack Obama

Conversation Contents

Fwd: Letter to President Obama

Attachments:

/18. Fwd: Letter to President Obama/1.1 Letter from Utah Delegation.pdf
/18. Fwd: Letter to President Obama/1.2 ATT00001.htm

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Thu Dec 15 2016 11:27:10 GMT-0700 (MST)
To:	Nikki Buffa <nicole_buffa@ios.doi.gov>
Subject:	Fwd: Letter to President Obama
Attachments:	Letter from Utah Delegation.pdf ATT00001.htm

FYI

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

Begin forwarded message:

From: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
To: "Stephenne Harding" [redacted]
Subject: Letter to President Obama

Stephenne,

Please see attached a letter from the Utah delegation to President Obama.

Please let me know if you have any questions.

Best,
Fred

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Thu Dec 15 2016 12:13:08 GMT-0700 (MST)
To:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject:	Re: Letter to President Obama

Thanks for passing along!

On Dec 15, 2016, at 1:28 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> FYI
>
> Fred Ferguson
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell
>
> Begin forwarded message:
>
> From: "Ferguson, Fred"
> <Fred.Ferguson@mail.house.gov<mailto:Fred.Ferguson@mail.house.gov>>
> To: "Stephenne Harding"
> (b) (6) <mailto:(b) (6) >>
> Subject: Letter to President Obama
>
> Stephenne,
>
> Please see attached a letter from the Utah delegation to President Obama.
>
> Please let me know if you have any questions.
>
> Best,
> Fred
>
> <Letter from Utah Delegation.pdf>

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

FOR COMMITTEE USE ONLY

Congress of the United States
Washington, DC 20515

December 15, 2016

The Honorable Barack Obama
President
United States of America
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Obama:

We are troubled by recent news that you may designate a massive new National Monument in southeast Utah in the next few weeks.[1] Such a unilateral designation infringes on the rights and the way of life of the Federally Recognized Indian Tribes in the area. This decision could abruptly and permanently close off a substantial area of land respected and used by generations of local Indian Tribes in an area already containing numerous national parks and monuments.[2]

One of the most alarming aspects of this prospective action arises from potential misrepresentations made by the Department of the Interior (DOI) to Indian tribes that DOI and the tribes will allegedly co-manage the monument.[3] As noted in a recent letter to Interior Secretary Sally Jewell, DOI lacks authority to enter into any such cooperative management arrangement with the Tribes in the absence of authorization from Congress.[4] We believe that such misleading promises may have been made by DOI in an attempt to persuade tribal members to support a possible designation. With the long and sordid history of the federal government's treatment of tribal obligations it would be the height of irresponsibility to designate a monument based on misrepresentations.[5]

With this extremely controversial decision allegedly pending, we write to, again, strongly and unequivocally ask that you not designate Bears Ears as a national monument. Doing so will not only deprive local Indian Tribes of use of land they have valued and rights they have

---

[1] Brian Maffly, *If Obama declares a mini Bears Ears monument, would anyone in Utah be happy?*, THE SALT LAKE TRIBUNE, Dec. 9, 2016, *available at* http://www.sltrib.com/home/4689454-155/if-obama-declares-a-mini-bears.
[2] Brian Maffly, *If Obama declares a Bears Ears monument in Utah, could President-elect Trump undo it?*, THE SALT LAKE TRIBUNE, Nov. 11, 2016, *available at* http://www.sltrib.com/news/4563968-155/if-obama-declares-a-bears-ears.
[3] Dept. of Interior Sec. Order No. 3342 (Oct 21, 2016). https://www.doi.gov/sites/doi.gov/files/uploads/so3342_partnerships.pdf.
[4] Letter from Hon. Jason Chaffetz, Chairman, H. Comm. on Oversight and Gov't Reform, to Hon. Sally Jewell, Sec'y, U.S. Dept. of the Interior (Dec. 9, 2016).
[5] Hansi Lo Wang, *Broken Promisies On Display At Native American Treaties Exhibit.*. NATIONAL PUBLIC RADIO, Jan. 18, 2015 *available at* http://www.npr.org/sections/codeswitch/2015/01/18/368559990/broken-promises-on-display-at-native-american-treaties-exhibit.

PRINTED ON RECYCLED PAPER

enjoyed, but it will also ensure that we will be unable to work towards a commonsense Congressional solution that could allow for co-management with affected Tribes.

Sincerely,

Orrin G. Hatch
United States Senator

Jason Chaffetz
Member of Congress

Michael S. Lee
United States Senator

Rob Bishop
Member of Congress

Enclosure

cc: President Russell Begaye

Conversation Contents

Land Exchange MOU

Attachments:

/19. Land Exchange MOU/1.1 image001.jpg
/19. Land Exchange MOU/1.2 SITLA - Draft Exchange Agreement 2016-11-4 TWS eds.docx
/19. Land Exchange MOU/2.1 image001.jpg
/19. Land Exchange MOU/2.2 SITLA - Draft Exchange Agreement 2016-11-4 TWS eds.docx

Paul Spitler <paul_spitler@tws.org>

From:	Paul Spitler <paul_spitler@tws.org>
Sent:	Mon Dec 12 2016 09:03:55 GMT-0700 (MST)
To:	"Nikki Buffa (nicole_buffa@ios.doi.gov)" <nicole_buffa@ios.doi.gov>
Subject:	Land Exchange MOU
Attachments:	image001.jpg SITLA - Draft Exchange Agreement 2016-11-4 TWS eds.docx

Nikki-
Attached are some comments on the draft MOU between the State of Utah and DOI regarding a Bears Ears land exchange. We have additional comments on the map, which I'll send separately.

We strongly support the Obama Administration finalizing this MOU, if possible. Please let me know if you'd like to discuss.

Thanks,
Paul

Paul Spitler
Director of Wilderness Policy
The Wilderness Society
202.360.1912
www.wilderness.org
#OurWild
Facebook | Twitter | Instagram | Medium

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

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Mon Dec 12 2016 17:32:48 GMT-0700 (MST)
To:	John Andrews <jandrews@utah.gov>, Justin Pidot <justin.pidot@sol.doi.gov>
Subject:	Fwd: Land Exchange MOU
Attachments:	image001.jpg SITLA - Draft Exchange Agreement 2016-11-4 TWS eds.docx

Anybody have any idea where TWS got this MOU draft from? I find this highly odd. But, attached are there unsolicited edits.

---------- Forwarded message ----------
From: **Paul Spitler** <paul_spitler@tws.org>
Date: Mon, Dec 12, 2016 at 11:03 AM
Subject: Land Exchange MOU
To: "Nikki Buffa (nicole_buffa@ios.doi.gov)" <nicole_buffa@ios.doi.gov>

Nikki-
Attached are some comments on the draft MOU between the State of Utah and DOI regarding a Bears Ears land exchange. We have additional comments on the map, which I'll send separately.

We strongly support the Obama Administration finalizing this MOU, if possible. Please let me know if you'd like to discuss.

Thanks,
Paul

Paul Spitler
Director of Wilderness Policy
The Wilderness Society
202.360.1912
www.wilderness.org
#OurWild
Facebook | Twitter | Instagram | Medium

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

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

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

From: Justin Pidot <justin.pidot@sol.doi.gov>
Sent: Mon Dec 12 2016 17:54:23 GMT-0700 (MST)
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
CC: John Andrews <jandrews@utah.gov>
Subject: Re: Land Exchange MOU

I have no idea.

Sent from my iPhone

On Dec 12, 2016, at 7:32 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Anybody have any idea where TWS got this MOU draft from? I find this highly odd. But, attached are there unsolicited edits.
>
> ---------- Forwarded message ----------
> From: **Paul Spitler** <paul_spitler@tws.org>
> Date: Mon, Dec 12, 2016 at 11:03 AM
> Subject: Land Exchange MOU
> To: "Nikki Buffa (nicole_buffa@ios.doi.gov)" <nicole_buffa@ios.doi.gov>
>
> Nikki-
> Attached are some comments on the draft MOU between the State of Utah and DOI regarding a Bears Ears land exchange. We have additional comments on the map, which I'll send separately.
>
> We strongly support the Obama Administration finalizing this MOU, if possible. Please let me know if you'd like to discuss.
>
> Thanks,
> Paul

Paul Spitler
Director of Wilderness Policy
The Wilderness Society
202.360.1912
www.wilderness.org
#OurWild
Facebook | Twitter | Instagram | Medium

<image001.jpg>

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

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

<SITLA - Draft Exchange Agreement 2016-11-4 TWS eds.docx>

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

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent: Mon Dec 12 2016 18:15:56 GMT-0700 (MST)
To: Justin Pidot <justin.pidot@sol.doi.gov>
CC: John Andrews <jandrews@utah.gov>
Subject: Re: Land Exchange MOU

So weird. Also, I can spell "their" - I swear.

On Mon, Dec 12, 2016 at 7:54 PM, Justin Pidot <justin.pidot@sol.doi.gov> wrote:

> I have no idea.
>
> Sent from my iPhone
>
> On Dec 12, 2016, at 7:32 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
>
> > Anybody have any idea where TWS got this MOU draft from? I find this highly odd. But, attached are there unsolicited edits.

---------- Forwarded message ----------
From: **Paul Spitler** <paul_spitler@tws.org>
Date: Mon, Dec 12, 2016 at 11:03 AM
Subject: Land Exchange MOU
To: "Nikki Buffa (nicole_buffa@ios.doi.gov)" <nicole_buffa@ios.doi.gov>

Nikki-
Attached are some comments on the draft MOU between the State of Utah and DOI regarding a Bears Ears land exchange. We have additional comments on the map, which I'll send separately.

We strongly support the Obama Administration finalizing this MOU, if possible. Please let me know if you'd like to discuss.

Thanks,
Paul

Paul Spitler
Director of Wilderness Policy
The Wilderness Society
202.360.1912
www.wilderness.org
#OurWild
Facebook | Twitter | Instagram | Medium

<image001.jpg>

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

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

<SITLA - Draft Exchange Agreement 2016-11-4 TWS eds.docx>

--
Nikki Buffa

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

*I will no longer have access to this email on 1/19 – to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

John Andrews <jandrews@utah.gov>

From: John Andrews <jandrews@utah.gov>
Sent: Mon Dec 12 2016 19:21:22 GMT-0700 (MST)
To: Justin Pidot <justin.pidot@sol.doi.gov>
Subject: Re: Land Exchange MOU

Mea culpa. Back at the beginning of November we asked Paul Spitler for input on how TWS would receive a negotiated deal, and sent him the West Desert stuff and the initial draft.

Sent from my iPhone

On Dec 12, 2016, at 5:54 PM, Justin Pidot <justin.pidot@sol.doi.gov> wrote:

> I have no idea.
>
> Sent from my iPhone
>
> On Dec 12, 2016, at 7:32 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
>
> > Anybody have any idea where TWS got this MOU draft from? I find this highly odd. But, attached are there unsolicited edits.
> >
> > ---------- Forwarded message ----------
> > From: **Paul Spitler** <paul_spitler@tws.org>
> > Date: Mon, Dec 12, 2016 at 11:03 AM
> > Subject: Land Exchange MOU
> > To: "Nikki Buffa (nicole_buffa@ios.doi.gov)" <nicole_buffa@ios.doi.gov>
> >
> > Nikki-
> > Attached are some comments on the draft MOU between the State of Utah and DOI regarding a Bears Ears land exchange. We have additional comments on the map, which I'll send separately.
> >
> > We strongly support the Obama Administration finalizing this MOU, if

possible. Please let me know if you'd like to discuss.

Thanks,
Paul

Paul Spitler
Director of Wilderness Policy
The Wilderness Society
202.360.1912
www.wilderness.org
#OurWild
Facebook | Twitter | Instagram | Medium

<image001.jpg>

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

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

<SITLA - Draft Exchange Agreement 2016-11-4 TWS eds.docx>

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Tue Dec 13 2016 04:04:13 GMT-0700 (MST)
To:	John Andrews <jandrews@utah.gov>
CC:	Justin Pidot <justin.pidot@sol.doi.gov>
Subject:	Re: Land Exchange MOU

No big deal. Just thought maybe he was a Russian. Please remind him this is all very close hold. Thank you!

On Dec 12, 2016, at 9:21 PM, John Andrews <jandrews@utah.gov> wrote:

Mea culpa. Back at the beginning of November we asked Paul Spitler for input on how TWS would receive a negotiated deal, and sent him the West Desert

stuff and the initial draft.

Sent from my iPhone

On Dec 12, 2016, at 5:54 PM, Justin Pidot <justin.pidot@sol.doi.gov> wrote:

> I have no idea.
>
> Sent from my iPhone
>
> On Dec 12, 2016, at 7:32 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
>
> > Anybody have any idea where TWS got this MOU draft from? I find this highly odd. But, attached are there unsolicited edits.
> >
> > ---------- Forwarded message ----------
> > From: **Paul Spitler** <paul_spitler@tws.org>
> > Date: Mon, Dec 12, 2016 at 11:03 AM
> > Subject: Land Exchange MOU
> > To: "Nikki Buffa (nicole_buffa@ios.doi.gov)" <nicole_buffa@ios.doi.gov>
> >
> > Nikki-
> > Attached are some comments on the draft MOU between the State of Utah and DOI regarding a Bears Ears land exchange. We have additional comments on the map, which I'll send separately.
> >
> > We strongly support the Obama Administration finalizing this MOU, if possible. Please let me know if you'd like to discuss.
> >
> > Thanks,
> > Paul
> >
> > **Paul Spitler**
> > Director of Wilderness Policy
> > **The Wilderness Society**
> > 202.360.1912
> > www.wilderness.org
> > #OurWild
> > Facebook | Twitter | Instagram | Medium
> >
> > <image001.jpg>
> >
> > ***We protect wilderness and inspire Americans to care for our wild places***

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

<SITLA - Draft Exchange Agreement 2016-11-4 TWS eds.docx>

John Andrews <jandrews@utah.gov>

From: John Andrews <jandrews@utah.gov>
Sent: Wed Dec 14 2016 11:20:27 GMT-0700 (MST)
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Re: Land Exchange MOU

Pavel Spitler?

Sent from my iPad

On Dec 13, 2016, at 4:04 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> No big deal. Just thought maybe he was a Russian. Please remind him this is all very close hold. Thank you!
>
> On Dec 12, 2016, at 9:21 PM, John Andrews <jandrews@utah.gov> wrote:
>
> > Mea culpa. Back at the beginning of November we asked Paul Spitler for input on how TWS would receive a negotiated deal, and sent him the West Desert stuff and the initial draft.
> >
> > Sent from my iPhone
> >
> > On Dec 12, 2016, at 5:54 PM, Justin Pidot <justin.pidot@sol.doi.gov> wrote:

I have no idea.

Sent from my iPhone

On Dec 12, 2016, at 7:32 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Anybody have any idea where TWS got this MOU draft from? I find this highly odd. But, attached are there unsolicited edits.
>
> ---------- Forwarded message ----------
> From: **Paul Spitler** <paul_spitler@tws.org>
> Date: Mon, Dec 12, 2016 at 11:03 AM
> Subject: Land Exchange MOU
> To: "Nikki Buffa (nicole_buffa@ios.doi.gov)" <nicole_buffa@ios.doi.gov>
>
> Nikki-
> Attached are some comments on the draft MOU between the State of Utah and DOI regarding a Bears Ears land exchange. We have additional comments on the map, which I'll send separately.
>
> We strongly support the Obama Administration finalizing this MOU, if possible. Please let me know if you'd like to discuss.
>
> Thanks,
> Paul
>
> **Paul Spitler**
> Director of Wilderness Policy
> **The Wilderness Society**
> 202.360.1912
> www.wilderness.org
> #OurWild
> Facebook | Twitter | Instagram | Medium
>
> <image001.jpg>
>
> ***We protect wilderness and inspire Americans to care for our wild places***

--

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6)
For DOI-related business after 1/19, please call 202-208-7351.

<SITLA - Draft Exchange Agreement 2016-11-4 TWS eds.docx>

AGREEMENT FOR EXCHANGE OF LANDS
BEARS EARS NATIONAL MONUMENT

THIS AGREEMENT FOR EXCHANGE OF LANDS is entered this ___ day of December, 2016, by and between the State of Utah and the United States of America, Department of the Interior.

Purpose

The purpose of this instrument is to document an agreement, subject to ratification by the Congress of the United States and the Legislature of the State of Utah, or to be implemented administratively by the Department of the Interior, to exchange federal and state lands and interests therein, of equal value, located in the State of Utah.

Agreement

1. Definitions. As used in this Agreement:

   a. BLM means the Bureau of Land Management of the Department of the Interior.

   b. Department means the Department of the Interior and its subsidiary agencies, including the BLM.

   c. FLPMA means the Federal Land Policy and Management Act, Act of October 21, 1976, Pub. L. 94-579, 90 Stat. 2743, as amended.

   d. Mineral Interests means all right, title and interest in the mineral estate, including but not limited to metals, ores, oil and gas, carbon dioxide, helium, coal, lignite, peat, gas contained in or taken from coal seams (coalbed methane), geothermal steam and heat, rock, stone, gravel, sand and quartz, subject to valid existing rights held by third parties as of the date of this Agreement, except as specifically reserved by this Agreement.

   e. Monument means the Bears Ears National Monument, established by presidential proclamation dated [_____].

   f. State means the State of Utah and its subsidiary agencies, including the Utah School and Institutional Trust Lands Administration.

   g. Secretary means the Secretary of the Interior.

   h. Trust Lands means lands granted by the United States to the State pursuant to sections 6, 7, 8 and 12 of the Utah Enabling Act, ch. 138, 28 Stat. 107 (1894), and other lands owned by the State managed under Title 53C of the Utah Code.

i. SITLA means the Utah School and Institutional Trust Lands Administration.

2. State Lands and Mineral Interests to be Conveyed to the United States. Subject to the terms and conditions of this Agreement, the State shall convey to the United States all right, title and interest of the State in the Trust Lands and Mineral Interests generally depicted on the map entitled "Bears Ears National Monument -- Utah Trust Lands" dated [_____], and more specifically described in Exhibit "A" to this Agreement.

3. Federal Lands and Mineral Interests to Be Conveyed to the State. Subject to the terms and conditions of this Agreement, the Department shall convey to the State ~~or its nominee~~ all right, title and interest of the United States in the BLM lands and Mineral Interests generally depicted on the map entitled "Bears Ears National Monument Land Exchange - BLM Lands" dated [_____], and more specifically described in Exhibit "B" to this Agreement.

4. Reservation of Federal Mineral Interests - Potash. The Secretary shall reserve an interest in all potash resources in the Federal Lands conveyed to the State as follows: (a) 50 percent of any bonus bid or other payment received by the State as consideration for securing any lease or authorization to develop potash resources; (b) 50 percent of the amount that would have been received by the Federal Government under the minimum royalty rate established by 43 C.F.R. §3504.21 (2016) if the potash resources had been retained in Federal ownership; and (c) 50 percent of any other payment received by the State pursuant to any lease or authorization to develop the potash resources. Upon receipt of any funds from potash leasing and development on lands in which the Secretary has reserved an interest, the State shall pay the Secretary amounts attributable to the reserved interest of the United States not less than quarterly. The State may deduct an administrative fee of three per cent from all payments due to the United States under this paragraph. The State shall not be obligated to lease or otherwise develop potash resources in which the United States retains an interest under this subsection.

5. Reservation of Federal Mineral Interests – Oil and Gas. The Secretary shall reserve a wellbore interest in each oil and gas well on Federal land that has been determined by the Secretary to be capable of production in paying quantities as of the date of conveyance. The wellbore interest reserved to the United States under paragraph (1) shall consist of all royalties attributable to any zones or horizons that are being produced from an oil and gas well located on Federal land as of the date of conveyance. Upon receipt of any funds attributable to the reserve wellbore interest of the United States, the State shall pay the Secretary all such amounts not less than quarterly. The State may deduct an administrative fee of three per cent from all payments due to the United States under this paragraph. The reserved wellbore interests of the United States in oil and gas shall automatically terminate on the date that is thirty years after the enactment of ~~this~~ an Act of Congress ratifying this agreement. The United States shall share all revenue received with respect to its reserved wellbore mineral interest in oil and gas with the State of Utah in accordance with 30 U.S.C.

191(a).

6. Valuation. The Secretary and the State contemplate that ratifying legislation enacted by Congress will include a condition that all lands to be conveyed under this Agreement will be appraised in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and other applicable law, and that any imbalance in land value will be equalized as follows: (a) if the imbalance favors the United States, SITLA will convey to the United States Trust Lands located in the Red Cliffs National Conservation Area or any federal Wilderness or wilderness study area in Utah, as mutually agreed upon by the Department and the State, ~~to the United States~~ having an appraised value equal to the amount of the imbalance; and (b) if the imbalance favors the State, the United States will ~~give SITLA a credit in the amount of the imbalance in the existing ledger account maintained by the BLM for state indemnity selections available under section 6 of the Utah Enabling Act~~convey to SITLA public land in the State, as mutually agreed upon by the Department and the State, having an appraised value equal to the amount of the imbalance.

7. Term. This agreement is not subject to termination before January 1, 2019. Beginning on January 1, 2019, either party may, but is not obligated to, terminate this Agreement unless legislation shall have been enacted by the United States and the State of Utah authorizing and ratifying this Agreement.

8. Closing; Transfer of Title. The following provisions shall govern conveyances of lands to be exchanged pursuant to this Agreement:

   a. All conveyances by the United States and the State shall be subject to valid existing rights and interests outstanding in third parties; provided, however, that all conveyances by the State to the United States shall be subject only to those valid existing surface and mineral leases, grazing permits and leases, easements, rights of way, and other interests outstanding in third parties found acceptable under the Attorney General's title regulations.

   b. All conveyances by the State shall be in a form acceptable to the Secretary and in conformity with applicable title standards of the Attorney General of the United States.

9. Management of Lands Acquired by the United States. All lands or interests therein acquired by the United States pursuant to section 2 of this Agreement within the exterior boundaries of the Monument shall become a part of the Monument and shall be subject to all laws and regulations applicable to the Monument, subject to valid existing rights. ~~Notwithstanding~~ In addition to the foregoing, if any portion of the transferred lands are wholly or partially encompassed within a wilderness study area created pursuant to Section 603 of FLPMA or other authority if applicable, or within a wilderness area created by Congress under authority of the Wilderness Act, then those lands shall be administered, subject to valid existing rights,

pursuant to applicable statutes and regulations governing wilderness study areas or wilderness areas, respectively.

10. Management of Lands Acquired by the State. All lands or interests therein acquired by the State pursuant to section 3 of this Agreement shall be managed by SITLA as Trust Lands pursuant to Title 53C of the Utah Code.

11. Water Rights. All water rights, if any, held by the transferor that are appurtenant to the lands exchanged pursuant to this Agreement shall be conveyed with the land. Nothing contained in this Agreement shall impair valid existing water rights owned by private parties. Nothing in this Agreement shall expand or diminish Federal or State jurisdiction, responsibilities, interests, or rights, in water resource adjudication, allocation, development, or control.

12. Grazing Permits.

a. On all lands acquired by the United States under section 2, the Secretary shall honor, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Trust Lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Upon expiration of any lease or permit, the holder shall be entitled to a preference right to renew such lease or permit to the extent provided by law.

b. In any instance where lands conveyed by the State under section 2 are used by a grazing permittee or lessee to meet the base property requirements for a federal grazing permit or lease, such lands shall continue to qualify as base properties for the remaining term of the lease or permit and any renewal or extensions thereof.

c. Title to, or any interest in, any range improvement held by the United States or the State on any lands exchanges under this Agreement shall be transferred with such lands. Nothing in this Agreement shall operate to divest title to, or any interest in, any range improvement held by any person on such lands.

d. On all lands acquired by the State under section 3, the State shall continue, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Federal lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Such leases, permits and contracts shall be subject to compliance with terms and conditions of the leases, permits or contracts, together with such reasonable regulations as the State may prescribe concerning range conditions. Upon expiration of any lease or permit, the holder shall be entitled to a right of first refusal for the renewal of such lease or permit under state law. Nothing

in this Agreement shall prevent the State from canceling any grazing permit when the underlying land is sold or leased for non-grazing purposes by the State.

13. Surface Agreements and Permits.

a. The United States shall assume all rights and duties of the State under all State rights-of-way and special use agreements on lands conveyed to the United States pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way and agreements shall be managed and enforced by the United States. The rents, fees and other payments formerly due to the State under the terms of such rights-of-way and agreements shall be payable by the holder to the United States.

b. The State shall assume all rights and duties of the United States under all Federal rights-of-way, surface use permits and agreements on lands conveyed to the State pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way, permits and agreements shall be managed and enforced by the State. The rents, fees, and other payments formerly due to the United States under the terms of such rights-of-way, permits and agreements shall be payable by the holder to the State.

~~c. Nothing in this Act shall expand or diminish the rights of any person or entity in any pre-existing rights-of-way established under State or Federal law, and the conveyances to be made under this Agreement shall be subject to such pre-existing rights-of-way, if any, as valid existing rights.~~

14. Mineral Leases and Lands. In connection with mineral lands and interests conveyed pursuant to this Agreement:

a. The State shall succeed the United States as lessor of all federal mineral leases on lands conveyed to the State pursuant to this Agreement. All rights, terms, and agreements under such leases (including authorizations for easements, facilities, operations, or other appurtenances on such lands) shall remain in effect after such conveyance except that such rights, terms, and agreements shall be managed and enforced by the State. The rents, royalties, fees and other payments formerly due the United States under such terms shall be payable by the Lessee to the State. The Leaseholder shall be entitled to Lease extension and renewal to the extent provided under Federal law, regulations, and the Lease Agreement.

b. The Secretary shall succeed the State as lessor of all State mineral leases on lands conveyed to the Secretary pursuant to this Agreement. All rights, terms and

agreements under such Lease (including authorizations for easements, facilities, operations, or other appurtenances on such lands) shall remain in effect after such conveyance, except that such rights, terms and agreements shall be managed and enforced by the Secretary. The rents, royalties, fees, and other payments formerly due to the State under such terms shall be payable by the Lessee to the United States.

c. If any of the lands conveyed to the State under this Agreement are encumbered by mining claims, mill sites or tunnel sites located under the Mining Law of 1872, 30 U.S.C. § 22 *et seq*, the State will recognize the mining claimants' and siteholders' interests in all valid mining claims and site locations and allow them to develop those minerals or use the sites so long as they comply with applicable laws and regulations, including without limitation applicable state filing and claim maintenance requirements; provided, however, that nothing herein shall preclude the State and any claimant or siteholder from agreeing to the relinquishment of any claim or site on mutually acceptable terms. The State shall further adjudicate any mining claim or site validity issues in the appropriate state or Federal court according to the Mining Law of 1872, as amended, and case law and administrative guidance interpreting that law. The BLM will provide notice to each mining claimant and site holder that its mining claims or site locations: (1) will be administered by the Trust Lands Administration and that compliance with state filing and claim maintenance requirements contained in Utah Code Ann. §53C-2-104 will be required to avoid abandonment of such claim under state law; (2) will no longer be administered by the United States; (3) will no longer be subject to Federal filing or fee requirements or BLM surface management requirements; and (4) that the Secretary no longer has jurisdiction to adjudicate the validity of any mining claim or site.

15. Hazardous Waste.

a. Notwithstanding the transfer to the United States of the lands and interests therein described in section 2, the State shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

b. Notwithstanding the transfer to the State of the lands and interests therein described in section 3, the United States shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from the ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

16. General Provisions. In addition to the foregoing, the Department and the State agree as follows:

a. Nothing in this Agreement shall prevent the parties from mutually agreeing to the correction of technical errors and omissions in maps and legal descriptions contained or incorporated herein.

b. The parties agree to use reasonable diligence and efforts to fulfill their respective obligations under this Agreement, at all times that this Agreement is in effect.

17. Compliance. The land exchange under this agreement shall be carried out in accordance with existing law, including section 206 of FLPMA and other applicable law.

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused to be affixed the Great Seal of the State of Utah on the date first above written.

UNITED STATES DEPARTMENT OF THE INTERIOR

_____

Secretary of the Interior

STATE OF UTAH

_____

Governor

DRAFT

AGREEMENT FOR EXCHANGE OF LANDS
BEARS EARS NATIONAL MONUMENT

THIS AGREEMENT FOR EXCHANGE OF LANDS is entered this ___ day of December, 2016, by and between the State of Utah and the United States of America, Department of the Interior.

Purpose

The purpose of this instrument is to document an agreement, subject to ratification by the Congress of the United States and the Legislature of the State of Utah, or to be implemented administratively by the Department of the Interior, to exchange federal and state lands and interests therein, of equal value, located in the State of Utah.

Agreement

1. Definitions. As used in this Agreement:

   a. BLM means the Bureau of Land Management of the Department of the Interior.

   b. Department means the Department of the Interior and its subsidiary agencies, including the BLM.

   c. FLPMA means the Federal Land Policy and Management Act, Act of October 21, 1976, Pub. L. 94-579, 90 Stat. 2743, as amended.

   d. Mineral Interests means all right, title and interest in the mineral estate, including but not limited to metals, ores, oil and gas, carbon dioxide, helium, coal, lignite, peat, gas contained in or taken from coal seams (coalbed methane), geothermal steam and heat, rock, stone, gravel, sand and quartz, subject to valid existing rights held by third parties as of the date of this Agreement, except as specifically reserved by this Agreement.

   e. Monument means the Bears Ears National Monument, established by presidential proclamation dated [_____].

   f. State means the State of Utah and its subsidiary agencies, including the Utah School and Institutional Trust Lands Administration.

   g. Secretary means the Secretary of the Interior.

   h. Trust Lands means lands granted by the United States to the State pursuant to sections 6, 7, 8 and 12 of the Utah Enabling Act, ch. 138, 28 Stat. 107 (1894), and other lands owned by the State managed under Title 53C of the Utah Code.

i. SITLA means the Utah School and Institutional Trust Lands Administration.

2. State Lands and Mineral Interests to be Conveyed to the United States. Subject to the terms and conditions of this Agreement, the State shall convey to the United States all right, title and interest of the State in the Trust Lands and Mineral Interests generally depicted on the map entitled "Bears Ears National Monument -- Utah Trust Lands" dated [_____], and more specifically described in Exhibit "A" to this Agreement.

3. Federal Lands and Mineral Interests to Be Conveyed to the State. Subject to the terms and conditions of this Agreement, the Department shall convey to the State ~~or its nominee~~ all right, title and interest of the United States in the BLM lands and Mineral Interests generally depicted on the map entitled "Bears Ears National Monument Land Exchange - BLM Lands" dated [_____], and more specifically described in Exhibit "B" to this Agreement.

4. Reservation of Federal Mineral Interests - Potash. The Secretary shall reserve an interest in all potash resources in the Federal Lands conveyed to the State as follows: (a) 50 percent of any bonus bid or other payment received by the State as consideration for securing any lease or authorization to develop potash resources; (b) 50 percent of the amount that would have been received by the Federal Government under the minimum royalty rate established by 43 C.F.R. §3504.21 (2016) if the potash resources had been retained in Federal ownership; and (c) 50 percent of any other payment received by the State pursuant to any lease or authorization to develop the potash resources. Upon receipt of any funds from potash leasing and development on lands in which the Secretary has reserved an interest, the State shall pay the Secretary amounts attributable to the reserved interest of the United States not less than quarterly. The State may deduct an administrative fee of three per cent from all payments due to the United States under this paragraph. The State shall not be obligated to lease or otherwise develop potash resources in which the United States retains an interest under this subsection.

5. Reservation of Federal Mineral Interests – Oil and Gas. The Secretary shall reserve a wellbore interest in each oil and gas well on Federal land that has been determined by the Secretary to be capable of production in paying quantities as of the date of conveyance. The wellbore interest reserved to the United States under paragraph (1) shall consist of all royalties attributable to any zones or horizons that are being produced from an oil and gas well located on Federal land as of the date of conveyance. Upon receipt of any funds attributable to the reserve wellbore interest of the United States, the State shall pay the Secretary all such amounts not less than quarterly. The State may deduct an administrative fee of three per cent from all payments due to the United States under this paragraph. The reserved wellbore interests of the United States in oil and gas shall automatically terminate on the date that is thirty years after the enactment of ~~this~~ an Act of Congress ratifying this agreement. The United States shall share all revenue received with respect to its reserved wellbore mineral interest in oil and gas with the State of Utah in accordance with 30 U.S.C.

191(a).

6. Valuation. The Secretary and the State contemplate that ratifying legislation enacted by Congress will include a condition that all lands to be conveyed under this Agreement will be appraised in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and other applicable law, and that any imbalance in land value will be equalized as follows: (a) if the imbalance favors the United States, SITLA will convey to the United States Trust Lands located in the Red Cliffs National Conservation Area or any federal Wilderness or wilderness study area in Utah, as mutually agreed upon by the Department and the State, ~~to the United States~~ having an appraised value equal to the amount of the imbalance; and (b) if the imbalance favors the State, the United States will ~~give SITLA a credit in the amount of the imbalance in the existing ledger account maintained by the BLM for state indemnity selections available under section 6 of the Utah Enabling Act~~convey to SITLA public land in the State, as mutually agreed upon by the Department and the State, having an appraised value equal to the amount of the imbalance.

7. Term. This agreement is not subject to termination before January 1, 2019. Beginning on January 1, 2019, either party may, but is not obligated to, terminate this Agreement unless legislation shall have been enacted by the United States and the State of Utah authorizing and ratifying this Agreement.

8. Closing; Transfer of Title. The following provisions shall govern conveyances of lands to be exchanged pursuant to this Agreement:

   a. All conveyances by the United States and the State shall be subject to valid existing rights and interests outstanding in third parties; provided, however, that all conveyances by the State to the United States shall be subject only to those valid existing surface and mineral leases, grazing permits and leases, easements, rights of way, and other interests outstanding in third parties found acceptable under the Attorney General's title regulations.

   b. All conveyances by the State shall be in a form acceptable to the Secretary and in conformity with applicable title standards of the Attorney General of the United States.

9. Management of Lands Acquired by the United States. All lands or interests therein acquired by the United States pursuant to section 2 of this Agreement within the exterior boundaries of the Monument shall become a part of the Monument and shall be subject to all laws and regulations applicable to the Monument, subject to valid existing rights. ~~Notwithstanding~~ In addition to the foregoing, if any portion of the transferred lands are wholly or partially encompassed within a wilderness study area created pursuant to Section 603 of FLPMA or other authority if applicable, or within a wilderness area created by Congress under authority of the Wilderness Act, then those lands shall be administered, subject to valid existing rights,

pursuant to applicable statutes and regulations governing wilderness study areas or wilderness areas, respectively.

10. Management of Lands Acquired by the State. All lands or interests therein acquired by the State pursuant to section 3 of this Agreement shall be managed by SITLA as Trust Lands pursuant to Title 53C of the Utah Code.

11. Water Rights. All water rights, if any, held by the transferor that are appurtenant to the lands exchanged pursuant to this Agreement shall be conveyed with the land. Nothing contained in this Agreement shall impair valid existing water rights owned by private parties. Nothing in this Agreement shall expand or diminish Federal or State jurisdiction, responsibilities, interests, or rights, in water resource adjudication, allocation, development, or control.

12. Grazing Permits.

a. On all lands acquired by the United States under section 2, the Secretary shall honor, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Trust Lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Upon expiration of any lease or permit, the holder shall be entitled to a preference right to renew such lease or permit to the extent provided by law.

b. In any instance where lands conveyed by the State under section 2 are used by a grazing permittee or lessee to meet the base property requirements for a federal grazing permit or lease, such lands shall continue to qualify as base properties for the remaining term of the lease or permit and any renewal or extensions thereof.

c. Title to, or any interest in, any range improvement held by the United States or the State on any lands exchanges under this Agreement shall be transferred with such lands. Nothing in this Agreement shall operate to divest title to, or any interest in, any range improvement held by any person on such lands.

d. On all lands acquired by the State under section 3, the State shall continue, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Federal lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Such leases, permits and contracts shall be subject to compliance with terms and conditions of the leases, permits or contracts, together with such reasonable regulations as the State may prescribe concerning range conditions. Upon expiration of any lease or permit, the holder shall be entitled to a right of first refusal for the renewal of such lease or permit under state law. Nothing

in this Agreement shall prevent the State from canceling any grazing permit when the underlying land is sold or leased for non-grazing purposes by the State.

13. Surface Agreements and Permits.

a. The United States shall assume all rights and duties of the State under all State rights-of-way and special use agreements on lands conveyed to the United States pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way and agreements shall be managed and enforced by the United States. The rents, fees and other payments formerly due to the State under the terms of such rights-of-way and agreements shall be payable by the holder to the United States.

b. The State shall assume all rights and duties of the United States under all Federal rights-of-way, surface use permits and agreements on lands conveyed to the State pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way, permits and agreements shall be managed and enforced by the State. The rents, fees, and other payments formerly due to the United States under the terms of such rights-of-way, permits and agreements shall be payable by the holder to the State.

~~c. Nothing in this Act shall expand or diminish the rights of any person or entity in any pre-existing rights-of-way established under State or Federal law, and the conveyances to be made under this Agreement shall be subject to such pre-existing rights-of-way, if any, as valid existing rights.~~

14. Mineral Leases and Lands. In connection with mineral lands and interests conveyed pursuant to this Agreement:

a. The State shall succeed the United States as lessor of all federal mineral leases on lands conveyed to the State pursuant to this Agreement. All rights, terms, and agreements under such leases (including authorizations for easements, facilities, operations, or other appurtenances on such lands) shall remain in effect after such conveyance except that such rights, terms, and agreements shall be managed and enforced by the State. The rents, royalties, fees and other payments formerly due the United States under such terms shall be payable by the Lessee to the State. The Leaseholder shall be entitled to Lease extension and renewal to the extent provided under Federal law, regulations, and the Lease Agreement.

b. The Secretary shall succeed the State as lessor of all State mineral leases on lands conveyed to the Secretary pursuant to this Agreement. All rights, terms and

agreements under such Lease (including authorizations for easements, facilities, operations, or other appurtenances on such lands) shall remain in effect after such conveyance, except that such rights, terms and agreements shall be managed and enforced by the Secretary. The rents, royalties, fees, and other payments formerly due to the State under such terms shall be payable by the Lessee to the United States.

c. If any of the lands conveyed to the State under this Agreement are encumbered by mining claims, mill sites or tunnel sites located under the Mining Law of 1872, 30 U.S.C. § 22 *et seq*, the State will recognize the mining claimants' and siteholders' interests in all valid mining claims and site locations and allow them to develop those minerals or use the sites so long as they comply with applicable laws and regulations, including without limitation applicable state filing and claim maintenance requirements; provided, however, that nothing herein shall preclude the State and any claimant or siteholder from agreeing to the relinquishment of any claim or site on mutually acceptable terms. The State shall further adjudicate any mining claim or site validity issues in the appropriate state or Federal court according to the Mining Law of 1872, as amended, and case law and administrative guidance interpreting that law. The BLM will provide notice to each mining claimant and site holder that its mining claims or site locations: (1) will be administered by the Trust Lands Administration and that compliance with state filing and claim maintenance requirements contained in Utah Code Ann. §53C-2-104 will be required to avoid abandonment of such claim under state law; (2) will no longer be administered by the United States; (3) will no longer be subject to Federal filing or fee requirements or BLM surface management requirements; and (4) that the Secretary no longer has jurisdiction to adjudicate the validity of any mining claim or site.

15. Hazardous Waste.

a. Notwithstanding the transfer to the United States of the lands and interests therein described in section 2, the State shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

b. Notwithstanding the transfer to the State of the lands and interests therein described in section 3, the United States shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from the ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

16. General Provisions. In addition to the foregoing, the Department and the State agree as follows:

a. Nothing in this Agreement shall prevent the parties from mutually agreeing to the correction of technical errors and omissions in maps and legal descriptions contained or incorporated herein.

b. The parties agree to use reasonable diligence and efforts to fulfill their respective obligations under this Agreement, at all times that this Agreement is in effect.

17. Compliance. The land exchange under this agreement shall be carried out in accordance with existing law, including section 206 of FLPMA and other applicable law.

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused to be affixed the Great Seal of the State of Utah on the date first above written.

UNITED STATES DEPARTMENT OF THE INTERIOR

_____

Secretary of the Interior

STATE OF UTAH

_____

Governor

DRAFT

Conversation Contents

Lee bears Ears op-ed

"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>

From:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Sent:	Mon Dec 12 2016 18:12:55 GMT-0700 (MST)
To:	"nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Subject:	Lee bears Ears op-ed

Didn't realize this was happening tonight. Meant to give you a head-up although I don't think there is anything too provocative in there.

Sent from my iPhone

Begin forwarded message:

> **From:** "Carroll, Conn (Lee)" <Conn_Carroll@lee.senate.gov>
> **Date:** December 12, 2016 at 6:16:17 PM EST
> **To:** "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>, "Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>
>
> https://www.washingtonpost.com/opinions/why-obama-shouldnt-unilaterally-declare-a-bears-ears-monument/2016/12/12/7985984c-bf06-11e6-94ac-3d324840106c_story.html?utm_term=.22212817ad9d
>
> Sent from my iPhone

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Mon Dec 12 2016 18:16:10 GMT-0700 (MST)
To:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Subject:	Re: Lee bears Ears op-ed

Thank you for forwarding! And no worries.

On Mon, Dec 12, 2016 at 8:12 PM, Prandoni, Chris (Lee) <Chris_Prandoni@lee.senate.gov> wrote:

> Didn't realize this was happening tonight. Meant to give you a head-up although I don't think there is anything too provocative in there.
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> **From:** "Carroll, Conn (Lee)" <Conn_Carroll@lee.senate.gov>
> **Date:** December 12, 2016 at 6:16:17 PM EST
> **To:** "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>, "Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>
>
> https://www.washingtonpost.com/opinions/why-obama-shouldnt-unilaterally-declare-a-bears-ears-monument/2016/12/12/7985984c-bf06-11e6-94ac-3d324840106c_story.html?utm_term=.22212817ad9d
>
> Sent from my iPhone

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

*I will no longer have access to this email on 1/19 – to reach me on personal matters after that date, please use (b) (6) For DOI-related business after 1/19, please call 202-208-7351.

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Mon Dec 12 2016 18:16:25 GMT-0700 (MST)
To:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject:	Fwd: Lee bears Ears op-ed

More folks going on the record...

---------- Forwarded message ----------

FOR COMMITTEE USE ONLY

From: **Prandoni, Chris (Lee)** <Chris_Prandoni@lee.senate.gov>
Date: Mon, Dec 12, 2016 at 8:12 PM
Subject: Lee bears Ears op-ed
To: "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>

Didn't realize this was happening tonight. Meant to give you a head-up although I don't think there is anything too provocative in there.

Sent from my iPhone

Begin forwarded message:

> **From:** "Carroll, Conn (Lee)" <Conn_Carroll@lee.senate.gov>
> **Date:** December 12, 2016 at 6:16:17 PM EST
> **To:** "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>, "Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>
>
> https://www.washingtonpost.com/opinions/why-obama-shouldnt-unilaterally-declare-a-bears-ears-monument/2016/12/12/7985984c-bf06-11e6-94ac-3d324840106c_story.html?utm_term=.22212817ad9d
>
> Sent from my iPhone

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

*I will no longer have access to this email on 1/19 -- to reach me on personal matters after that date, please use (b) (6) [redacted] For DOI-related business after 1/19, please call 202-208-7351.

FOR COMMITTEE USE ONLY

Conversation Contents

Tribal Letter

Attachments:

/21. Tribal Letter/1.1 BEITC_PLILetter_Nov30.pdf

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Fri Dec 09 2016 07:01:28 GMT-0700 (MST)
To:	Nikki Buffa <nicole_buffa@ios.doi.gov>
Subject:	Tribal Letter
Attachments:	BEITC_PLILetter_Nov30.pdf

Can't remember if we shared this letter with you, but we wanted you to see the fruits of our labor. From the moment our weekly check-in call began in August, we worked diligently to get the Tribal coalition back to the table. It took them until Nov. 30 to send us this letter, which basically reads: unless we get everything that we want, we will not work with the delegation.

FOR COMMITTEE USE ONLY

BEARS EARS INTER-TRIBAL COALITION

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

November 30, 2016

To Utah Congressional Delegation,

Thank you for hosting a meeting between tribal leaders from the Bears Ears Coalition and Utah congressional staff earlier this month. We sincerely valued the opportunity to hear directly from you and to discuss some of our concerns with the Utah Public Lands Initiative (PLI).

As you know, each Tribe that comprises the Bears Ears Coalition has continually expressed an interest in collaboratively managing the Bears Ears landscape. We are pleased that you might be willing to accept our approach to collaborative management. After internal deliberation, however, the Coalition is still not able to support the Public Lands Initiative as drafted. As discussed at the meeting, some problematic areas of the PLI include:

- The failure to use the boundaries, encompassing 1.9 million acres, as proposed by the Coalition after years of expert research and analysis of this area;
- The removal of 100,000 acres of land from the Uintah and Ouray Indian Reservation;
- Amendments to the Utah Navajo Trust Fund absent consultation with the Navajo Nation;
- The long term consequences that the transfer of energy permitting and regulatory authority to the State will have on the landscape and nearby communities;
- Provisions validating Utah's claimed ownership of PL 2477 rights of way;
- Provisions allowing mining in much of the 1.9 million acre area proposed by the Coalition.

These are only a few of the concerns that the Coalition has with the PLI. Until adequately addressed, the Coalition is not prepared to acquiesce to a draft bill by providing additional draft language. Nonetheless, we are grateful for the opportunity to discuss these issues with each of your offices.

Sincerely,

Alfred Lomahquahu
Bears Ears Co-Chair
Hopi Vice-Chairman

Carleton Bowekaty
Bears Ears Representative
Pueblo of Zuni Councilman

Conversation Contents

Letter from Rep. Chaffetz

Attachments:

/22. Letter from Rep. Chaffetz/1.1 Letter to Sec. Jewell 12.5.16.pdf
/22. Letter from Rep. Chaffetz/3.1 Letter to Sec. Jewell 12.5.16.pdf
/22. Letter from Rep. Chaffetz/4.1 Letter to Sec. Jewell 12.5.16.pdf

"White, Clay" <Clay.White@mail.house.gov>

From:	"White, Clay" <Clay.White@mail.house.gov>
Sent:	Mon Dec 05 2016 14:44:16 GMT-0700 (MST)
To:	"nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Subject:	Letter from Rep. Chaffetz
Attachments:	Letter to Sec. Jewell 12.5.16.pdf

Nicole,

Attached is a letter from Congressman Chaffetz to Sec. Jewell.

Thank you for your consideration.

Clay White
Legislative Assistant
Rep. Jason Chaffetz (UT-03)
Office: 202.225.7751

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Mon Dec 05 2016 14:49:35 GMT-0700 (MST)
To:	"White, Clay" <Clay.White@mail.house.gov>
Subject:	Re: Letter from Rep. Chaffetz

Thanks guys. This is the issue dealing with EnerVest, Ltd. I've emailed you about a few times. Thank you

Fred Ferguson
Chief of Staff

Rep. Chaffetz (UT-03)
202-631-0560 cell

On Dec 5, 2016, at 16:44, White, Clay <Clay.White@mail.house.gov> wrote:

Nicole,

Attached is a letter from Congressman Chaffetz to Sec. Jewell.

Thank you for your consideration.

Clay White
Legislative Assistant
Rep. Jason Chaffetz (UT-03)
Office: 202.225.7751

<Letter to Sec. Jewell 12.5.16.pdf>

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Mon Dec 05 2016 15:19:56 GMT-0700 (MST)
To:	Neil Kornze <nkornze@blm.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Liz Pardue <lpardue@blm.gov>
Subject:	Fwd: Letter from Rep. Chaffetz
Attachments:	Letter to Sec. Jewell 12.5.16.pdf

Begin forwarded message:

From: "White, Clay" <Clay.White@mail.house.gov>
Date: December 5, 2016 at 4:44:16 PM EST
To: "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Cc: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject: Letter from Rep. Chaffetz

Nicole,

Attached is a letter from Congressman Chaffetz to Sec. Jewell.

Thank you for your consideration.

Clay White

Legislative Assistant
Rep. Jason Chaffetz (UT-03)
Office: 202.225.7751

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Mon Dec 05 2016 15:20:02 GMT-0700 (MST)
To:	Robert Howarth <robert_howarth@ios.doi.gov>
Subject:	Fwd: Letter from Rep. Chaffetz
Attachments:	Letter to Sec. Jewell 12.5.16.pdf

Begin forwarded message:

From: "White, Clay" <Clay.White@mail.house.gov>
Date: December 5, 2016 at 4:44:16 PM EST
To: "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Cc: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject: Letter from Rep. Chaffetz

Nicole,

Attached is a letter from Congressman Chaffetz to Sec. Jewell.

Thank you for your consideration.

Clay White
Legislative Assistant
Rep. Jason Chaffetz (UT-03)
Office: 202.225.7751

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Mon Dec 05 2016 15:20:08 GMT-0700 (MST)
To:	"White, Clay" <Clay.White@mail.house.gov>
CC:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

Subject: Re: Letter from Rep. Chaffetz

Received. Thanks!

On Dec 5, 2016, at 4:45 PM, White, Clay <Clay.White@mail.house.gov> wrote:

> Nicole,
>
> Attached is a letter from Congressman Chaffetz to Sec. Jewell.
>
> Thank you for your consideration.
>
> **Clay White**
> Legislative Assistant
> Rep. Jason Chaffetz (UT-03)
> Office: 202.225.7751
>
> <Letter to Sec. Jewell 12.5.16.pdf>

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Mon Dec 05 2016 16:56:38 GMT-0700 (MST)
To:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
CC:	"White, Clay" <Clay.White@mail.house.gov>, Anita Bilbao <abilbao@blm.gov>
Subject:	Re: Letter from Rep. Chaffetz

Sorry. We've been checking but applications for permit to drill (APD) are local level Field Manager decisions and don't go through the State Office (or Washington office here).

On Dec 5, 2016, at 4:49 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> Thanks guys. This is the issue dealing with EnerVest, Ltd. I've emailed you about a few times.
> Thank you
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell
>
> On Dec 5, 2016, at 16:44, White, Clay <Clay.White@mail.house.gov> wrote:
>
> > Nicole,

Attached is a letter from Congressman Chaffetz to Sec. Jewell.

Thank you for your consideration.

Clay White
Legislative Assistant
Rep. Jason Chaffetz (UT-03)
Office: 202.225.7751

<Letter to Sec. Jewell 12.5.16.pdf>

"Bilbao, Anita" <abilbao@blm.gov>

From:	"Bilbao, Anita" <abilbao@blm.gov>
Sent:	Tue Dec 06 2016 06:10:25 GMT-0700 (MST)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Letter from Rep. Chaffetz

Would you like a response to the email (in addition to the letter)?

On Mon, Dec 5, 2016 at 6:56 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

Sorry. We've been checking but applications for permit to drill (APD) are local level Field Manager decisions and don't go through the State Office (or Washington office here).

On Dec 5, 2016, at 4:49 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

Thanks guys. This is the issue dealing with EnerVest, Ltd. I've emailed you about a few times. Thank you

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

On Dec 5, 2016, at 16:44, White, Clay <Clay.White@mail.house.gov> wrote:

Nicole,

Attached is a letter from Congressman Chaffetz to Sec. Jewell.

Thank you for your consideration.

Clay White
Legislative Assistant
Rep. Jason Chaffetz (UT-03)
Office: 202.225.7751

<Letter to Sec. Jewell 12.5.16.pdf>

--
Anita Bilbao
Chief of Staff
Bureau of Land Management
Washington DC
202.208.4586 (o)
202.578.5209 (c)

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Tue Dec 06 2016 06:38:08 GMT-0700 (MST)
To:	"Bilbao, Anita" <abilbao@blm.gov>
Subject:	Re: Letter from Rep. Chaffetz

Yes.

On Dec 6, 2016, at 8:11 AM, Bilbao, Anita <abilbao@blm.gov> wrote:

> Would you like a response to the email (in addition to the letter)?
>
> On Mon, Dec 5, 2016 at 6:56 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
> Sorry. We've been checking but applications for permit to drill (APD) are local level Field Manager decisions and don't go through the State Office (or Washington office here).
>
> On Dec 5, 2016, at 4:49 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:
>
> > Thanks guys. This is the issue dealing with EnerVest, Ltd. I've emailed you about a few times. Thank you
> >
> > **Fred Ferguson**
> > Chief of Staff
> > Rep. Chaffetz (UT-03)
> > 202-631-0560 cell
> >
> > On Dec 5, 2016, at 16:44, White, Clay <Clay.White@mail.house.gov> wrote:
> >
> > > Nicole,

Attached is a letter from Congressman Chaffetz to Sec. Jewell.

Thank you for your consideration.

Clay White
Legislative Assistant
Rep. Jason Chaffetz (UT-03)
Office: 202.225.7751

<Letter to Sec. Jewell 12.5.16.pdf>

--
Anita Bilbao
Chief of Staff
Bureau of Land Management
Washington DC
202.208.4586 (o)
202.578.5209 (c)

"Bilbao, Anita" <abilbao@blm.gov>

From: "Bilbao, Anita" <abilbao@blm.gov>
Sent: Tue Dec 06 2016 06:44:05 GMT-0700 (MST)
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Re: Letter from Rep. Chaffetz

copy

On Tue, Dec 6, 2016 at 8:38 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Yes.
>
> On Dec 6, 2016, at 8:11 AM, Bilbao, Anita <abilbao@blm.gov> wrote:
>
> > Would you like a response to the email (in addition to the letter)?
> >
> > On Mon, Dec 5, 2016 at 6:56 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
> > > Sorry. We've been checking but applications for permit to drill (APD) are local level Field Manager decisions and don't go through the State Office (or Washington office here).
> > >
> > > On Dec 5, 2016, at 4:49 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:
> > >
> > > > Thanks guys. This is the issue dealing with EnerVest, Ltd. I've emailed you about a few times. Thank you

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

On Dec 5, 2016, at 16:44, White, Clay <Clay.White@mail.house.gov> wrote:

Nicole,

Attached is a letter from Congressman Chaffetz to Sec. Jewell.

Thank you for your consideration.

Clay White
Legislative Assistant
Rep. Jason Chaffetz (UT-03)
Office: 202.225.7751

<Letter to Sec. Jewell 12.5.16.pdf>

--
Anita Bilbao
Chief of Staff
Bureau of Land Management
Washington DC
202.208.4586 (o)
202.578.5209 (c)

--
Anita Bilbao
Chief of Staff
Bureau of Land Management
Washington DC
202.208.4586 (o)
202.578.5209 (c)

"White, Clay" <Clay.White@mail.house.gov>

From: "White, Clay" <Clay.White@mail.house.gov>
Sent: Thu Dec 08 2016 13:23:50 GMT-0700 (MST)
Nicole Buffa <nicole_buffa@ios.doi.gov>, "Ferguson, Fred"

To: <Fred.Ferguson@mail.house.gov>

Subject: Re: Letter from Rep. Chaffetz

Hi Nicole,

Wondering if this is the Department's official response? Word from the Price Field Office is that they are waiting on Washington. Any insight would be appreciated.

Thank you,

Clay White
Legislative Assistant
Rep. Jason Chaffetz (UT-03)
Office: 202.225.7751

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Date: Monday, December 5, 2016 6:56 PM
To: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Cc: Clay White <clay.white@mail.house.gov>, Anita Bilbao <abilbao@blm.gov>
Subject: Re: Letter from Rep. Chaffetz

Sorry. We've been checking but applications for permit to drill (APD) are local level Field Manager decisions and don't go through the State Office (or Washington office here).

On Dec 5, 2016, at 4:49 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> Thanks guys. This is the issue dealing with EnerVest, Ltd. I've emailed you about a few times.
> Thank you
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell
>
> On Dec 5, 2016, at 16:44, White, Clay <Clay.White@mail.house.gov> wrote:
>
> > Nicole,
> >
> > Attached is a letter from Congressman Chaffetz to Sec. Jewell.
> >
> > Thank you for your consideration.
> >
> > **Clay White**
> > Legislative Assistant
> > Rep. Jason Chaffetz (UT-03)
> > Office: 202.225.7751

<Letter to Sec. Jewell 12.5.16.pdf>

"Bilbao, Anita" <abilbao@blm.gov>

From:	"Bilbao, Anita" <abilbao@blm.gov>
Sent:	Thu Dec 08 2016 16:35:28 GMT-0700 (MST)
To:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
CC:	"White, Clay" <Clay.White@mail.house.gov>, Nicole Buffa <nicole_buffa@ios.doi.gov>, Patrick Wilkinson <p2wilkin@blm.gov>, Jamie Pool <jpool@blm.gov>
Subject:	Re: Letter from Rep. Chaffetz

Fred, Thank you for your patience.
Utah is working diligently to timely consider the APD and is confirming status.
I'm copying our legislative affairs team team (Jamie and Patrick) who will be in touch with you.

On Mon, Dec 5, 2016 at 6:56 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Sorry. We've been checking but applications for permit to drill (APD) are local level Field Manager decisions and don't go through the State Office (or Washington office here).
>
> On Dec 5, 2016, at 4:49 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:
>
> > Thanks guys. This is the issue dealing with EnerVest, Ltd. I've emailed you about a few times.
> > Thank you
> >
> > **Fred Ferguson**
> > Chief of Staff
> > Rep. Chaffetz (UT-03)
> > 202-631-0560 cell
> >
> > On Dec 5, 2016, at 16:44, White, Clay <Clay.White@mail.house.gov> wrote:
> >
> > > Nicole,
> > >
> > > Attached is a letter from Congressman Chaffetz to Sec. Jewell.
> > >
> > > Thank you for your consideration.
> > >
> > > **Clay White**
> > > Legislative Assistant
> > > Rep. Jason Chaffetz (UT-03)
> > > Office: 202.225.7751

<Letter to Sec. Jewell 12.5.16.pdf>

--
Anita Bilbao
Chief of Staff
Bureau of Land Management
Washington DC
202.208.4586 (o)
202.578.5209 (c)

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Fri Dec 09 2016 07:01:00 GMT-0700 (MST)
To:	"White, Clay" <Clay.White@mail.house.gov>
CC:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>, p2wilkin@blm.gov, jpool@blm.gov
Subject:	Re: Letter from Rep. Chaffetz

+

Sorry for the delay, per Anita's email yesterday, this isn't out formal response. You'll be hearing form Jamie and Patrick soon. Thanks!

On Dec 8, 2016, at 3:24 PM, White, Clay <Clay.White@mail.house.gov> wrote:

> Hi Nicole,
>
> Wondering if this is the Department's official response? Word from the Price Field Office is that they are waiting on Washington. Any insight would be appreciated.
>
> Thank you,
>
> **Clay White**
> Legislative Assistant
> Rep. Jason Chaffetz (UT-03)
> Office: 202.225.7751

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Date: Monday, December 5, 2016 6:56 PM
To: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Cc: Clay White <clay.white@mail.house.gov>, Anita Bilbao <abilbao@blm.gov>
Subject: Re: Letter from Rep. Chaffetz

Sorry. We've been checking but applications for permit to drill (APD) are local level Field Manager decisions and don't go through the State Office (or Washington office here).

On Dec 5, 2016, at 4:49 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> Thanks guys. This is the issue dealing with EnerVest, Ltd. I've emailed you about a few times. Thank you
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell
>
> On Dec 5, 2016, at 16:44, White, Clay <Clay.White@mail.house.gov> wrote:
>
> > Nicole,
> >
> > Attached is a letter from Congressman Chaffetz to Sec. Jewell.
> >
> > Thank you for your consideration.
> >
> > **Clay White**
> > Legislative Assistant
> > Rep. Jason Chaffetz (UT-03)
> > Office: 202.225.7751
> >
> > <Letter to Sec. Jewell 12.5.16.pdf>

Conversation Contents

Scanned from a Xerox Multifunction Device

Attachments:

/25. Scanned from a Xerox Multifunction Device/1.1 Scanned from a Xerox Multifunction Device.pdf
/25. Scanned from a Xerox Multifunction Device/2.1 Scanned from a Xerox Multifunction Device.pdf
/25. Scanned from a Xerox Multifunction Device/4.1 Scanned from a Xerox Multifunction Device.pdf
/25. Scanned from a Xerox Multifunction Device/5.1 suggested change map - UT.png
/25. Scanned from a Xerox Multifunction Device/6.1 suggested change map - UT.png
/25. Scanned from a Xerox Multifunction Device/9.1 FCM-PLI-discussion-draft-comments-vF(6).pdf
/25. Scanned from a Xerox Multifunction Device/9.2 PLI-Bluff_Bench_compromise_with_acreages-1.png

<wo-noreply@blm.gov>

From:	<wo-noreply@blm.gov>
Sent:	Mon Dec 05 2016 17:56:34 GMT-0700 (MST)
To:	"nikki_buffa@ios.doi.gov " <nikki_buffa@ios.doi.gov>
Subject:	Scanned from a Xerox Multifunction Device
Attachments:	Scanned from a Xerox Multifunction Device.pdf

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Device. Attachment File Type: pdf, Multi-Page Multifunction Device Location: MIB Device Name: ilmwohq2_5654c2.blm.doi.net For more information on Xerox products and solutions, please visit http://www.xerox.com

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Mon Dec 05 2016 10:12:30 GMT-0700 (MST)
To:	Fred Ferguson <Fred.Ferguson@mail.house.gov>
Subject:	Fwd: Scanned from a Xerox Multifunction Device
Attachments:	Scanned from a Xerox Multifunction Device.pdf

FOR COMMITTEE USE ONLY

Begin forwarded message:

From: <wo-noreply@blm.gov>
Date: December 5, 2016 at 7:56:34 PM EST
To: "nikki_buffa@ios.doi.gov " <nikki_buffa@ios.doi.gov>
Subject: Scanned from a Xerox Multifunction Device
Reply-To: <wo-noreply@blm.gov>

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Device.

Attachment File Type: pdf, Multi-Page

Multifunction Device Location: MIB
Device Name: ilmwohq2_5654c2.blm.doi.net

For more information on Xerox products and solutions, please visit http://www.xerox.com

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Tue Dec 06 2016 11:35:37 GMT-0700 (MST)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Scanned from a Xerox Multifunction Device

Sorry, need more detail..

From: Nikki Buffa <nicole_buffa@ios.doi.gov>
Date: Monday, December 5, 2016 12:12 PM
To: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Subject: Fwd: Scanned from a Xerox Multifunction Device

Begin forwarded message:

From: <wo-noreply@blm.gov>
Date: December 5, 2016 at 7:56:34 PM EST
To: "nikki_buffa@ios.doi.gov " <nikki_buffa@ios.doi.gov>
Subject: Scanned from a Xerox Multifunction Device
Reply-To: <wo-noreply@blm.gov>

FOR COMMITTEE USE ONLY

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Device.

Attachment File Type: pdf, Multi-Page

Multifunction Device Location: MIB
Device Name: ilmwohq2_5654c2.blm.doi.net

For more information on Xerox products and solutions, please visit http://www.xerox.com

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Tue Dec 06 2016 11:50:40 GMT-0700 (MST)
To:	Liz Pardue <lpardue@blm.gov>
Subject:	Fwd: Scanned from a Xerox Multifunction Device
Attachments:	Scanned from a Xerox Multifunction Device.pdf

This is super hard to interpret. Any chance you could trace this out on one of our existing maps?

---------- Forwarded message ----------
From: <wo-noreply@blm.gov>
Date: Mon, Dec 5, 2016 at 7:56 PM
Subject: Scanned from a Xerox Multifunction Device
To: "nikki_buffa@ios.doi.gov" <nikki_buffa@ios.doi.gov>

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Device.

Attachment File Type: pdf, Multi-Page

Multifunction Device Location: MIB
Device Name: ilmwohq2_5654c2.blm.doi.net

For more information on Xerox products and solutions, please visit http://www.xerox.com

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

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

From:	"Pardue, Laura (Liz)" <lpardue@blm.gov>
Sent:	Tue Dec 06 2016 13:37:36 GMT-0700 (MST)
To:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject:	Re: Scanned from a Xerox Multifunction Device
Attachments:	suggested change map -UT.png

Would add 8,000 BLM acres, 500 state.

On Tue, Dec 6, 2016 at 1:50 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> This is super hard to interpret. Any chance you could trace this out on one of our existing maps?
>
> ---------- Forwarded message ----------
> From: <wo-noreply@blm.gov>
> Date: Mon, Dec 5, 2016 at 7:56 PM
> Subject: Scanned from a Xerox Multifunction Device
> To: "nikki_buffa@ios.doi.gov" <nikki_buffa@ios.doi.gov>
>
> Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Device.
>
> Attachment File Type: pdf, Multi-Page
>
> Multifunction Device Location: MIB
> Device Name: ilmwohq2_5654c2.blm.doi.net
>
> For more information on Xerox products and solutions, please visit http://www.xerox.com
>
> --
> Nikki Buffa
> Deputy Chief of Staff
> US Department of the Interior
> 202-219-3861
> nicole_buffa@ios.doi.gov

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

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

FOR COMMITTEE USE ONLY

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Tue Dec 06 2016 13:49:56 GMT-0700 (MST)
To:	"Ferguson, Fred" <fred.ferguson@mail.house.gov>
Subject:	Fwd: Scanned from a Xerox Multifunction Device
Attachments:	suggested change map -UT.png

how is this? bluff is in the upper right hand corner.

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Tue Dec 06 2016 13:51:58 GMT-0700 (MST)
To:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject:	Re: Scanned from a Xerox Multifunction Device

Red is our boundary?

From: Nikki Buffa <nicole_buffa@ios.doi.gov>
Date: Tuesday, December 6, 2016 15:49 PM
To: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Subject: Fwd: Scanned from a Xerox Multifunction Device

how is this? bluff is in the upper right hand corner.

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Tue Dec 06 2016 13:56:38 GMT-0700 (MST)
To:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject:	Re: Scanned from a Xerox Multifunction Device

It's an amended version of your boundary.

On Tue, Dec 6, 2016 at 3:51 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> Red is our boundary?
>
> ---
>
> **From:** Nikki Buffa <nicole_buffa@ios.doi.gov>
> **Date:** Tuesday, December 6, 2016 15:49 PM
> **To:** Fred Ferguson <Fred.Ferguson@mail.house.gov>
> **Subject:** Fwd: Scanned from a Xerox Multifunction Device
>
> how is this? bluff is in the upper right hand corner.

--

FOR COMMITTEE USE ONLY

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

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Tue Dec 06 2016 13:55:49 GMT-0700 (MST)
To:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject:	Re: Scanned from a Xerox Multifunction Device
Attachments:	FCM-PLI-discussion-draft-comments-vF(6).pdf PLI-Bluff_Bench_compromise_with_acreages-1.png

This was a Friends of Cedar Mesa compromise. We feel very strongly about these boundaries. See the .png provided by FCM and their written narrative (pdf). Page 2 paragraph 2.

From: Nikki Buffa <nicole_buffa@ios.doi.gov>
Date: Tuesday, December 6, 2016 15:49 PM
To: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Subject: Fwd: Scanned from a Xerox Multifunction Device

how is this? bluff is in the upper right hand corner.

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Tue Dec 06 2016 14:09:35 GMT-0700 (MST)
To:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject:	Re: Scanned from a Xerox Multifunction Device

K.

On Tue, Dec 6, 2016 at 3:55 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

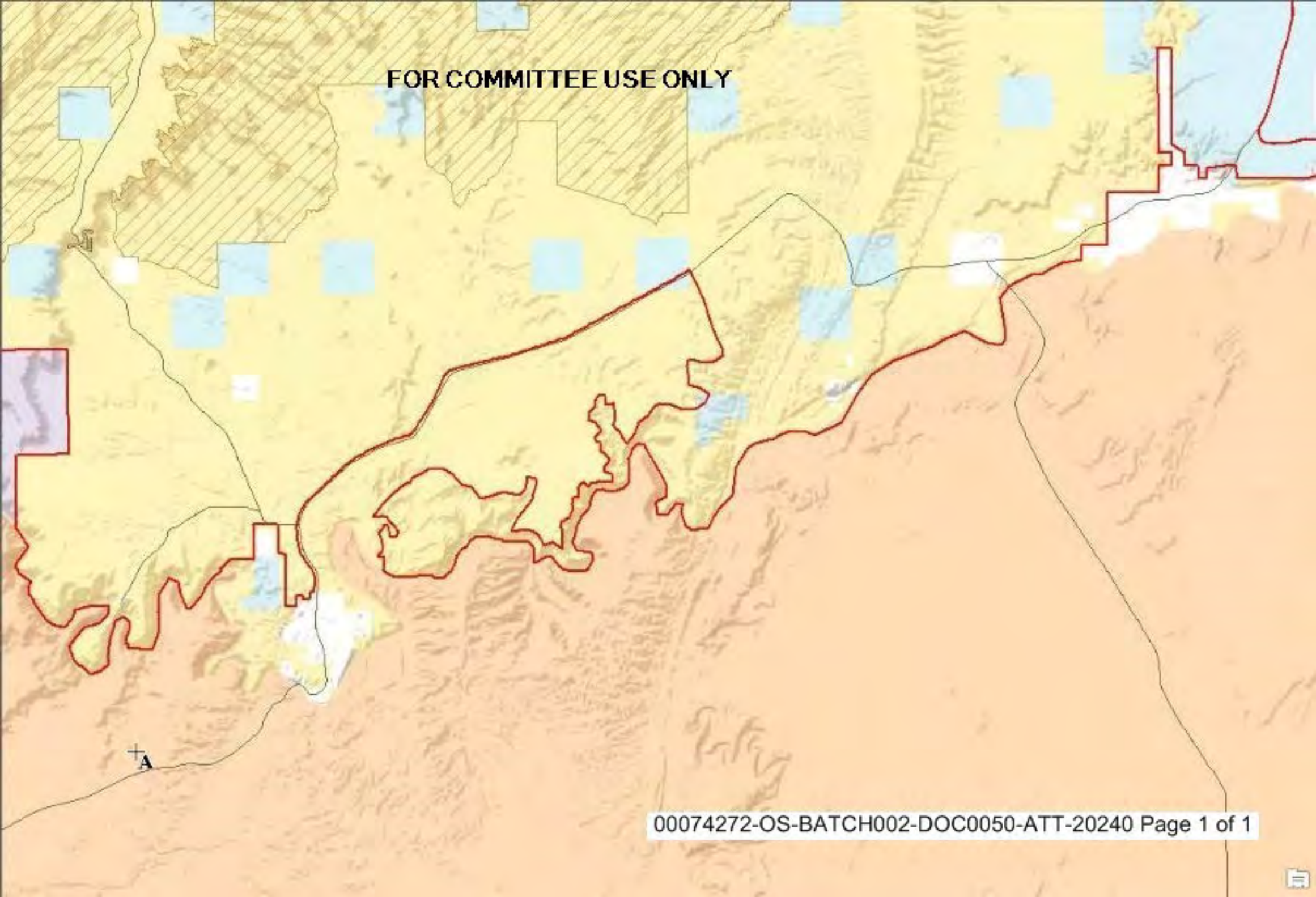
> This was a Friends of Cedar Mesa compromise. We feel very strongly about these boundaries. See the .png provided by FCM and their written narrative (pdf). Page 2 paragraph 2.
>
> ---
>
> **From:** Nikki Buffa <nicole_buffa@ios.doi.gov>
> **Date:** Tuesday, December 6, 2016 15:49 PM
> **To:** Fred Ferguson <Fred.Ferguson@mail.house.gov>
> **Subject:** Fwd: Scanned from a Xerox Multifunction Device
>
> how is this? bluff is in the upper right hand corner.

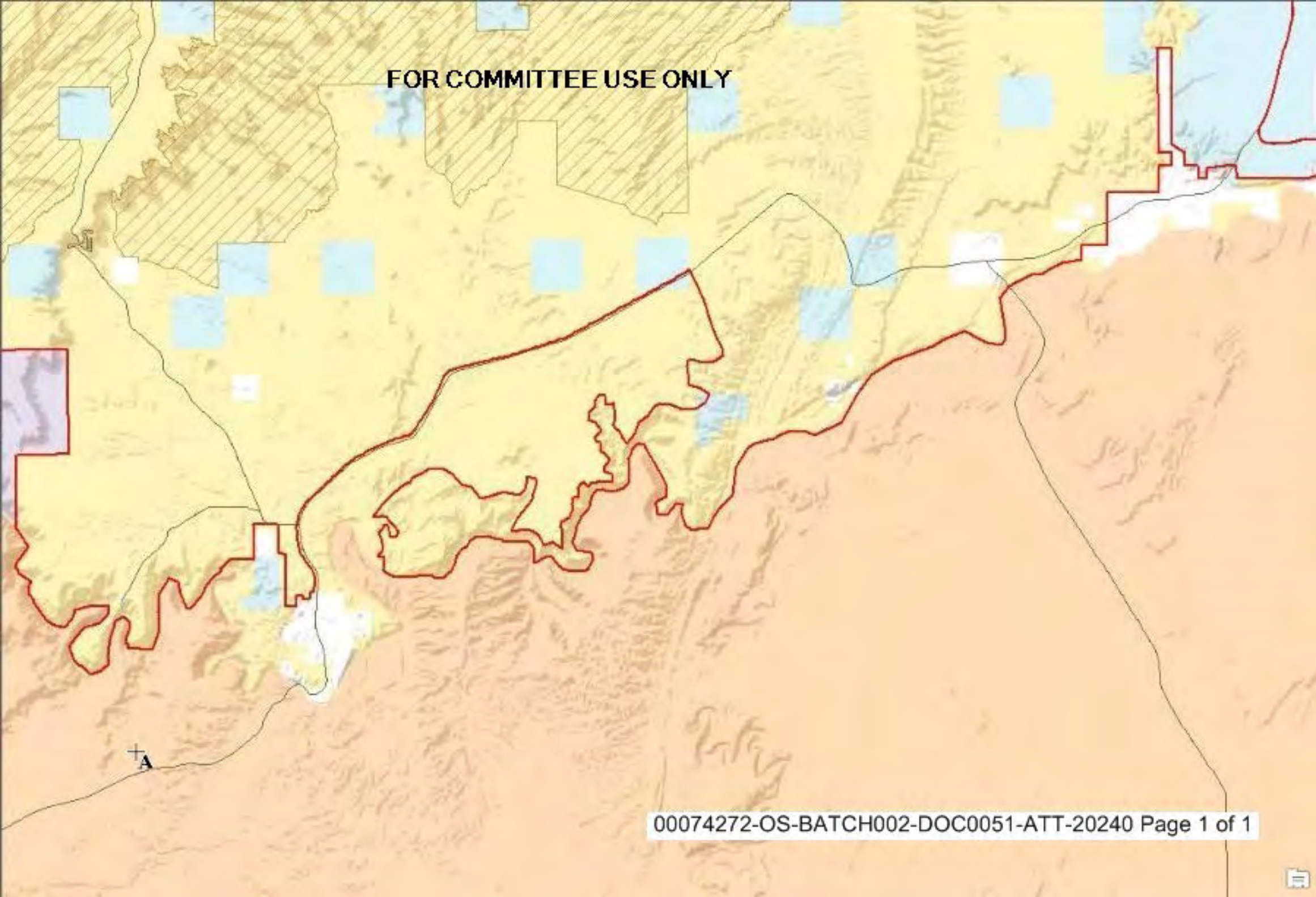
--
Nikki Buffa
Deputy Chief of Staff
US Department of the Interior
202-219-3861
nicole_buffa@ios.doi.gov

FOR COMMITTEE USE ONLY

WSA
BLM
BLM
BLM
BLM
EXCLUDE
CLOUD SITE(S)
LIME CREEK
INDIAN
MAP 1

WSA
BLM
BLM
BLM
BLM
EXCLUDE
CLOUD SITE(S)
LIME CREEK
INDIAN
MAP 1


FOR COMMITTEE USE ONLY
A


FOR COMMITTEE USE ONLY
A

FOR COMMITTEE USE ONLY

PO Box 338, Bluff, UT 84512

February 8, 2016

The Honorable Rob Bishop
123 Cannon House Office Building
Washington, DC 20540

The Honorable Jason Chaffetz
2464 Rayburn House Office Building
Washington, DC 20515

Dear Congressmen Chaffetz and Bishop:

The Public Lands Initiative has been an ambitious proposition from the beginning. As a local, on-the-ground nonprofit based in rural San Juan County, Friends of Cedar Mesa (FCM) shares your ambition for finding common ground and creative solutions. We are grateful for all the hard work your team has put into this project.

FCM sees an urgent need for protection of the Cedar Mesa area, as well as many surrounding areas rich in cultural/archaeological resources. With continued looting, increased visitation, spiraling user conflicts, and mired bureaucracy, this landscape just cannot go another 5 or 10 years without being protected. From the beginning, we have invested huge amounts of time into your locally driven, legislative solution. We attended every meeting of the San Juan County Lands Council and every public meeting on the PLI in San Juan County. While we cannot support the bill in its current form, we continue to believe congressional action has the potential to be the best way to find win-wins for conservation, recreation, and economic development.

Per your request, we are providing below a fairly lengthy and detailed list of concerns we have with the current "Discussion Draft" of the PLI. We commit to engaging in an honest, transparent dialogue with you in order to achieve creative solutions and real negotiation on these points. Throughout this process, we have intentionally refrained from "bashing" the PLI, which we've worked on for so long. While we do plan to share our concerns with our interested membership, we will continue to do so in a spirit of honesty and pragmatism.

Friends of Cedar Mesa will continue to work towards a PLI bill we can support. However, we are not willing to put the future of this landscape solely in the hands of Congress. We must pursue any possible

avenue to protect a landscape that should have been protected 100 years ago. As such, we will continue to urge the Administration to use all the tools it has available, including the Antiquities Act, to protect this place if the PLI legislation does not pass in a timely fashion.

Recommendations:

Critical archaeological and scenic resources in the Bluff area left out of the Bears Ears NCA

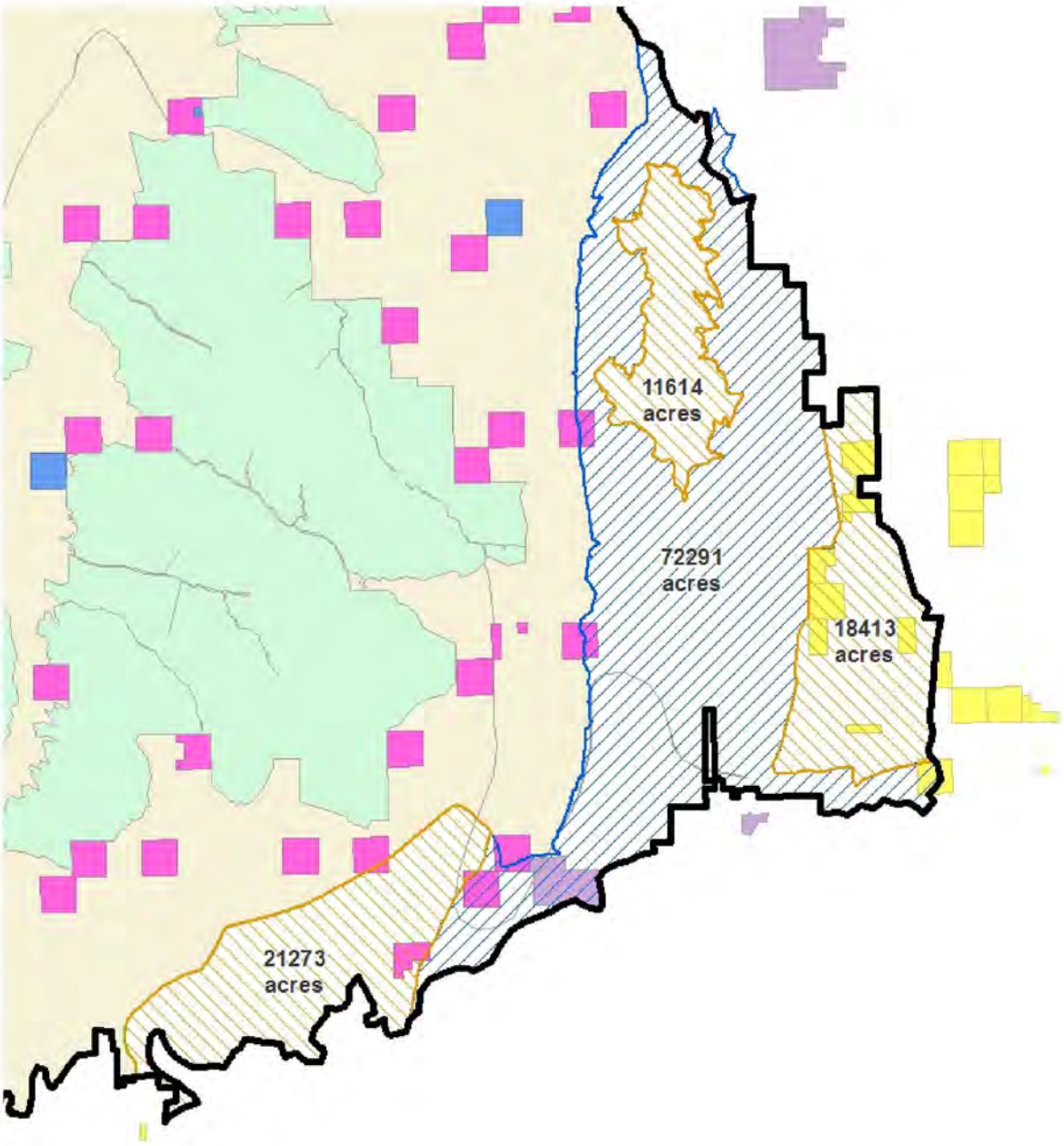
We believe all of the lands in the Tribal proposal for protection of the Bears Ears cultural landscape are deserving of permanent protection. However, we are most passionate and knowledgeable about the area surrounding Bluff that was left out of the NCA, specifically the San Juan River Corridor, Lower Comb Ridge, Tank Mesa and Cottonwood Wash. This is one of the most archaeologically important areas in all of San Juan County, including:

- The oldest rock art image in the United States
- Several of the largest and most significant rock art panels in Utah
- Four ancient Chacoan road segments
- Thousands of archaeological sites, including pueblos, kivas, cliff dwellings historic Navajo hogans and Ute tipi rings.
- The most significant Clovis archaeological site in Utah (earliest Americans on record - 13,000 BC)
- San Juan Hill, one of the most significant historical sites in the State of Utah
- Launch and campground for floating the San Juan River, an international river rafting destination

In the spirit of compromise, we could support a reduction in the acreage Friends of Cedar Mesa originally proposed in this area. We have attached a map and GIS shapefiles outlining a modest 72,291 (blue cross hatched area) acre addition to the Bears Ears NCA. Within this area, we would suggest trading out SITLA parcels as is contemplated in the rest of the NCA, consolidating them east of Highway 191. While it is heartbreaking for us to leave out such scenic areas as Chimney Rocks, Recapture Pocket, and Lime Ridge (yellow cross hatched areas on map), we also understand the political dynamics and want to find a reasonable compromise. This represents a 51,300 acre reduction to what we originally proposed in the Bluff area.

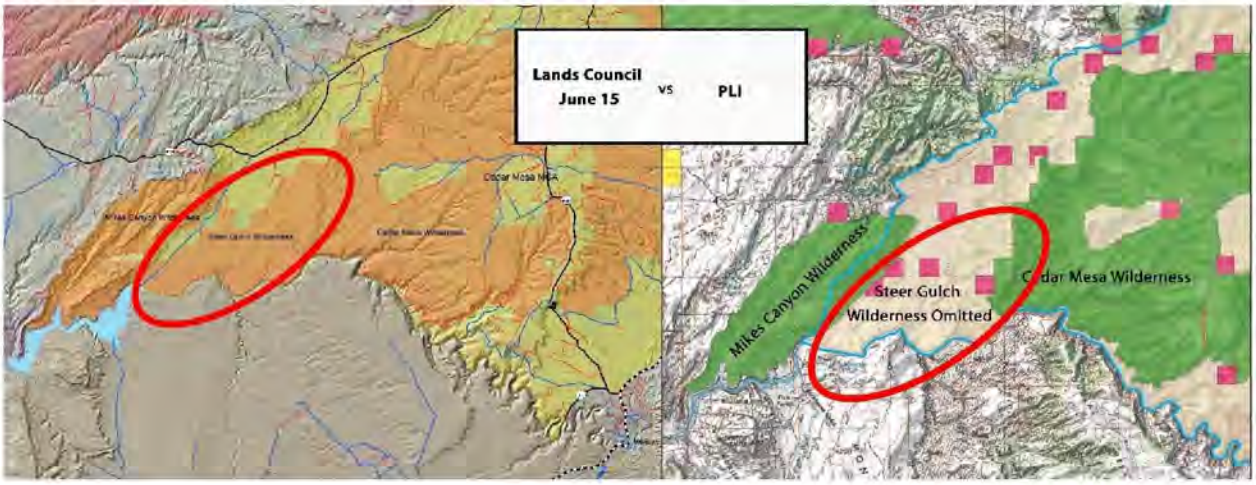
FCM is based in Bluff, and the Bluff Bench is literally our backyard. Unlike other communities in San Juan County that may have fears about federal designations, Bluff is very supportive of protections for the lands surrounding our town. We are passionate about protecting the archaeological resources and vistas in this vicinity, and we cannot support legislation that leaves out protection for this critical area.

(for map see next page)



Omission of the proposed Steer Gulch Wilderness area West of Grand Gulch

The San Juan County Lands Council unanimously supported expansion of wilderness on Cedar Mesa to include a relatively small but culturally significant area west of Grand Gulch, which we refer to as the Steer Gulch Wilderness Area. This area is previously managed to preserve its untrammeled, wilderness character and was included on the final San Juan County proposal of June 15th, 2015. We hope this area was unintentionally left out from the bill and will be added back in. The images below demonstrate the County June 15th proposal vs. the PLI wilderness.



Need planning alternative for responsible energy development near sensitive archaeological areas left out of NCA

San Juan County may well be the most archaeologically rich county in the United States. Understandably, it may not be politically feasible to protect all of the important archaeology in the county via inclusion in a National Conservation Area. However, failure to consider ways to preserve archaeological resources while allowing for well-planned energy development is a recipe for continued conflict and litigation, not the multi-use certainty the PLI seeks to achieve. Besides the area near Bluff mentioned above, other archaeologically rich areas need a planning process more rigorous than what resulted in the 2008 BLM Resource Management Plan (RMP).

For example, the Montezuma Canyon and Alkali Ridge area contain the four largest archaeological sites in Utah. There has been oil drilling in the area in the past (although often not well done from an archaeological preservation standpoint). We believe there are opportunities for drilling that do not impact cultural sites, utilize No Surface Occupancy stipulations and leverage horizontal drilling technologies.

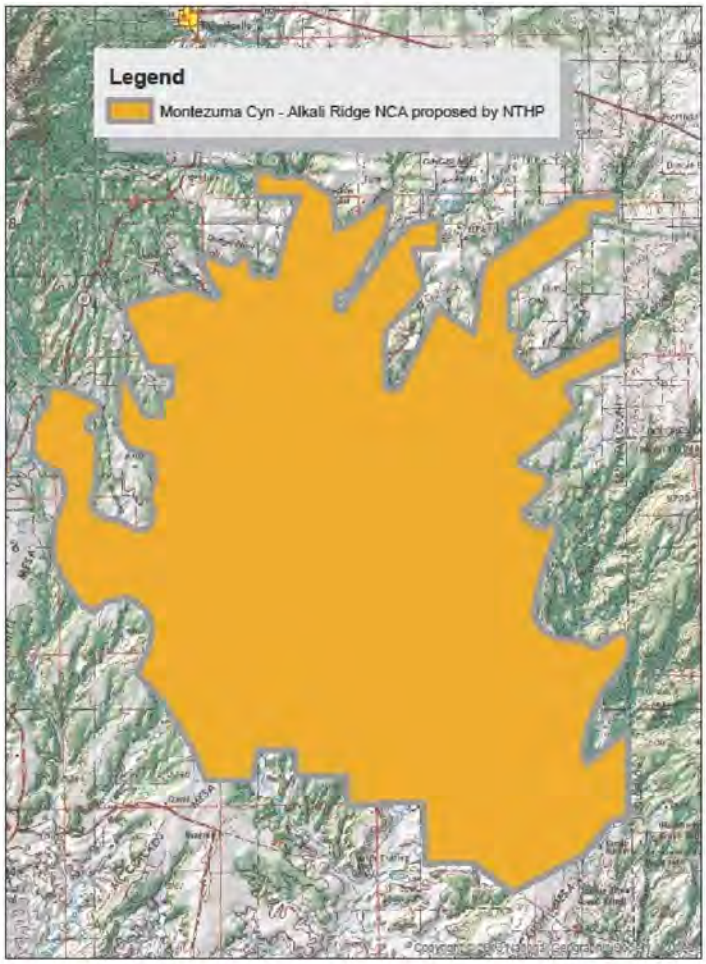
Similarly, the Allen Canyon and Chippean Ridge areas hold innumerable cliff dwellings and surface sites of deep importance to Native American people and archaeological research. Finally, the Moqui Canyon area has many documented sites of great archaeological importance.

From our participation in the Moab Master Leasing plan (as a Section 106 consulting party), we see that process as holding enormous potential for resolving conflict and allowing for win-win outcomes where energy development can move forward while preserving other key resources (like archaeology and recreational assets). Accordingly, we would urge you to remove from the bill language in Title XI, SEC. 1101 sub (a) preventing implementation of BLM Instructional Memorandum 2010-117.

Should removal of such language not be politically feasible, some other method of thoughtful planning for archaeology and energy development is needed to avoid decades of litigation under the National Historic Preservation Act and other applicable laws. This might be achieved by creating smart energy planning zones for the areas listed above, particularly in the Montezuma Canyon/Alkali Ridge area. One idea of a boundary in this area could be to utilize the area identified by the National Trust for Historic

Preservation (proposed as an NCA – *see map below*) for use as a "cultural resource sensitivity planning district" where the appropriate energy development with NSO and other BMP stipulations could be facilitated while protecting archaeology.

The bill doesn't allow for minimal, permanent road closure to protect cultural sites in NCAs and



Wilderness Areas

The legislation needs to allow for minimal closure of roads in order to protect cultural sites. We know of a small number of roads that go through archaeological sites where the current road is not appropriate. As this applies to the culturally-rich Bears Ears NCA, the language needs to be changed to reflect important cultural resource protection priorities, which may mean road closures. We are specifically concerned with Sec. 204 and suggest the language be changed to allow for minimal permanent road closure to protect endangered cultural resources.

Additionally, Sec. 204 on closure and rerouting is problematic for cultural resources, emergency service providers and land managers because it does not create or allow for a mechanism to expediently temporarily close or reroute a road in an emergency situation. There can be situations where personal life safety or archaeology are threatened, and an immediate land management response should not be limited by the temporary closure process outlined in the bill.

Language on R.S. 2477 Road Claims being disallowed in NCAs and Wilderness is not sufficiently clear

Title XII Sec. 1201 on Long-Term Travel management as it currently reads is not clear that R.S. 2477 claims would be dropped in newly created National Conservation Areas and wilderness. We would very much support such a provision, which is necessary to preserve the natural and cultural values in wilderness and NCAs. Unfortunately, the current language lacks clarity and has the potential to cause land management conflicts down the road.

> *Suggested language:* (a) IN GENERAL.— Subject to valid existing rights and consistent with this section, the Secretary of the Interior shall grant a right-of-way to the state for public travel and access upon the following roads:
>
> ... (2) all roads claimed as Class D highways identified as rights-of-way in judicial actions in the federal court system as of January 1, 2016, in Uintah, Summit, Duchesne, Carbon, Emery, Grand, and San Juan counties, except for R.S. 2477 claimed Class D highways that pass through United States Forest Service or National Forest System lands, Bureau of Land Management lands designated as National Conservation Lands including lands designated as wilderness or National Conservation Area under this Act, ~~by Congress as wilderness~~, excluding those roads which are cherry-stemmed, ~~including lands designated as wilderness or National Conservation Area under this Act, or~~ and lands designated by Congress as a National Park as of the date of enactment of this Act.

An important caveat about the cherry stem language is that the current PLI maps show many roads that are not currently on management plans and should not be included in this bill (or on cherry stem maps).

Outside of NCA and wilderness areas, we see the county and state receiving a large "win" from their perspectives. However, FCM is not supportive of the blanket granting to counties of Class D roads on roads with significant cultural resource implications. For example, we know of one road outside of the NCA that completely bisects a large 12th century Pueblo site.

Bears Ears NCA commission fails to elevate tribal interests or include important stakeholders

Friends of Cedar Mesa will not attempt to speak for Native Americans regarding the interaction of sovereign tribal nations and the Federal government in land management. However, the proposed commission with two tribal representatives, one county representative and one state representative clearly falls short of providing adequate representation for Tribal interests. FCM has worked with Navajo, Ute, Hopi, Zuni and the New Mexico Pueblos on the land in the Cedar Mesa Area. All have important perspectives in managing these lands and the cultural resources they hold. FCM believes sovereign nations should be engaged in a more direct and empowered way than tribes have been engaged in the past. Many key issues facing archaeological resources can and will only be solved by

unprecedented tribal leadership. Out of respect for tribes, we will not attempt to propose language or a structure here. However, we urge the creation of a mechanism for tribal leadership that is not watered down by being mixed in with more standard "stakeholder" participation and collaboration.

On the topic of stakeholders, the bill does not provide for the involvement of important stakeholders, such as archaeologists, local conservation groups, human-powered recreationists, motorized recreationists, hunters, guides and outfitters, or ranchers. We encourage your offices to include language designating key stakeholders to participate in an advisory role in building the management plan for the NCA. Model processes for engagement of stakeholders in management planning have occurred in nearby communities, such as for the NCAs near Grand Junction, Colorado.

The bill fails to protect the internationally significant San Juan River as a Wild & Scenic River

Wild & Scenic River designation for sections of the San Juan River were noticeably absent from the bill, despite the fact that these sections have been found suitable by the BLM for a designation based on their inarguable aesthetic and recreational qualities. Three particular sections of the San Juan River qualify as Recreational river areas or Wild river areas within the National Wild and Scenic Rivers System, which would offer protection for the river and riparian zone.

Specifically, the San Juan River from River Mile 9 to River Mile 23, and from River Mile 28 to River Mile 45 should be designated as Wild River Areas, as was determined in the BLM's assessment *Eligible Rivers for Suitability Study in the Wild and Scenic Process*, signed July 2, 2009. The section of the San Juan River from River Mile 23 to River Mile 28 was found suitable as a Recreational river area in the aforementioned study.

> *Suggested added language:* Title 6 Sec. 601(a)...(xxx) SAN JUAN RIVER. The following segment(s) in the State of Utah, to be administered by the Secretary of the Interior as follows:
>
> (A) The approximately 14 mile segment from River Mile 9 to River Mile 23 above Mexican Hat formation as a wild river.
> (B) The approximately 5 mile segment from River Mile 23 to River Mile 28 as a recreational river.
> (C) The approximately 17 mile segment from River Mile 28 to River Mile 45 in the Glen Canyon NRA as a wild river.

Transfers of ownership of the entire Hole-in-the-Rock Trail corridor to San Juan County, creating the possibility of incompatible uses with surrounding federal lands

We do not support the transfer of the Hole-in-the-Rock Trail away from managing agencies to the County. This trail is of both local and national historic significance and would be best managed as a National Historic Trail. By joining the National Trails System, this trail would continue to be managed in the context of the surrounding landscape (e.g. motorized use on existing roads and foot access in wilderness areas) while being afforded the national historical recognition it deserves. We suggest that a Trail Management Advisory Committee be established in order to encourage the participation of living descendants of the original Hole-in-the-Rock pioneers, land managers, conservation groups, non-profits and local government in the management of the National Historic Trail designation. We also encourage involvement and/or leadership on the part of the Hole-in-the-Rock Foundation.

Currently, the Hole-in-the-Rock Trail is managed by land management agencies for Heritage Tourism in consultation with Utah State Historic Preservation Office and Native American tribes, as well as interested stakeholder groups. A National Historic Trail designation would elevate its historical status and offers a management solution that listens to diverse input from local stakeholders.

In addition to a National Historic Trail designation, the management of the Hole-in-the-Rock trail requires more funding in order to determine and demarcate the actual route and its corridor. The map of the trail presented in the bill contains numerous errors, since some of the route remains unknown or uncertain in areas.

> *Suggested language:* Remove from Title VI Sec. 601. Land Conveyances: ~~(12) HOLE-IN-THE-ROCK TRAIL- The approximately 694 acres of land generally depicted on the map entitled Utah PLI Land Conveyances Map and dated ____, as "The Hole in the Rock Trail", to San Juan County, Utah for use as an outdoor recreation and historical trail.~~
>
> *Add to the bill language reflecting a National Historic Trail designation*: This Act adds to the National Historic Trail System the corridor known as "The Hole-in-the-Rock Trail" to be managed as a historic trail and to remain in the management of current land managers. This Act further establishes a Hole-in-the-Rock Historic Trail Management Advisory Committee to advise land managers on the administration of the trail. Living descendants of the original Hole-in-the-Rock pioneers, conservation groups, non-profits, local government and other stakeholders will work collaboratively as members of the Committee to promote cultural and historic values in the management and administration of the trail.

Only allows acquisition to wilderness, NCA and Wild & Scenic Rivers by donation and exchange, ignoring a realistic market for conservation parcels

Section 108, Section 203 and Section 601 currently only allow acquisition of land within the boundaries of wilderness and NCAs by donation or exchange. There are important conservation parcels within proposed NCAs and Wilderness in San Juan County that would be wise investments for tax payers particularly given that programs like the Land and Water Conservation Fund typically leverage federal dollars many times with private dollars. Several local landowners have no interest in a trade and would be unwilling to donate their property outright but would be happy to sell at a reasonable price or even below market value.

> *Suggested language:* Sec. 203(d)(a)(1) IN GENERAL.—The Secretary of the Interior may acquire land or interest in land within the boundaries of the National Conservation Areas designated by section 201 only by purchase involving at least 70% private dollars, donation or exchange.

Transfers land near Bluff to San Juan County for potential use as an ATV trail or sewer facility, when these local decisions would be best made by Bluff residents

Sec. 601(a)(21) of the bill suggests the transfer of 177 acres of the "Bluff River Recreation Area" to the County for recreational and municipal facilities. Not only would this decision be opposed to by many Bluff residents, it would be usurping their local say and control.

Instead, this 177-acre parcel would be best transferred to the Bluff Service Area (BSA) so that decision making and control regarding a proposed recreation trail and municipal facilities is kept local. Municipal facilities, including a sewage treatment plant, may be in Bluff's future but should be decided by the BSA - not County Commissioners.

After almost two decades of planning, a dedicated committee of Bluff residents has succeeded in working with adjacent private landowners to donate/sell parcels for access and easements to create to San Juan River Trail that would run through the 177-acre parcel. The committee also recently completed a Memorandum of Understanding that includes the BLM, the Grand Canyon Trust, the Bluff Historic Preservation Association and adjacent private landowners, to construct, improve and manage the trail. This land transfer could complicate the years of collaborative work the town has put into organizing a trail that could have positive tourism and economic, not to mention recreational, impacts for the town and businesses.

> *Suggested language:* (21) BLUFF RIVER RECREATION AREA. - The approximately 177 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Bluff River Recreation Area," to ~~San Juan County~~ the Bluff Service Area Board of Trustees, for use as recreation and municipal facilities.

Transfers ownership of the Bluff airport, including a large surrounding area running all the way from Highway 163 to the San Juan River to San Juan County

We are perplexed as to the need to transfer the large sum of 1,406 acres to San Juan County for the Bluff Airport, which currently sits on less than 100 acres. Three hundred acres is more than enough for the future needs of the Bluff airport. In no foreseeable future would the County need 1,400 acres to manage and administer the Bluff airport. The land running north and south of the airport that is not associated with the facilities and airstrip should remain under the management of the BLM.

> *Suggested language:* (9) BLUFF AIRPORT.—The approximately ~~1,406~~ 300 acres immediately surrounding the Bluff Airport, generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Bluff Airport," to San Juan County, Utah, for a municipal airport.

Grazing in wilderness and NCAs receives a higher level of protection than in other BLM areas, with no leeway for management to protect cultural resources or respond to long-term droughts

Language in the bill prioritizes the protection of grazing over land and ecological health in new Wilderness and NCAs. Unlike other NCA bills that allow for the continuation of existing uses, this bill mandates AUMs to be continued at existing levels or increased. This ignores the increasing likelihood of long-term droughts in the area and the realities on the ground of continuing damage to cultural resources by cattle at sensitive archaeological sites.

We do not support weakening the provisions of the 1964 Wildness Act, which provide for reasonable access to grazing improvements.

While we understand the interest of local ranching families to continue their operations within the NCA and wilderness, the grazing section should include language that would allow for voluntary retirement of grazing permits (or portions of permits near archaeological sites) by willing sellers who agree to compensation provided by private parties (per language in other bills and the Rural Economic Vitalization Act).

Exemption of plant and animal viability requirements of section 219 of title 36 contradicts the US Forest Service's sustainable multiple-use mandate

With regards to grazing administration in the wilderness, NCA and SMA sections of the draft (see Title I Wilderness Section 103(d)(3), Title II National Conservation Areas Sec. 204(d)(3) and Title II Special Management Areas Sec. 303 (g)(3)) and elsewhere in the working draft, grazing on Forest Service lands is exempt from being managed in accordance with plant and animal ecological sustainability imperatives set forth in section 219 of title 36. This significant planning chapter requires the evaluation of species diversity and ecological conditions that, if ignored, would compromise the ecological integrity of ecosystems upon which grazing depends.

Suggested language: Remove all section 219 exemption language from the legislation.

The National Conservation Area administration section fails to promote recreation or secure access for recreation

Suggested language: Add to Section 204 (x) RECREATION.—The Secretary shall continue to authorize, maintain, and enhance the recreational use of the conservation area, including hunting, fishing, camping, hiking, backpacking, cross-country skiing, hang gliding, paragliding, rock climbing, canyoneering, sightseeing, nature study, horseback riding, mountain biking, rafting, motorized recreation on authorized routes, and other recreational activities, so long as such recreational use is consistent with the purposes of the conservation area, this section, other applicable law (including regulations), and applicable management plans.

The bill does not explicitly maintain recreational access at the North and South Six-Shooter Peaks

The Dugout Ranch Transfer provision of the bill was a completely new idea to us, which we would need to hear much more detail about before feeling comfortable with the idea. The current language granting several thousands acres of land including the North and South Six-Shooter Peaks to the Utah State University for research neglects to specify the purpose and need of this land transfer, nor does it guarantee continued recreational access, including rock climbing, to these famous climbing destinations. We also wonder who would patrol this remote area to ensure protection of cultural sites and protection of the natural environment. Finally, we are concerned about the construction of buildings and facilities in this area known for its scenic and wild values.

Native American Economic Development Provisions

No details have been publically released for this title. We would support transfer of mineral rights to the Utah Navajo Trust Land for lands in the McCracken Mesa area. However, we would need to see details around the "land transfers on the San Juan River" language before we could support such provisions. The San Juan River is an international destination for river runners, and changes in ownership near the river should be carefully studied.

Mapping Data Clarifications/Errors

1. Several private parcels in the Cedar Mesa area are inappropriately labeled as being SITLA parcels where SITLA would maintain surface rights but trade out minerals.
2. Several key disputed roads (closed in the 2008 RMP or non-existent on the ground) are shown on the PLI maps with the label "Roads to be added – closed in RMP." These mapped roads are inconsistent with what we believed to be the proposal for not granting R.S. 2477 rights on roads within wilderness or NCA areas. A number of these roads, if reopened, would be very problematic for cultural resource preservation and would dramatically impact the wilderness experience. At least one of these roads was driven on illegally during a recent grave-robbing incident.
3. The Hole in the Rock Trail data is grossly inaccurate, in some cases putting the trail miles from its actual route. See our comments above concerning the need for research into the actual route and our proposal for this trail to be given the recognition it deserves as a National Historic Trail.

Language concerning future National Monument designations

As we noted above, there are very important archaeological areas, with true antiquities, that are left out of protection as an NCA or wilderness area, and we have only commented on areas of direct concern to San Juan County (other counties are not in our mission). If other tools, such as Master Leasing Plans, cannot protect critical areas, such as Montezuma Canyon, we cannot support a permanent exemption from the Antiquities Act. We would be willing to consider giving the NCA and other agency management tools ten years to see if it results in the balance of protection needed. However, if antiquities are being threatened by irresponsible development, we may be forced to advocate for national monument additions or new unit creations in the future.

Conclusion

We know these FCM comments and concerns represent a small portion of those you're receiving on this bill. We hope you will consider addressing these issues so a PLI bill can be introduced that we can support. We'd welcome further discussion on the points we've raised and are happy to answer any questions you might have. We understand it's an enormous task to compile all the feedback and draft a bill that might find the right balance necessary to gain the support of the Senate and the President.

We respectfully request your consideration of FCM's recommendations for the inclusion in final legislation. We would like nothing more than to be able to support the final version of this bill. Thank you again for the opportunity to participate in the process.

Sincerely,

Josh Ewing
Executive Director
Friends of Cedar Mesa

Vaughn Hadenfeldt
Board President
Friends of Cedar Mesa

Cc:
Senator Mike Lee
Senator Orin Hatch

FOR COMMITTEE USE ONLY

11614
acres

72291
acres

18413
acres

21273
acres

Conversation Contents

Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Fri Dec 02 2016 06:43:14 GMT-0700 (MST)
To:	codystewart@utah.gov, fred.ferguson@mail.house.gov, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov
Subject:	Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

Team - the problem with this press release is that we've sent you the language Rob asked for. We sent Rob language before Neil's hearing (in our TA). And when Rob, in that hearing, said he hadn't gotten language from us, I thought I corrected the record then with you guys. Where's the miscommunication here? Do you all really think we haven't responded to his request? I mean that question with sincerity. Sigh. Thanks, Nikki http://utahpolicy.com/index.php/features/featured-articles/11617-bears-ears-coalition-interior-department-ignore-invitations-to-collaborate-with-utah-lawmakers

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Fri Dec 02 2016 06:52:00 GMT-0700 (MST)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

You found it.. reiterate what I said yesterday. I'm really sorry.

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

On Dec 2, 2016, at 08:43, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

Team - the problem with this press release is that we've sent you the language Rob asked for. We sent Rob language before Neil's hearing (in our TA). And when Rob, in that hearing, said he hadn't gotten language from us, I thought I corrected the record then with you guys.

Where's the miscommunication here? Do you all really think we haven't responded to his request? I mean that question with sincerity. Sigh.

Thanks,
Nikki

http://utahpolicy.com/index.php/features/featured-articles/11617-bears-ears-coalition-interior-department-ignore-invitations-to-collaborate-with-utah-lawmakers

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Fri Dec 02 2016 07:06:40 GMT-0700 (MST)
To:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject:	Re: Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

Yeah. I guess I thought you were just worried about the headline. But the substance is so weird/wrong, that I was worried we had a miscommunication. Jason's quote is fine. We'll just keep putting one foot in front of the other.

On Dec 2, 2016, at 8:52 AM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

You found it.. reiterate what I said yesterday. I'm really sorry.

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

On Dec 2, 2016, at 08:43, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Team - the problem with this press release is that we've sent you the language Rob asked for. We sent Rob language before Neil's hearing (in our TA). And when Rob, in that hearing, said he hadn't gotten language from us, I thought I corrected the record then with you guys.
>
> Where's the miscommunication here? Do you all really think we haven't responded to his request? I mean that question with sincerity. Sigh.
>
> Thanks,
> Nikki

http://utahpolicy.com/index.php/features/featured-articles/11617-bears-ears-coalition-interior-department-ignore-invitations-to-collaborate-with-utah-lawmakers

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Fri Dec 02 2016 07:42:34 GMT-0700 (MST)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

Well headline/story. It changed completely.

From: Nikki Buffa <nicole_buffa@ios.doi.gov>
Date: Friday, December 2, 2016 09:06 AM
To: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Subject: Re: Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

Yeah. I guess I thought you were just worried about the headline. But the substance is so weird/wrong, that I was worried we had a miscommunication. Jason's quote is fine. We'll just keep putting one foot in front of the other.

On Dec 2, 2016, at 8:52 AM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> You found it.. reiterate what I said yesterday. I'm really sorry.
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell
>
> On Dec 2, 2016, at 08:43, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> > Team - the problem with this press release is that we've sent you the language Rob asked for. We sent Rob language before Neil's hearing (in our TA). And when Rob, in that hearing, said he hadn't gotten language from us, I thought I corrected the record then with you guys.
> >
> > Where's the miscommunication here? Do you all really think we haven't responded to his request? I mean that question with sincerity. Sigh.
> >
> > Thanks,
> > Nikki
>
> http://utahpolicy.com/index.php/features/featured-articles/11617-bears-ears-coalition-interior-department-ignore-invitations-to-collaborate-with-utah-lawmakers

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Fri Dec 02 2016 07:59:06 GMT-0700 (MST)
To:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject:	Re: Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

This is the part in struggling with, because we did respond and Rob took the language and put it in his managers amendment. The groups are on this and I'm not going to be able to stop them:

Rep. Bishop personally called the Secretary of the Interior, and in a September 14th hearing of the Subcommittee on Federal Lands, Bishop reiterated his desire to hear from the Department of the Interior with suggested legislative language for co-management within PLI. The Department of the Interior has yet to respond.

On Dec 2, 2016, at 8:52 AM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> You found it.. reiterate what I said yesterday. I'm really sorry.
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell
>
> On Dec 2, 2016, at 08:43, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> > Team - the problem with this press release is that we've sent you the language Rob asked for. We sent Rob language before Neil's hearing (in our TA). And when Rob, in that hearing, said he hadn't gotten language from us, I thought I corrected the record then with you guys.
> >
> > Where's the miscommunication here? Do you all really think we haven't responded to his request? I mean that question with sincerity. Sigh.
> >
> > Thanks,
> > Nikki
> >
> > http://utahpolicy.com/index.php/features/featured-articles/11617-bears-ears-coalition-interior-department-ignore-invitations-to-collaborate-with-utah-lawmakers

"Stewart, Adam" <Adam.Stewart@mail.house.gov>

From:	"Stewart, Adam" <Adam.Stewart@mail.house.gov>
Sent:	Fri Dec 02 2016 13:22:34 GMT-0700 (MST)
	Nicole Buffa <nicole_buffa@ios.doi.gov>, "codystewart@utah.gov" <codystewart@utah.gov>, "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>,

To:	"Wiser, Devin" <Devin.Wiser@mail.house.gov>, "Snider, Casey" <Casey.Snider@mail.house.gov>, "john_tanner@hatch.senate.gov" <john_tanner@hatch.senate.gov>, "chris_prandoni@lee.senate.gov" <chris_prandoni@lee.senate.gov>, "wendy_baig@lee.senate.gov" <wendy_baig@lee.senate.gov>, "ryan_wilcox@lee.senate.gov" <ryan_wilcox@lee.senate.gov>
Subject:	Re: Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

Hi Nikki, I think the miscommunication stems from our respective understandings of co-management. The language supplied by Interior in the technical assistance does not, in our estimation, directly address co-management. It does mention the role of Bears Ears Tribal Commission in generating proposals for the management plan, but as Sec. 107, paragraph a, subparagraph iii states, ³The Agencies shall carefully consider these proposals, and may use all applicable federal authorities to ensure that this Management Plan and management decisions incorporate, as appropriate, the information and proposals provided.² Under your proposed language, the tribes are advisors, not co-managers. I apologize if the desire for co-management language was somehow lost in communication. Happy to chat about this further if you¹d like. Adam On 12/2/16, 8:43 AM, "Nicole Buffa" <nicole_buffa@ios.doi.gov> wrote: >Team - the problem with this press release is that we've sent you the >language Rob asked for. We sent Rob language before Neil's hearing (in >our TA). And when Rob, in that hearing, said he hadn't gotten language >from us, I thought I corrected the record then with you guys. > >Where's the miscommunication here? Do you all really think we haven't >responded to his request? I mean that question with sincerity. Sigh. > >Thanks, >Nikki > > >http://utahpolicy.com/index.php/features/featured-articles/11617-bears-ear >s-coalition-interior-department-ignore-invitations-to-collaborate-with-uta >h-lawmakers

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Fri Dec 02 2016 14:11:18 GMT-0700 (MST)
To:	"Stewart, Adam" <Adam.Stewart@mail.house.gov>
CC:	"codystewart@utah.gov" <codystewart@utah.gov>, "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>, "Wiser, Devin" <Devin.Wiser@mail.house.gov>, "Snider, Casey" <Casey.Snider@mail.house.gov>, "john_tanner@hatch.senate.gov" <john_tanner@hatch.senate.gov>, "chris_prandoni@lee.senate.gov" <chris_prandoni@lee.senate.gov>, "wendy_baig@lee.senate.gov" <wendy_baig@lee.senate.gov>, "ryan_wilcox@lee.senate.gov" <ryan_wilcox@lee.senate.gov>
Subject:	Re: Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

Interesting. It would have been good to get this feedback at any point in the last three months. We definitely were under the impression that we had supplied the management language we were hoping to see in the PLI. Happy to talk further about it if we need to, but I appreciate the explanation it clarifies things for us here.

On Fri, Dec 2, 2016 at 3:22 PM, Stewart, Adam <Adam.Stewart@mail.house.gov> wrote:

> Hi Nikki,
>
> I think the miscommunication stems from our respective understandings of co-management. The language supplied by Interior in the technical assistance does not, in our estimation, directly address co-management. It does mention the role of Bears Ears Tribal Commission in generating proposals for the management plan, but as Sec. 107, paragraph a, subparagraph iii states, ³The Agencies shall carefully consider these proposals, and may use all applicable federal authorities to ensure that this Management Plan and management decisions incorporate, as appropriate, the information and proposals provided.² Under your proposed language, the tribes are advisors, not co-managers. I apologize if the desire for co-management language was somehow lost in communication.
>
> Happy to chat about this further if you¹d like.
>
> Adam
>
> On 12/2/16, 8:43 AM, "Nicole Buffa" <nicole_buffa@ios.doi.gov> wrote:
>
> >Team - the problem with this press release is that we've sent you the
> >language Rob asked for. We sent Rob language before Neil's hearing (in
> >our TA). And when Rob, in that hearing, said he hadn't gotten language
> >from us, I thought I corrected the record then with you guys.
> >
> >Where's the miscommunication here? Do you all really think we haven't
> >responded to his request? I mean that question with sincerity. Sigh.
> >
> >Thanks,
> >Nikki
> >
> >
> >http://utahpolicy.com/index.php/features/featured-articles/11617-bears-ear
> >s-coalition-interior-department-ignore-invitations-to-collaborate-with-uta
> >h-lawmakers

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

FOR COMMITTEE USE ONLY

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Fri Dec 02 2016 14:24:19 GMT-0700 (MST)
To:	"Stewart, Adam" <Adam.Stewart@mail.house.gov>
Subject:	Re: Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

And just to you, if you all need us to send you new management language that is more "co-management'y" and less "commission'y" let me know. We believe the Commission could address the "co-management" desires of the tribe. And so, we thought we had addressed the Congressman's request. But, again, let me know.

And for more info on what the tribes are looking for, take a look here: http://www.bearsearscoalition.org/wp-content/uploads/2015/10/Bears-Ears-Inter-Tribal-Coalition-Proposal-10-15-15.pdf. We didn't read this as the tribes asking us for traditional "co-management" (i.e., us delegating some of our management authority to them).

On Fri, Dec 2, 2016 at 4:11 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Interesting. It would have been good to get this feedback at any point in the last three months. We definitely were under the impression that we had supplied the management language we were hoping to see in the PLI. Happy to talk further about it if we need to, but I appreciate the explanation it clarifies things for us here.
>
> On Fri, Dec 2, 2016 at 3:22 PM, Stewart, Adam <Adam.Stewart@mail.house.gov> wrote:
>
> > Hi Nikki,
> >
> > I think the miscommunication stems from our respective understandings of co-management. The language supplied by Interior in the technical assistance does not, in our estimation, directly address co-management. It does mention the role of Bears Ears Tribal Commission in generating proposals for the management plan, but as Sec. 107, paragraph a, subparagraph iii states, ³The Agencies shall carefully consider these proposals, and may use all applicable federal authorities to ensure that this Management Plan and management decisions incorporate, as appropriate, the information and proposals provided.² Under your proposed language, the tribes are advisors, not co-managers. I apologize if the desire for co-management language was somehow lost in communication.
> >
> > Happy to chat about this further if you¹d like.
> >
> > Adam
> >
> > On 12/2/16, 8:43 AM, "Nicole Buffa" <nicole_buffa@ios.doi.gov> wrote:
> >
> > >Team - the problem with this press release is that we've sent you the
> > >language Rob asked for. We sent Rob language before Neil's hearing (in
> > >our TA). And when Rob, in that hearing, said he hadn't gotten language
> > >from us, I thought I corrected the record then with you guys.
> > >
> > >Where's the miscommunication here? Do you all really think we haven't
> > >responded to his request? I mean that question with sincerity. Sigh.
> > >
> > >Thanks,
> > >Nikki

> >
> >http://utahpolicy.com/index.php/features/featured-articles/11617-bears-ear
> >s-coalition-interior-department-ignore-invitations-to-collaborate-with-uta
> >h-lawmakers

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

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

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Fri Dec 02 2016 14:24:33 GMT-0700 (MST)
To:	"John Tanner (Hatch)" <john_tanner@hatch.senate.gov>, "Ferguson, Fred" <fred.ferguson@mail.house.gov>, Cody Stewart <codystewart@utah.gov>
Subject:	Fwd: Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

FYI.

---------- Forwarded message ----------
From: **Buffa, Nicole** <nicole_buffa@ios.doi.gov>
Date: Fri, Dec 2, 2016 at 4:24 PM
Subject: Re: Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers
To: "Stewart, Adam" <Adam.Stewart@mail.house.gov>

And just to you, if you all need us to send you new management language that is more "co-management'y" and less "commission'y" let me know. We believe the Commission could address the "co-management" desires of the tribe. And so, we thought we had addressed the Congressman's

request. But, again, let me know.

And for more info on what the tribes are looking for, take a look here: http://www.bearsearscoalition.org/wp-content/uploads/2015/10/Bears-Ears-Inter-Tribal-Coalition-Proposal-10-15-15.pdf. We didn't read this as the tribes asking us for traditional "co-management" (i.e., us delegating some of our management authority to them).

On Fri, Dec 2, 2016 at 4:11 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Interesting. It would have been good to get this feedback at any point in the last three months. We definitely were under the impression that we had supplied the management language we were hoping to see in the PLI. Happy to talk further about it if we need to, but I appreciate the explanation it clarifies things for us here.
>
> On Fri, Dec 2, 2016 at 3:22 PM, Stewart, Adam <Adam.Stewart@mail.house.gov> wrote:
>
> > Hi Nikki,
> >
> > I think the miscommunication stems from our respective understandings of co-management. The language supplied by Interior in the technical assistance does not, in our estimation, directly address co-management. It does mention the role of Bears Ears Tribal Commission in generating proposals for the management plan, but as Sec. 107, paragraph a, subparagraph iii states, ³The Agencies shall carefully consider these proposals, and may use all applicable federal authorities to ensure that this Management Plan and management decisions incorporate, as appropriate, the information and proposals provided.² Under your proposed language, the tribes are advisors, not co-managers. I apologize if the desire for co-management language was somehow lost in communication.
> >
> > Happy to chat about this further if you¹d like.
> >
> > Adam
> >
> > On 12/2/16, 8:43 AM, "Nicole Buffa" <nicole_buffa@ios.doi.gov> wrote:
> >
> > >Team - the problem with this press release is that we've sent you the
> > >language Rob asked for. We sent Rob language before Neil's hearing (in
> > >our TA). And when Rob, in that hearing, said he hadn't gotten language
> > >from us, I thought I corrected the record then with you guys.
> > >
> > >Where's the miscommunication here? Do you all really think we haven't
> > >responded to his request? I mean that question with sincerity. Sigh.
> > >
> > >Thanks,
> > >Nikki
> > >
> > >
> > >http://utahpolicy.com/index.php/features/featured-articles/11617-bears-ear
> > >s-coalition-interior-department-ignore-invitations-to-collaborate-with-uta
> > >h-lawmakers

--
Nikki Buffa
Deputy Chief of Staff
US Department of the Interior

202-219-3861
nicole_buffa@ios.doi.gov

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

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

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Fri Dec 02 2016 14:24:48 GMT-0700 (MST)
To:	"John Tanner (Hatch)" <john_tanner@hatch.senate.gov>, Cody Stewart <codystewart@utah.gov>
Subject:	Re: Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

I couldn't help myself. I really do want to get them what they want.

On Fri, Dec 2, 2016 at 4:24 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

FYI.

---------- Forwarded message ----------
From: **Buffa, Nicole** <nicole_buffa@ios.doi.gov>
Date: Fri, Dec 2, 2016 at 4:24 PM
Subject: Re: Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers
To: "Stewart, Adam" <Adam.Stewart@mail.house.gov>

And just to you, if you all need us to send you new management language that is more "co-management'y" and less "commission'y" let me know. We believe the Commission could address the "co-management" desires of the tribe. And so, we thought we had addressed the

Congressman's request. But, again, let me know.

And for more info on what the tribes are looking for, take a look here: http://www.bearsearscoalition.org/wp-content/uploads/2015/10/Bears-Ears-Inter-Tribal-Coalition-Proposal-10-15-15.pdf. We didn't read this as the tribes asking us for traditional "co-management" (i.e., us delegating some of our management authority to them).

On Fri, Dec 2, 2016 at 4:11 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Interesting. It would have been good to get this feedback at any point in the last three months. We definitely were under the impression that we had supplied the management language we were hoping to see in the PLI. Happy to talk further about it if we need to, but I appreciate the explanation it clarifies things for us here.
>
> On Fri, Dec 2, 2016 at 3:22 PM, Stewart, Adam <Adam.Stewart@mail.house.gov> wrote:
>
> > Hi Nikki,
> >
> > I think the miscommunication stems from our respective understandings of co-management. The language supplied by Interior in the technical assistance does not, in our estimation, directly address co-management. It does mention the role of Bears Ears Tribal Commission in generating proposals for the management plan, but as Sec. 107, paragraph a, subparagraph iii states, ³The Agencies shall carefully consider these proposals, and may use all applicable federal authorities to ensure that this Management Plan and management decisions incorporate, as appropriate, the information and proposals provided.² Under your proposed language, the tribes are advisors, not co-managers. I apologize if the desire for co-management language was somehow lost in communication.
> >
> > Happy to chat about this further if you¹d like.
> >
> > Adam
> >
> > On 12/2/16, 8:43 AM, "Nicole Buffa" <nicole_buffa@ios.doi.gov> wrote:
> >
> > >Team - the problem with this press release is that we've sent you the
> > >language Rob asked for. We sent Rob language before Neil's hearing (in
> > >our TA). And when Rob, in that hearing, said he hadn't gotten language
> > >from us, I thought I corrected the record then with you guys.
> > >
> > >Where's the miscommunication here? Do you all really think we haven't
> > >responded to his request? I mean that question with sincerity. Sigh.
> > >
> > >Thanks,
> > >Nikki
> > >
> > >
> > >http://utahpolicy.com/index.php/features/featured-articles/11617-bears-ear
> > >s-coalition-interior-department-ignore-invitations-to-collaborate-with-uta
> > >h-lawmakers
> >
> > --
> > Nikki Buffa
> > Deputy Chief of Staff
> > US Department of the Interior

> 202-219-3861
> nicole_buffa@ios.doi.gov

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

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

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

FOR COMMITTEE USE ONLY

Conversation Contents

FW: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

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

From:	"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Sent:	Fri Dec 02 2016 09:28:57 GMT-0700 (MST)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	FW: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

Are you available for a call?

From: Cody Stewart <codystewart@utah.gov>
Date: Friday, December 2, 2016 at 9:20 AM
To: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Cc: John Tanner <John_Tanner@hatch.senate.gov>
Subject: Re: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

Yeah, unforced error. Nicki is correct. Interior did provide some base co-management language months ago. It's still the basis for our current co-management proposal. See comment A112 in the technical assistance. That was our angle. Interior suggested we take that first draft and try to improve it with tribal input. That's what we tried to do. It's the coalition who has stonewalled us, not Interior.

So who wants to talk to Nicki?

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert
801 513-8991

On Fri, Dec 2, 2016 at 8:57 AM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> I predicted this. See below my note to our press person yesterday. Rob changed the headline after our team approved a different one that didn't go after DOI.
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell
>
> Begin forwarded message:

From: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Date: December 1, 2016 at 16:45:51 EST
To: MJ Henshaw <MJ.Henshaw@mail.house.gov>
Subject: FW: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

The headline is a problem. He was wrong to criticize DOI. Also, check out the headline of the draft you sent me:

Coalition Ignores Utah Delegation Invitation to Collaborate
Requests for Input Have Gone Unanswered

WASHINGTON – Requests from Utah Representatives Rob Bishop and Jason Chaffetz ~~have requested~~ to collaborate with members of the Bears Ears Inter-Tribal Coalition and the Department of the Interior regarding the inclusion of co-management language in the Utah Public Lands Initiative Act (PLI) are being ignored.

Members of Utah's congressional delegation ~~sent multiple~~ sent letters to the co-chairmen and members of the Bears Ears Inter-Tribal Coalition seeking a proposal that involved a co-management system on November 2nd and 18th. To date, no such proposal has been supplied by the coalition.

Congressmen Bishop and Chaffetz issued the following statements:

Bishop: *"It's important for Congress to protect this area because the stated goals of the administration cannot be done with an executive order. Only a change in statute can accomplish these goals. I like the idea of co-management. The president, with or without the Antiquities Act, cannot produce it. We are committed to doing it. My office has drafted amendment language to create a system of co-management."*

Chaffetz: *"The President's promise of co-management between the tribes and the federal government cannot be gained through executive action. Only Congress can authorize such agreements."*

In a September 14th hearing of the Subcommittee on Federal Lands, Rep. Bishop reiterated his desire to hear from the Department of the Interior with suggested legislative language for co-management within PLI. The Department of the Interior is yet to respond.

Co-management would grant authority to Native Americans to share power in the decision-making process. The law does not currently allow for co-management, and the President cannot call for it through the Antiquities Act. Congress alone can empower the tribes in this manner.

Background and further information can be found at UtahPLI.com.

From: Lee Lonsberry <lee.lonsberry@mail.house.gov>
Date: Thursday, December 1, 2016 16:17 PM
To: Lee Lonsberry <lee.lonsberry@mail.house.gov>
Subject: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations

FOR IMMEDIATE RELEASE
December 1, 2016

CONTACT: Lee Lonsberry(Bishop)
801 698 7349

MJ Henshaw (Chaffetz)

202 225 5074

Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

WASHINGTON – Representatives Rob Bishop (UT-01) and Jason Chaffetz (UT-03) have asked the Bears Ears Inter-Tribal Coalition, as well as the Department of the Interior, for proposed co-management language to be added to the Utah Public Lands Initiative Act (PLI). The coalition has refused to provide any language and, in a recent communication, refused to collaborate on the issue.

Rep. Bishop personally called the Secretary of the Interior, and in a September 14th hearing of the Subcommittee on Federal Lands, Bishop reiterated his desire to hear from the Department of the Interior with suggested legislative language for co-management within PLI. The Department of the Interior has yet to respond. Members of Utah's congressional delegation sent letters (Nov 2nd & 18th) to the co-chairmen and members of the

Bears Ears Inter-Tribal Coalition seeking potential language to implement a co-management system.

Congressmen Bishop & Chaffetz issued the following statements:

Bishop: *"It's important for Congress to protect this area because the stated goals of the administration cannot be done with an executive order. Only a change in statute can accomplish these goals. I like the idea of co-management. The president, with or without the Antiquities Act, cannot produce it. We are committed to doing it. My office has now written draft language to create a system of co-management.*

"It is frustrating that efforts to work with people who claim a great interest in this area are continuously rebuffed with arguments that parrot special interest groups. Ironically, if this group is banking on a monument, they will never get the co-management they want. We're willing to give it to them. Why can't they just say yes?"

Chaffetz: *"The President's promise of co-management between the tribes and the federal government cannot be gained through executive action. Only Congress can authorize such agreements."*

Co-management would grant authority to Native Americans to share power in the decision-making process. The law does not currently allow for co-management, and the President has no power to deliver it through executive order, even through the Antiquities Act. Only Congress can make this happen.

Background and further information can be found at UtahPLI.com.

FOR COMMITTEE USE ONLY

###

FACEBOOK YOUTUBE WEBSITE

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Fri Dec 02 2016 09:39:34 GMT-0700 (MST)
To:	"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Subject:	Re: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

Yep. Will call in ten.

On Dec 2, 2016, at 11:29 AM, Tanner, John (Hatch) <John_Tanner@hatch.senate.gov> wrote:

> Are you available for a call?
>
> ---
>
> **From:** Cody Stewart <codystewart@utah.gov>
> **Date:** Friday, December 2, 2016 at 9:20 AM
> **To:** Fred Ferguson <Fred.Ferguson@mail.house.gov>
> **Cc:** John Tanner <John_Tanner@hatch.senate.gov>
> **Subject:** Re: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers
>
> Yeah, unforced error. Nicki is correct. Interior did provide some base co-management language months ago. It's still the basis for our current co-management proposal. See comment A112 in the technical assistance. That was our angle. Interior suggested we take that first draft and try to improve it with tribal input. That's what we tried to do. It's the coalition who has stonewalled us, not Interior.
>
> So who wants to talk to Nicki?
>
> **Cody Stewart**
> Director of Federal Affairs
> Governor Gary Herbert

801 513-8991

On Fri, Dec 2, 2016 at 8:57 AM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

I predicted this. See below my note to our press person yesterday. Rob changed the headline after our team approved a different one that didn't go after DOI.

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

Begin forwarded message:

From: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Date: December 1, 2016 at 16:45:51 EST
To: MJ Henshaw <MJ.Henshaw@mail.house.gov>
Subject: FW: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

The headline is a problem. He was wrong to criticize DOI. Also, check out the headline of the draft you sent me:

Coalition Ignores Utah Delegation Invitation to Collaborate
Requests for Input Have Gone Unanswered

WASHINGTON – Requests from Utah Representatives Rob Bishop and Jason Chaffetz ~~have requested~~ to collaborate with members of the Bears Ears Inter-Tribal Coalition and the Department of the Interior regarding the inclusion of co-management language in the Utah Public Lands Initiative Act (PLI) are being ignored.

Members of Utah's congressional delegation ~~sent multiple~~ sent letters to the co-chairmen and members of the Bears Ears Inter-Tribal Coalition seeking a proposal that involved a co-management system on November 2nd and 18th. To date, no such proposal has been supplied by the coalition.

Congressmen Bishop and Chaffetz issued the following statements:

Bishop: *"It's important for Congress to protect this area because the stated goals of the administration cannot be done with an executive order. Only a change in statute can accomplish these goals. I like the idea of co-management. The president, with or without the Antiquities Act, cannot produce it. We are committed to doing it. My office has drafted amendment language to create a system of co-management."*

Chaffetz: *"The President's promise of co-management between the tribes and the federal government cannot be gained through*

executive action. Only Congress can authorize such agreements."

In a September 14th hearing of the Subcommittee on Federal Lands, Rep. Bishop reiterated his desire to hear from the Department of the Interior with suggested legislative language for co-management within PLI. The Department of the Interior is yet to respond.

Co-management would grant authority to Native Americans to share power in the decision-making process. The law does not currently allow for co-management, and the President cannot call for it through the Antiquities Act. Congress alone can empower the tribes in this manner.

Background and further information can be found at UtahPLI.com.

From: Lee Lonsberry <lee.lonsberry@mail.house.gov>
Date: Thursday, December 1, 2016 16:17 PM
To: Lee Lonsberry <lee.lonsberry@mail.house.gov>
Subject: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

FOR IMMEDIATE RELEASE
December 1, 2016

CONTACT: Lee Lonsberry(Bishop)
801 698 7349

MJ Henshaw (Chaffetz)

202 225 5074

Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

WASHINGTON – Representatives Rob Bishop (UT-01) and Jason Chaffetz (UT-03) have asked the Bears Ears Inter-Tribal Coalition, as well as the Department of the Interior, for proposed co-management language to be added to the Utah Public Lands Initiative Act (PLI). The coalition has refused to provide any language and, in a recent communication, refused to collaborate on the issue.

Rep. Bishop personally called the Secretary of the Interior, and in a September 14th hearing of the Subcommittee on Federal Lands, Bishop reiterated his desire to hear from the Department of the Interior with suggested legislative language for co-management within PLI. The Department of the Interior has yet to respond. Members of Utah's congressional delegation sent letters (Nov 2nd & 18th) to the co-chairmen and members of the Bears Ears Inter-Tribal Coalition seeking potential language to implement a co-management system.

Congressmen Bishop & Chaffetz issued the following statements:

Bishop: *"It's important for Congress to protect this area because the stated goals of the administration cannot be done with an executive order. Only a change in statute can accomplish these goals. I like the idea of co-management. The president, with or without the Antiquities Act, cannot produce it. We are committed to doing it. My office has now written draft language to create a system of co-management.*

"It is frustrating that efforts to work with people who claim a great interest in this area are continuously rebuffed with arguments that parrot special interest

groups. Ironically, if this group is banking on a monument, they will never get the co-management they want. We're willing to give it to them. Why can't they just say yes?"

Chaffetz: *"The President's promise of co-management between the tribes and the federal government cannot be gained through executive action. Only Congress can authorize such agreements."*

Co-management would grant authority to Native Americans to share power in the decision-making process. The law does not currently allow for co-management, and the President has no power to deliver it through executive order, even through the Antiquities Act. Only Congress can make this happen.

Background and further information can be found at UtahPLI.com.

###

FACEBOOK YOUTUBE WEBSITE

Nicole Buffa <nicole_buffa@ios.doi.gov>

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

FOR COMMITTEE USE ONLY

Sent:	Fri Dec 02 2016 09:41:03 GMT-0700 (MST)
To:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject:	Fwd: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

Not sure they wanted me to see this chain.

Begin forwarded message:

From: "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Date: December 2, 2016 at 11:28:57 AM EST
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: FW: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

Are you available for a call?

From: Cody Stewart <codystewart@utah.gov>
Date: Friday, December 2, 2016 at 9:20 AM
To: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Cc: John Tanner <John_Tanner@hatch.senate.gov>
Subject: Re: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

Yeah, unforced error. Nicki is correct. Interior did provide some base co-management language months ago. It's still the basis for our current co-management proposal. See comment A112 in the technical assistance. That was our angle. Interior suggested we take that first draft and try to improve it with tribal input. That's what we tried to do. It's the coalition who has stonewalled us, not Interior.

So who wants to talk to Nicki?

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert
801 513-8991

On Fri, Dec 2, 2016 at 8:57 AM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> I predicted this. See below my note to our press person yesterday. Rob changed the headline after our team approved a different one that didn't go after DOI.
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell
>
> Begin forwarded message:

From: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Date: December 1, 2016 at 16:45:51 EST
To: MJ Henshaw <MJ.Henshaw@mail.house.gov>
Subject: FW: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

The headline is a problem. He was wrong to criticize DOI. Also, check out the headline of the draft you sent me:

Coalition Ignores Utah Delegation Invitation to Collaborate
Requests for Input Have Gone Unanswered

WASHINGTON – Requests from Utah Representatives Rob Bishop and Jason Chaffetz ~~have requested~~ to collaborate with members of the Bears Ears Inter-Tribal Coalition and the Department of the Interior regarding the inclusion of co-management language in the Utah Public Lands Initiative Act (PLI) are being ignored.

Members of Utah's congressional delegation ~~sent multiple~~ sent letters to the co-chairmen and members of the Bears Ears Inter-Tribal Coalition seeking a proposal that involved a co-management system on November 2nd and 18th. To date, no such proposal has been supplied by the coalition.

Congressmen Bishop and Chaffetz issued the following statements:

Bishop: *"It's important for Congress to protect this area because the stated goals of the administration cannot be done with an executive order. Only a change in statute can accomplish these goals. I like the idea of co-management. The president, with or without the Antiquities Act, cannot produce it. We are committed to doing it. My office has drafted amendment language to create a system of co-management."*

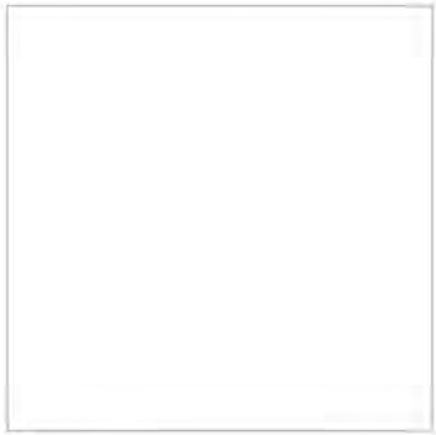
Chaffetz: *"The President's promise of co-management between the tribes and the federal government cannot be gained through executive action. Only Congress can authorize such agreements."*

In a September 14th hearing of the Subcommittee on Federal Lands, Rep. Bishop reiterated his desire to hear from the Department of the Interior with suggested legislative language for co-management within PLI. The Department of the Interior is yet to respond.

Co-management would grant authority to Native Americans to share power in the decision-making process. The law does not currently allow for co-management, and the President cannot call for it through the Antiquities Act. Congress alone can empower the tribes in this manner.

Background and further information can be found at UtahPLI.com.

From: Lee Lonsberry <lee.lonsberry@mail.house.gov>
Date: Thursday, December 1, 2016 16:17 PM
To: Lee Lonsberry <lee.lonsberry@mail.house.gov>
Subject: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers



FOR IMMEDIATE RELEASE
December 1, 2016

CONTACT: Lee Lonsberry(Bishop)
801 698 7349

MJ Henshaw (Chaffetz)

202 225 5074

Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

WASHINGTON – Representatives Rob Bishop (UT-01) and Jason Chaffetz (UT-03) have asked the Bears Ears Inter-Tribal Coalition, as well as the Department of the Interior, for proposed co-management language to be added to the Utah Public Lands Initiative Act (PLI). The coalition has refused to provide any language and, in a recent

communication, refused to collaborate on the issue.

Rep. Bishop personally called the Secretary of the Interior, and in a September 14th hearing of the Subcommittee on Federal Lands, Bishop reiterated his desire to hear from the Department of the Interior with suggested legislative language for co-management within PLI. The Department of the Interior has yet to respond. Members of Utah's congressional delegation sent letters (Nov 2nd & 18th) to the co-chairmen and members of the Bears Ears Inter-Tribal Coalition seeking potential language to implement a co-management system.

Congressmen Bishop & Chaffetz issued the following statements:

Bishop: *"It's important for Congress to protect this area because the stated goals of the administration cannot be done with an executive order. Only a change in statute can accomplish these goals. I like the idea of co-management. The president, with or without the Antiquities Act, cannot produce it. We are committed to doing it. My office has now written draft language to create a system of co-management.*

"It is frustrating that efforts to work with people who claim a great interest in this area are continuously rebuffed with arguments that parrot special interest groups. Ironically, if this group is banking on a monument, they will never get the co-management they want. We're willing to give it to them. Why can't they just say yes?"

Chaffetz: *"The President's promise of co-management between the tribes and the federal government cannot be gained through executive action. Only Congress can authorize such agreements."*

Co-management would grant authority to Native Americans to share power in the decision-making process. The law does not currently allow for co-management, and the President has no power to deliver it through executive order, even through the Antiquities Act. Only Congress can make this happen.

Background and further information can be found at UtahPLI.com.

###

FACEBOOK YOUTUBE WEBSITE

Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>

From:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Sent:	Fri Dec 02 2016 09:42:40 GMT-0700 (MST)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

That's amazing. Good for Fred.

On Dec 2, 2016, at 11:41 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

Not sure they wanted me to see this chain.

Begin forwarded message:

From: "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Date: December 2, 2016 at 11:28:57 AM EST
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: FW: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

Are you available for a call?

From: Cody Stewart <codystewart@utah.gov>
Date: Friday, December 2, 2016 at 9:20 AM
To: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Cc: John Tanner <John_Tanner@hatch.senate.gov>
Subject: Re: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

Yeah, unforced error. Nicki is correct. Interior did provide some base co-management language months ago. It's still the basis for our current co-management proposal. See comment A112 in the technical assistance. That was our angle. Interior suggested we take that first draft and try to improve it with tribal input. That's what we tried to do. It's the coalition who has stonewalled us, not Interior.

So who wants to talk to Nicki?

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert
801 513-8991

On Fri, Dec 2, 2016 at 8:57 AM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> I predicted this. See below my note to our press person yesterday. Rob changed the headline after our team approved a different one that didn't go after DOI.
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell
>
> Begin forwarded message:
>
> > **From:** "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
> > **Date:** December 1, 2016 at 16:45:51 EST
> > **To:** MJ Henshaw <MJ.Henshaw@mail.house.gov>
> > **Subject: FW: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers**
> >
> > The headline is a problem. He was wrong to criticize DOI.

Also, check out the headline of the draft you sent me:

Coalition Ignores Utah Delegation Invitation to Collaborate

Requests for Input Have Gone Unanswered

WASHINGTON – Requests from Utah Representatives Rob Bishop and Jason Chaffetz ~~have requested~~ to collaborate with members of the Bears Ears Inter-Tribal Coalition and the Department of the Interior regarding the inclusion of co-management language in the Utah Public Lands Initiative Act (PLI) are being ignored.

Members of Utah's congressional delegation ~~sent multiple~~ sent letters to the co-chairmen and members of the Bears Ears Inter-Tribal Coalition seeking a proposal that involved a co-management system on November 2nd and 18th. To date, no such proposal has been supplied by the coalition.

Congressmen Bishop and Chaffetz issued the following statements:

Bishop: *"It's important for Congress to protect this area because the stated goals of the administration cannot be done with an executive order. Only a change in statute can accomplish these goals. I like the idea of co-management. The president, with or without the Antiquities Act, cannot produce it. We are committed to doing it. My office has drafted amendment language to create a system of co-management."*

Chaffetz: *"The President's promise of co-management between the tribes and the federal government cannot be gained through executive action. Only Congress can authorize such agreements."*

In a September 14th hearing of the Subcommittee on Federal Lands, Rep. Bishop reiterated his desire to hear from the Department of the Interior with suggested legislative language for co-management within PLI. The Department of the Interior is yet to respond.

Co-management would grant authority to Native Americans to share power in the decision-making process. The law does not currently allow for co-management, and the President cannot call for it through the Antiquities Act. Congress alone can

empower the tribes in this manner.

Background and further information can be found at UtahPLI.com.

From: Lee Lonsberry <lee.lonsberry@mail.house.gov>
Date: Thursday, December 1, 2016 16:17 PM
To: Lee Lonsberry <lee.lonsberry@mail.house.gov>
Subject: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

FOR IMMEDIATE RELEASE
December 1, 2016

CONTACT: Lee Lonsberry(Bishop)

801 698 7349

MJ Henshaw (Chaffetz)

202 225 5074

Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

WASHINGTON – Representatives Rob Bishop (UT-01) and Jason Chaffetz (UT-03) have asked the Bears Ears Inter-Tribal

Coalition, as well as the Department of the Interior, for proposed co-management language to be added to the Utah Public Lands Initiative Act (PLI). The coalition has refused to provide any language and, in a recent communication, refused to collaborate on the issue.

Rep. Bishop personally called the Secretary of the Interior, and in a September 14th hearing of the Subcommittee on Federal Lands, Bishop reiterated his desire to hear from the Department of the Interior with suggested legislative language for co-management within PLI. The Department of the Interior has yet to respond. Members of Utah's congressional delegation sent letters (Nov 2nd & 18th) to the co-chairmen and members of the Bears Ears Inter-Tribal Coalition seeking potential language to implement a co-management system.

Congressmen Bishop & Chaffetz issued the following statements:

Bishop: *"It's important for Congress to protect this area because the stated goals of the administration cannot be done with an executive order. Only a change in statute can accomplish these goals. I like the idea of co-management. The president, with or without the Antiquities Act, cannot produce it. We are committed to doing it. My office has now written draft language to create a system of co-management.*

"It is frustrating that efforts to work with people who claim a great interest in this area are continuously rebuffed with arguments that parrot special interest

groups. Ironically, if this group is banking on a monument, they will never get the co-management they want. We're willing to give it to them. Why can't they just say yes?"

Chaffetz: *"The President's promise of co-management between the tribes and the federal government cannot be gained through executive action. Only Congress can authorize such agreements."*

Co-management would grant authority to Native Americans to share power in the decision-making process. The law does not currently allow for co-management, and the President has no power to deliver it through executive order, even through the Antiquities Act. Only Congress can make this happen.

Background and further information can be found at UtahPLI.com.

###

FACEBOOK YOUTUBE
WEBSITE

FOR COMMITTEE USE ONLY

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Fri Dec 02 2016 09:52:07 GMT-0700 (MST)
To:	"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Subject:	Re: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

Just tried you. I'm free until noon ish on my cell and then again after lunch. (b) (6)

On Dec 2, 2016, at 11:29 AM, Tanner, John (Hatch) <John_Tanner@hatch.senate.gov> wrote:

> Are you available for a call?
>
> **From:** Cody Stewart <codystewart@utah.gov>
> **Date:** Friday, December 2, 2016 at 9:20 AM
> **To:** Fred Ferguson <Fred.Ferguson@mail.house.gov>
> **Cc:** John Tanner <John_Tanner@hatch.senate.gov>
> **Subject:** Re: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers
>
> Yeah, unforced error. Nicki is correct. Interior did provide some base co-management language months ago. It's still the basis for our current co-management proposal. See comment A112 in the technical assistance. That was our angle. Interior suggested we take that first draft and try to improve it with tribal input. That's what we tried to do. It's the coalition who has stonewalled us, not Interior.
>
> So who wants to talk to Nicki?
>
> **Cody Stewart**
> Director of Federal Affairs
> Governor Gary Herbert
> 801 513-8991
>
> On Fri, Dec 2, 2016 at 8:57 AM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:
>
> > I predicted this. See below my note to our press person yesterday. Rob changed the headline after our team approved a different one that didn't go after DOI.
> >
> > **Fred Ferguson**
> > Chief of Staff
> > Rep. Chaffetz (UT-03)
> > 202-631-0560 cell
> >
> > Begin forwarded message:
> >
> > **From:** "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
> > **Date:** December 1, 2016 at 16:45:51 EST
> > **To:** MJ Henshaw <MJ.Henshaw@mail.house.gov>
> > **Subject: FW: RELEASE - Bears Ears Coalition & Interior Department**

Ignore Invitations to Collaborate with Utah Lawmakers

The headline is a problem. He was wrong to criticize DOI. Also, check out the headline of the draft you sent me:

Coalition Ignores Utah Delegation Invitation to Collaborate

Requests for Input Have Gone Unanswered

WASHINGTON – Requests from Utah Representatives Rob Bishop and Jason Chaffetz ~~have requested~~ to collaborate with members of the Bears Ears Inter-Tribal Coalition and the Department of the Interior regarding the inclusion of co-management language in the Utah Public Lands Initiative Act (PLI) are being ignored.

Members of Utah's congressional delegation ~~sent multiple~~ sent letters to the co-chairmen and members of the Bears Ears Inter-Tribal Coalition seeking a proposal that involved a co-management system on November 2nd and 18th. To date, no such proposal has been supplied by the coalition.

Congressmen Bishop and Chaffetz issued the following statements:

Bishop: *"It's important for Congress to protect this area because the stated goals of the administration cannot be done with an executive order. Only a change in statute can accomplish these goals. I like the idea of co-management. The president, with or without the Antiquities Act, cannot produce it. We are committed to doing it. My office has drafted amendment language to create a system of co-management."*

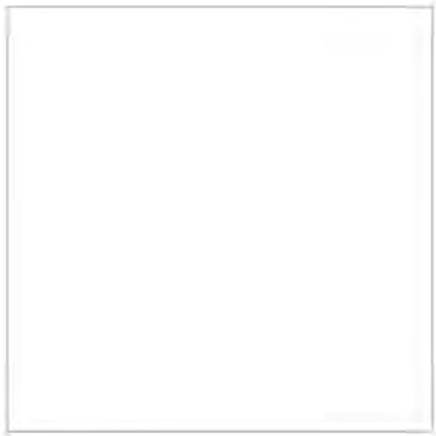
Chaffetz: *"The President's promise of co-management between the tribes and the federal government cannot be gained through executive action. Only Congress can authorize such agreements."*

In a September 14th hearing of the Subcommittee on Federal Lands, Rep. Bishop reiterated his desire to hear from the Department of the Interior with suggested legislative language for co-management within PLI. The Department of the Interior is yet to respond.

Co-management would grant authority to Native Americans to share power in the decision-making process. The law does not currently allow for co-management, and the President cannot call for it through the Antiquities Act. Congress alone can empower the tribes in this manner.

Background and further information can be found at UtahPLI.com.

From: Lee Lonsberry <lee.lonsberry@mail.house.gov>
Date: Thursday, December 1, 2016 16:17 PM
To: Lee Lonsberry <lee.lonsberry@mail.house.gov>
Subject: RELEASE - Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers



FOR IMMEDIATE RELEASE
December 1, 2016

CONTACT: Lee Lonsberry(Bishop)
801 698 7349

MJ Henshaw (Chaffetz)

202 225 5074

Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

WASHINGTON – Representatives Rob Bishop (UT-01) and Jason Chaffetz (UT-03) have asked the Bears Ears Inter-Tribal Coalition, as well as the Department of the Interior, for proposed co-management language to be added to the Utah Public Lands Initiative Act (PLI). The coalition has refused to provide any language and, in a recent communication, refused to collaborate on the issue.

Rep. Bishop personally called the Secretary of the Interior, and in a September 14th hearing of the Subcommittee on Federal Lands, Bishop reiterated his desire to hear from the Department of the Interior with suggested legislative language for co-management within PLI. The Department of the Interior has yet to respond. Members of Utah's congressional delegation sent letters (Nov 2nd & 18th) to the co-chairmen and members of the Bears Ears Inter-Tribal Coalition seeking potential language to implement a co-management system.

Congressmen Bishop & Chaffetz issued the following statements:

Bishop: *"It's important for Congress to protect this area because the stated goals of the administration cannot be done with an executive order. Only a change in statute can accomplish these goals. I like the idea of co-management. The president, with or without the Antiquities Act, cannot produce it. We are committed to doing it. My office has now written draft language to create a system of co-management.*

"It is frustrating that efforts to work with people who claim a great interest in this area are continuously rebuffed with arguments that parrot special interest groups. Ironically, if this group is banking on a monument, they will never get the co-management they want. We're willing to give it to them. Why can't they just say yes?"

Chaffetz: *"The President's promise of co-management between the tribes and the federal government cannot be gained through executive action. Only Congress can authorize such agreements."*

Co-management would grant authority to Native Americans to share power in the decision-making process. The law does not currently allow for co-

management, and the President has no power to deliver it through executive order, even through the Antiquities Act. Only Congress can make this happen.

Background and further information can be found at UtahPLI.com.

###

FACEBOOK YOUTUBE WEBSITE

Conversation Contents

Automatic reply: Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>

From:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Sent:	Fri Dec 02 2016 06:43:31 GMT-0700 (MST)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Automatic reply: Bears Ears Coalition & Interior Department Ignore Invitations to Collaborate with Utah Lawmakers

I will be out of the office until Monday, December 5th. If you need immediate assistance before then, please call 202-224-5444 or email Heath_Hansen@Lee.Senate.Gov.

FOR COMMITTEE USE ONLY

Conversation Contents

Another Utah hang up

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Wed Nov 30 2016 09:26:32 GMT-0700 (MST)
To:	Nikki Buffa <nicole_buffa@ios.doi.gov>
Subject:	Another Utah hang up

Sorry to fill you up. But it seems there's a lot of last-minute delay is popping up. I wonder if you can provide any insight into the Enervest APD application that is being help up. People are obviously beating down our door as these things pop up in this timeframe. So just want to try and see if there is a path towards resolution. Anything you can provide is greatly appreciated! Thanks for what you do

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

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Thu Dec 01 2016 09:04:55 GMT-0700 (MST)
To:	Nikki Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Another Utah hang up

Any insight on this?

From: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Date: Wednesday, November 30, 2016 11:26 AM
To: Nikki Buffa <nicole_buffa@ios.doi.gov>
Subject: Another Utah hang up

Sorry to fill you up. But it seems there's a lot of last-minute delay is popping up. I wonder if you can provide any insight into the Enervest APD application that is being help up. People are obviously beating down our door as these things pop up in this timeframe. So just want to try and see if there is a path towards resolution. Anything you can provide is greatly appreciated! Thanks for what you do

Fred Ferguson
Chief of Staff
Rep. Chaffetz (UT-03)

FOR COMMITTEE USE ONLY

202-631-0560 cell

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Thu Dec 01 2016 15:08:30 GMT-0700 (MST)
To:	Anita Bilbao <abilbao@blm.gov>, jpool@blm.gov
Subject:	Fwd: Another Utah hang up

Any ideas?

Begin forwarded message:

> **From:** "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
> **Date:** December 1, 2016 at 11:04:55 AM EST
> **To:** Nikki Buffa <nicole_buffa@ios.doi.gov>
> **Subject: Re: Another Utah hang up**
>
> Any insight on this?
>
> ---
>
> **From:** Fred Ferguson <Fred.Ferguson@mail.house.gov>
> **Date:** Wednesday, November 30, 2016 11:26 AM
> **To:** Nikki Buffa <nicole_buffa@ios.doi.gov>
> **Subject:** Another Utah hang up
>
> Sorry to fill you up. But it seems there's a lot of last-minute delay is popping up. I wonder if you can provide any insight into the Enervest APD application that is being help up. People are obviously beating down our door as these things pop up in this timeframe. So just want to try and see if there is a path towards resolution. Anything you can provide is greatly appreciated! Thanks for what you do
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell

Anita Bilbao <abilbao@blm.gov>

From:	Anita Bilbao <abilbao@blm.gov>
Sent:	Thu Dec 01 2016 15:24:21 GMT-0700 (MST)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
CC:	"jpool@blm.gov" <jpool@blm.gov>
Subject:	Re: Another Utah hang up

We are checking...application for permit to drill (APD) are local level Field Manager decisions and don't

go through the State Office (or Washington office here).

Sent from my iPhone

On Dec 1, 2016, at 5:08 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Any ideas?
>
> Begin forwarded message:
>
> **From:** "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
> **Date:** December 1, 2016 at 11:04:55 AM EST
> **To:** Nikki Buffa <nicole_buffa@ios.doi.gov>
> **Subject: Re: Another Utah hang up**
>
> Any insight on this?
>
> ---
>
> **From:** Fred Ferguson <Fred.Ferguson@mail.house.gov>
> **Date:** Wednesday, November 30, 2016 11:26 AM
> **To:** Nikki Buffa <nicole_buffa@ios.doi.gov>
> **Subject:** Another Utah hang up
>
> Sorry to fill you up. But it seems there's a lot of last-minute delay is popping up. I wonder if you can provide any insight into the Enervest APD application that is being help up. People are obviously beating down our door as these things pop up in this timeframe. So just want to try and see if there is a path towards resolution. Anything you can provide is greatly appreciated! Thanks for what you do
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Mon Dec 05 2016 15:20:59 GMT-0700 (MST)
To:	Anita Bilbao <abilbao@blm.gov>
CC:	"jpool@blm.gov" <jpool@blm.gov>, Liz Pardue <lpardue@blm.gov>
Subject:	Re: Another Utah hang up

And we just got a letter from them on this one. I sent it to Liz.

On Dec 1, 2016, at 5:24 PM, Anita Bilbao <abilbao@blm.gov> wrote:

> We are checking...application for permit to drill (APD) are local level Field Manager

decisions and don't go through the State Office (or Washington office here).

Sent from my iPhone

On Dec 1, 2016, at 5:08 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Any ideas?
>
> Begin forwarded message:
>
> **From:** "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
> **Date:** December 1, 2016 at 11:04:55 AM EST
> **To:** Nikki Buffa <nicole_buffa@ios.doi.gov>
> **Subject: Re: Another Utah hang up**
>
> Any insight on this?
>
> ---
>
> **From:** Fred Ferguson <Fred.Ferguson@mail.house.gov>
> **Date:** Wednesday, November 30, 2016 11:26 AM
> **To:** Nikki Buffa <nicole_buffa@ios.doi.gov>
> **Subject:** Another Utah hang up
>
> Sorry to fill you up. But it seems there's a lot of last-minute delay is popping up. I wonder if you can provide any insight into the Enervest APD application that is being help up. People are obviously beating down our door as these things pop up in this timeframe. So just want to try and see if there is a path towards resolution. Anything you can provide is greatly appreciated! Thanks for what you do
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell

FOR COMMITTEE USE ONLY

Conversation Contents

press release

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Thu Dec 01 2016 14:51:13 GMT-0700 (MST)
To:	Nikki Buffa <nicole_buffa@ios.doi.gov>
Subject:	press release

Rob just sent a press release on the BEC. We had a quote included. We did not sign-off on the headline criticizing DOI. I'm sorry

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Thu Dec 01 2016 14:57:36 GMT-0700 (MST)
To:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject:	Re: press release

We'll survive! > On Dec 1, 2016, at 4:51 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote: > > Rob just sent a press release on the BEC. We had a quote included. We did not sign-off on the headline criticizing DOI. I'm sorry

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Thu Dec 01 2016 15:03:48 GMT-0700 (MST)
To:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject:	Fwd: press release

See below. Still looking for the release. I'm not on his mailing list and it's not on either of his websites.

Begin forwarded message:

From: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Date: December 1, 2016 at 4:51:13 PM EST
To: Nikki Buffa <nicole_buffa@ios.doi.gov>

FOR COMMITTEE USE ONLY

Subject: press release

Rob just sent a press release on the BEC. We had a quote included. We did not sign-off on the headline criticizing DOI. I'm sorry

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Thu Dec 01 2016 15:07:19 GMT-0700 (MST)
To:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject:	Re: press release

Also I'm not on his mailing list and I can't find it on either website! But I'm mad already. ;) > On Dec 1, 2016, at 4:51 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote: > > Rob just sent a press release on the BEC. We had a quote included. We did not sign-off on the headline criticizing DOI. I'm sorry

Conversation Contents

FW: Public Lands Initiative

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Mon Nov 28 2016 14:25:46 GMT-0700 (MST)
To:	Nikki Buffa <nicole_buffa@ios.doi.gov>
Subject:	FW: Public Lands Initiative

FYI - another venue for us to engage with tribal members. On 11/28/16 16:18 PM, "Ferguson, Fred" <Fred.Ferguson@mail.house.gov> wrote: >Hey Moroni, > >Provided a national monument isn't designated at the Bears Ears, our >office will gladly participate. Clay White is our natural resources >expert and will plan to attend. A national monument proclamation by >President Obama would kill the PLI so we will not have anything to talk >about if this happens before the event. > >Thanks! > >Fred > >On 11/18/16 12:10 PM, "Moroni Benally" (b) (6) [redacted] wrote: > >>Good Morning Gentlemen, >> >>I am co-founder and Executive Member of the Utah League of Native >>American Voters based in Salt Lake City. >> >>First, I want to congratulate each of you and your bosses Congressman >>Chaffetz, Congressman Bishop, and Senator Lee on a well-deserved and won >>victory. Please convey my congratulations to Congressmen and Senator. >>Congratulations! >> >>I am organizing a forum/workshop on the PLI in hopes to have a more >>elevated conversation about what the PLI does. I would like to focus on >>the facts and policy substance and move beyond the rhetoric stemming from >>limited information and understanding on what the PLI will do to and for >>Native American communities and nations in Utah. >> >>I would like your input/recommendation on a legal scholar, a professor, >>or some expert your offices trust who can help articulate what the PLI >>will do in terms of states right, Indian land tenure (and what that means >>for land swaps), and so forth. I think this conversation will help >>alleviate a lot of concern, and frankly, hostility and anger within the >>Native community. >> >>I am hosting this dialogue on the 15th of December at the Westminster >>College. I have a legal scholar from the UofU who will talk about the PLI >>from a tribal rights perspective, and I have a policy scholar who will >>talk about the meaning of collaborative governance and what that means >>for tribes, the state, and the federal government. >> >>There is a fear, which I believe is unfounded, that the worst will happen >>to Native lands under the PLI, and I want to have this forum to help >>dispel that fear. Your help in this civic dialogue will go a long way in >>not only the Native community, but in Utah, as well. >> >>Thank you and I look forward to your recommendation or even extended >>conversation on this. >> >>Best Regards, >> >>Moroni Benally >> >> >

Conversation Contents

Fwd: Meeting follow-up

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Sat Nov 19 2016 20:19:28 GMT-0700 (MST)
To:	Nikki Buffa <nicole_buffa@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, "jwhitloc@blm.gov" <jwhitloc@blm.gov>, Tommy Beaudreau <Tommy_Beaudreau@ios.doi.gov>
Subject:	Fwd: Meeting follow-up

Also FYI - progress as a result of our meeting and letter..

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

Begin forwarded message:

From: Leland Begay <lelandbegay@utemountain.org>
Date: November 18, 2016 at 18:22:42 EST
To: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Cc: "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>, "Wiser, Devin" <Devin.Wiser@mail.house.gov>, "Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>
Subject: RE: Meeting follow-up

Hi Fred and Chris,

Thanks for reaching out on this topic again. I will be available most of Tuesday, November 22, for a phone call if you're able to follow-up on our last discussion. The Coalition is having an informal meeting the day prior and this will likely be a point of discussion .

Best,

Leland Begay
Associate General Counsel
Ute Mountain Ute Tribe
(970) 564-5641

-----Original Message-----
From: Ferguson, Fred [mailto:Fred.Ferguson@mail.house.gov]

FOR COMMITTEE USE ONLY

Sent: Friday, November 18, 2016 12:08 PM
To: Leland Begay
Cc: Prandoni, Chris (Lee); Wiser, Devin; Wilcox, Ryan (Lee)
Subject: Re: Meeting follow-up

Hey Leland,

Hope all is well. Please see the attached letter from the Utah Congressional delegation. This follows up on our productive meeting and letter from November 2, 2016. We look forward to hearing from you.

Best,
Fred

On 11/15/16 17:24 PM, "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov> wrote:

> Hey Leland,
>
> Hope you are doing well. I was wondering if you had a chance to talk on the phone this week or next? I think we made some good progress and am wondering what the other members of the coalition said.
>
> Thank you,
>
> Chris
>
> Sent from my iPhone

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Mon Nov 28 2016 14:25:23 GMT-0700 (MST)
To:	Nikki Buffa <nicole_buffa@ios.doi.gov>
Subject:	FW: Meeting follow-up

FYI. Had some momentum then lost in when they didn't follow-up on our call planned for the 22nd.

From: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Date: Monday, November 28, 2016 16:15 PM
To: "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Cc: Leland Begay <lelandbegay@utemountain.org>, "Devin A. Wiser" <Devin.Wiser@mail.house.gov>, Ryan Wilcox <ryan_wilcox@lee.senate.gov>
Subject: Re: Meeting follow-up

FOR COMMITTEE USE ONLY

Hey Leland,

We are sorry that we never heard back on our planned call for the 22nd. If you would like to reschedule for this week, please let us know.

All the best,
Fred

From: "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Date: Saturday, November 19, 2016 23:04 PM
To: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Cc: Leland Begay <lelandbegay@utemountain.org>, "Devin A. Wiser" <Devin.Wiser@mail.house.gov>, Ryan Wilcox <ryan_wilcox@lee.senate.gov>
Subject: Re: Meeting follow-up

I am wide open on Tuesday so whatever works for you all. Thanks, Leland.

Sent from my iPhone

On Nov 19, 2016, at 10:18 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> A phone call on the 22nd would be great. I'm out of pocket from 9a-1p Utah time. Otherwise open.
>
> Thanks and look forward to our discussion.
>
> Best,
> Fred
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell
>
> On Nov 18, 2016, at 18:22, Leland Begay <lelandbegay@utemountain.org> wrote:
>
> > Hi Fred and Chris,
> >
> > Thanks for reaching out on this topic again. I will be available most of Tuesday, November 22, for a phone call if you're able to follow-up on our last discussion. The Coalition is having an informal meeting the day prior and this will likely be a point of discussion .
> >
> > Best,
> >
> > Leland Begay
> > Associate General Counsel
> > Ute Mountain Ute Tribe
> > (970) 564-5641
> >
> > -----Original Message-----
> > From: Ferguson, Fred [mailto:Fred.Ferguson@mail.house.gov]
> > Sent: Friday, November 18, 2016 12:08 PM
> > To: Leland Begay

Cc: Prandoni, Chris (Lee); Wiser, Devin; Wilcox, Ryan (Lee)
Subject: Re: Meeting follow-up

Hey Leland,

Hope all is well. Please see the attached letter from the Utah Congressional delegation. This follows up on our productive meeting and letter from November 2, 2016. We look forward to hearing from you.

Best,
Fred

On 11/15/16 17:24 PM, "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov> wrote:

> Hey Leland,
>
> Hope you are doing well. I was wondering if you had a chance to talk on
>
> the phone this week or next? I think we made some good progress and am
>
> wondering what the other members of the coalition said.
>
> Thank you,
>
> Chris
>
> Sent from my iPhone

Conversation Contents

Update

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Mon Nov 28 2016 12:12:30 GMT-0700 (MST)
To:	Fred Ferguson <Fred.Ferguson@mail.house.gov>
Subject:	Update

The Federal Register will publish your notice -- Notice of Federal Competitive Coal Lease Sale, Greens Hollow Tract, Utah (Coal Lease Application UTU-84102) -- on Thursday, December 1, 2016.

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Mon Nov 28 2016 12:17:43 GMT-0700 (MST)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Update

By your you mean American people?

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

On Nov 28, 2016, at 14:12, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> The Federal Register will publish your notice -- Notice of Federal Competitive Coal Lease Sale, Greens Hollow Tract, Utah (Coal Lease Application UTU-84102) -- on Thursday, December 1, 2016.

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent: Mon Nov 28 2016 12:17:54 GMT-0700 (MST)
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Re: Update

thank you!

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

On Nov 28, 2016, at 14:12, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> The Federal Register will publish your notice -- Notice of Federal Competitive Coal Lease Sale, Greens Hollow Tract, Utah (Coal Lease Application UTU-84102) -- on Thursday, December 1, 2016.

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

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent: Tue Nov 29 2016 12:37:27 GMT-0700 (MST)
To: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject: Re: Update

HAHA! That was the note I got from the regs folks - just cut and pasted.

On Mon, Nov 28, 2016 at 2:17 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> thank you!
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell
>
> On Nov 28, 2016, at 14:12, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> > The Federal Register will publish your notice -- Notice of Federal

FOR COMMITTEE USE ONLY

Competitive Coal Lease Sale, Greens Hollow Tract, Utah (Coal Lease Application UTU-84102) -- on Thursday, December 1, 2016.

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

Conversation Contents

Fwd: Follow up to our telephone call.

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Wed Nov 23 2016 16:09:31 GMT-0700 (MST)
To:	Nikki Buffa <nicole_buffa@ios.doi.gov>
Subject:	Fwd: Follow up to our telephone call.

FYI

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

Begin forwarded message:

From: Patrick Shea <pas@patrickashea.com>
Date: November 23, 2016 at 18:05:27 EST
To: "fred.ferguson@mail.house.gov" <fred.ferguson@mail.house.gov>, "Whitlock, Jenna" <jwhitloc@blm.gov>
Cc: "Suber, Dannie" <dannie.suber@mail.house.gov>, "neil_kornze@blm.gov" <neil_kornze@blm.gov>
Subject: FW: Follow up to our telephone call.

Fred and Jenna,
Mark and I spoke this afternoon. He is considering the idea of a National Conservation and Recreation Bear Ears Act with Native American management. We really need to do this, if for no other reason than to avoid unnecessary and unwanted violence. If we don't do anything it will unfortunately set a tone of protest for many others across the political spectrum. Let's work together.
Pat

From: Patrick Shea
Sent: Wednesday, November 23, 2016 4:02 PM
To: Mark Maryboy - (b) (6)
Subject: Follow up to our telephone call.

Mark,

FOR COMMITTEE USE ONLY

I wanted to follow up on our telephone call. You have been, and are a leader of the Navajo People and many other Native Americans. I have long recognized this important part of your life. That leadership is needed now. There really are two paths in the next two months. One path – President Obama declares the Bear Ears National Monument, the Bundy types go nuts, there is a violent protest, people, your people, are seriously injured or killed, and then after January 20th President Trump undoes the declaration and the Phil Lymans and the Clive Bundy types win the day, at least until 2020.
The other path would be for you with the help of the other Tribal leaders to outline in detail a Native American Management Plan under a National Conservation and Recreation Act for Bear Ears. The legislation is passed, the President signs it, and it can not be undone.
With four bleak years ahead of us, we don't want to establish the precedent of a new President undoing what a former President did under the Antiquities Act. I hope you will talk with the Tribal Leaders and see if we could have a conference call to move forward. Your leadership is needed.
Pat

Patrick A. Shea
Research Professor of Biology
University of Utah
&
Private Attorney
pas@patshealaw.com
pas@patrickashea.com
252 S. 1300 Eaast
Salt Lake City, Utah 84102
801 582-0949 o
801 671-9902

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Thu Nov 24 2016 08:09:58 GMT-0700 (MST)
To: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject: Re: Follow up to our telephone call.

This reminds me. Greens hollow. Will happen next week. Couldn't get it done this week. (I don't think. Still haven't heard from BLM).

Happy turkey day!

On Nov 23, 2016, at 6:09 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

FYI

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

Begin forwarded message:

From: Patrick Shea <pas@patrickashea.com>
Date: November 23, 2016 at 18:05:27 EST
To: "fred.ferguson@mail.house.gov" <fred.ferguson@mail.house.gov>, "Whitlock, Jenna" <jwhitloc@blm.gov>
Cc: "Suber, Dannie" <dannie.suber@mail.house.gov>, "neil_kornze@blm.gov" <neil_kornze@blm.gov>
Subject: FW: Follow up to our telephone call.

Fred and Jenna,
Mark and I spoke this afternoon. He is considering the idea of a National Conservation and Recreation Bear Ears Act with Native American management. We really need to do this, if for no other reason than to avoid unnecessary and unwanted violence. If we don't do anything it will unfortunately set a tone of protest for many others across the political spectrum. Let's work together.
Pat

From: Patrick Shea
Sent: Wednesday, November 23, 2016 4:02 PM
To: Mark Maryboy - (b) (6)
Subject: Follow up to our telephone call.

Mark,
I wanted to follow up on our telephone call. You have been, and are a leader of the Navajo People and many other Native Americans. I have long recognized this important part of your life. That leadership is needed now. There really are two paths in the next two months. One path – President Obama declares the Bear Ears National Monument, the Bundy types go nuts, there is a violent protest, people, your people, are seriously injured or killed, and then after January 20th President Trump undoes the declaration and the Phil Lymans and the Clive Bundy types win the day, at least until 2020.
The other path would be for you with the help of the other Tribal leaders to outline in detail a Native American Management Plan under a National Conservation and Recreation Act for Bear Ears. The legislation is passed, the President signs it, and it can not be undone.
With four bleak years ahead of us, we don't want to establish the precedent of a new President undoing what a former President did under the Antiquities Act. I hope you will talk with the Tribal Leaders and see if we could have a conference call to move forward. Your leadership is needed.
Pat

FOR COMMITTEE USE ONLY

Patrick A. Shea
Research Professor of Biology
University of Utah
&
Private Attorney
pas@patshealaw.com
pas@patrickashea.com
252 S. 1300 Eaast
Salt Lake City, Utah 84102
801 582-0949 o
801 671-9902

Conversation Contents

Weekly UT Check-in Call

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Nov 23 2016 06:44:48 GMT-0700 (MST)
To:	codystewart@utah.gov, fred.ferguson@mail.house.gov, adam.stewart@mail.house.gov, casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, devin.wiser@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov
Subject:	Weekly UT Check-in Call

Hi team - I'm working today and happy to jump on at 930am ET. But, I don't have much of an update and am wondering if anyone will be on. What do you guys think?! Happy almost turkey day!

Weekly UT Check-in Call
Scheduled: Wednesday, Nov 23, 2016 from 9:30 AM to 10:00 AM
Location: Dial-in: (b) (5) and code: (b) (5)
Invitees: Cody Stewart, fred.ferguson@mail.house.gov, adam.stewart@mail.house.gov, casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, devin.wiser@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

Cody Stewart <codystewart@utah.gov>

From:	Cody Stewart <codystewart@utah.gov>
Sent:	Wed Nov 23 2016 06:49:55 GMT-0700 (MST)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Weekly UT Check-in Call

I think it is safe to say that if you don't have any update for us then we can all rest easy this Thanksgiving week.

Maybe hold off until next week?

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert
801 513-8991

On Wed, Nov 23, 2016 at 8:44 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Hi team - I'm working today and happy to jump on at 930am ET. But, I don't have much of an update and am wondering if anyone will be on. What do you guys think?! Happy almost turkey day!
>
> **Weekly UT Check-in Call**
> Scheduled: Wednesday, Nov 23, 2016 from 9:30 AM to 10:00 AM
> Location: Dial-in: (b) (5) and code: (b) (5)
> Invitees: Cody Stewart, fred.ferguson@mail.house.gov, adam.stewart@mail.house.gov, casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, devin.wiser@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Nov 23 2016 06:52:03 GMT-0700 (MST)
To:	Cody Stewart <codystewart@utah.gov>
CC:	"Ferguson, Fred" <fred.ferguson@mail.house.gov>, "Stewart, Adam" <adam.stewart@mail.house.gov>, "Snider, Casey" <casey.snider@mail.house.gov>, John Tanner <john_tanner@hatch.senate.gov>, "Wiser, Devin A." <devin.wiser@mail.house.gov>, "Prandoni, Chris (Lee)" <chris_prandoni@lee.senate.gov>, "Baig, Wendy (Lee)" <wendy_baig@lee.senate.gov>, Ryan Wilcox <ryan_wilcox@lee.senate.gov>
Subject:	Re: Weekly UT Check-in Call

Sure! Next week it is!!

On Nov 23, 2016, at 8:50 AM, Cody Stewart <codystewart@utah.gov> wrote:

> I think it is safe to say that if you don't have any update for us then we can all rest easy this Thanksgiving week.

Maybe hold off until next week?

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert
801 513-8991

On Wed, Nov 23, 2016 at 8:44 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Hi team - I'm working today and happy to jump on at 930am ET. But, I don't have much of an update and am wondering if anyone will be on. What do you guys think?! Happy almost turkey day!
>
> **Weekly UT Check-in Call**
> Scheduled: Wednesday, Nov 23, 2016 from 9:30 AM to 10:00 AM
> Location: Dial-in: (b) (5) and code: (b) (5)
> Invitees: Cody Stewart, fred.ferguson@mail.house.gov, adam.stewart@mail.house.gov, casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, devin.wiser@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>

From:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Sent:	Wed Nov 23 2016 06:53:16 GMT-0700 (MST)
To:	Cody Stewart <codystewart@utah.gov>
Subject:	Re: Weekly UT Check-in Call

Yea, Fred and I were supposed to talk to Leland yesterday but that fell through.

Happy thanksgiving all.

Sent from my iPhone

On Nov 23, 2016, at 8:50 AM, Cody Stewart <codystewart@utah.gov> wrote:

> I think it is safe to say that if you don't have any update for us then we can all rest easy this Thanksgiving week.
>
> Maybe hold off until next week?

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert
801 513-8991

On Wed, Nov 23, 2016 at 8:44 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Hi team - I'm working today and happy to jump on at 930am ET. But, I don't have much of an update and am wondering if anyone will be on. What do you guys think?! Happy almost turkey day!
>
> **Weekly UT Check-in Call**
> Scheduled: Wednesday, Nov 23, 2016 from 9:30 AM to 10:00 AM
> Location: Dial-in: (b) (5) and code: (b) (5)
> Invitees: Cody Stewart, fred.ferguson@mail.house.gov, adam.stewart@mail.house.gov, casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, devin.wiser@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Wed Nov 23 2016 07:34:28 GMT-0700 (MST)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Weekly UT Check-in Call

Any word on that greens hollow lease?

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

On Nov 23, 2016, at 08:52, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Sure! Next week it is!!
>
> On Nov 23, 2016, at 8:50 AM, Cody Stewart <codystewart@utah.gov> wrote:
>
> > I think it is safe to say that if you don't have any update for us then we can all rest easy this Thanksgiving week.

Maybe hold off until next week?

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert
801 513-8991

On Wed, Nov 23, 2016 at 8:44 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Hi team - I'm working today and happy to jump on at 930am ET. But, I don't have much of an update and am wondering if anyone will be on. What do you guys think?! Happy almost turkey day!
>
> **Weekly UT Check-in Call**
> Scheduled: Wednesday, Nov 23, 2016 from 9:30 AM to 10:00 AM
> Location: Dial-in: (b) (5) and code: (b) (5)
> Invitees: Cody Stewart, fred.ferguson@mail.house.gov, adam.stewart@mail.house.gov, casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, devin.wiser@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

Conversation Contents

Fwd: Bears Ears Coalition Letter - November 18 2016.pdf

Attachments:

/40. Fwd: Bears Ears Coalition Letter - November 18 2016.pdf/1.1 Bears Ears Coalition Letter - November 18 2016.pdf
/40. Fwd: Bears Ears Coalition Letter - November 18 2016.pdf/1.2 ATT00001.htm

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Sat Nov 19 2016 20:16:44 GMT-0700 (MST)
To:	Nikki Buffa <nicole_buffa@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, "jwhitloc@blm.gov" <jwhitloc@blm.gov>, Tommy Beaudreau <Tommy_Beaudreau@ios.doi.gov>
Subject:	Fwd: Bears Ears Coalition Letter - November 18 2016.pdf
Attachments:	Bears Ears Coalition Letter - November 18 2016.pdf ATT00001.htm

FYI - I know Pat has been engaging you guys. Wanted to make sure you saw our recent correspondence.

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

Begin forwarded message:

From: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Date: November 19, 2016 at 22:15:23 EST
To: "pas@patrickashea.com" <pas@patrickashea.com>
Subject: Bears Ears Coalition Letter - November 18 2016.pdf

Hey Pat,

Great hearing from you. This letter is not public nor is the November 2 letter. But I wanted you to be aware. We cannot move forward without the tribal input

they agreed to provide during our Nov 2 meeting. As you know a bill has very little chance of success when tribes oppose. This is why we've been working so hard to bring them back to the table.

Thanks for what you do.

Best,
Fred

FOR COMMITTEE USE ONLY

Congress of the United States

Washington, DC 20510

November 18, 2016

To the Co-Chairmen and Members of the Bears Ears Inter-Tribal Coalition,

The November 2, 2016 meeting involving the Bears Ears Inter-Tribal Coalition and our offices was very productive. We were grateful for the time of the Coalition members who were able to attend. We look forward to continued dialogue as proposals are put forward concerning the Bears Ears region of Utah.

Following up on the conversations we had during our meeting, we are writing to formally request draft legislative language that would implement an equitable co-management system for the Bears Ears region. It has been widely reported that co-management cannot be achieved through an Antiquities Act designation. We believe the congressional process can craft a meaningful co-management plan in which the Tribes are made equal to other participants.

We are committed to finding legislative solutions to the various land designation and management challenges facing the Bears Ears region of San Juan County, Utah. Open dialogue and communication will ensure that all points of view, options, and solutions are considered.

We look forward to hearing from you and stand ready to work together.

Sincerely,

Orrin Hatch
United States Senator

Rob Bishop
United States Representative

Mike Lee
United States Senator

Jason Chaffetz
United States Representative

FOR COMMITTEE USE ONLY

Conversation Contents

Greens Hollow

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent: Thu Nov 17 2016 14:06:48 GMT-0700 (MST)
To: Nikki Buffa <nicole_buffa@ios.doi.gov>
Subject: Greens Hollow

Anything breaking free this week?

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

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent: Thu Nov 17 2016 14:08:45 GMT-0700 (MST)
To: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject: Re: Greens Hollow

Early next!

On Thu, Nov 17, 2016 at 4:06 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:
Anything breaking free this week?

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

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

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent: Thu Nov 17 2016 14:09:02 GMT-0700 (MST)
To: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

FOR COMMITTEE USE ONLY

Subject: Re: Greens Hollow

Or black Friday.

On Thu, Nov 17, 2016 at 4:08 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Early next!
>
> On Thu, Nov 17, 2016 at 4:06 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:
>
> > Anything breaking free this week?
>
> --
> Nikki Buffa
> Deputy Chief of Staff
> US Department of the Interior
> 202-219-3861
> nicole_buffa@ios.doi.gov

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

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent: Thu Nov 17 2016 14:15:47 GMT-0700 (MST)
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject: Re: Greens Hollow

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

On Nov 17, 2016, at 16:09, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Early next!

On Thu, Nov 17, 2016 at 4:06 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> Anything breaking free this week?

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

Conversation Contents

Fwd: Documents

Attachments:

/42. Fwd: Documents/1.1 FOIA Request - Office of the Secretary, DOI (1).pdf
/42. Fwd: Documents/1.2 Wilkinson Settlement Memo re ICC 349.pdf
/42. Fwd: Documents/1.3 Solicitor Memo 1946-12-10 re Hill Creek.pdf

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

From:	Justin Pidot <justin.pidot@sol.doi.gov>
Sent:	Thu Nov 17 2016 09:02:34 GMT-0700 (MST)
To:	nicole_buffa@ios.doi.gov
Subject:	Fwd: Documents
Attachments:	FOIA Request - Office of the Secretary, DOI (1).pdf Wilkinson Settlement Memo re ICC 349.pdf Solicitor Memo 1946-12-10 re Hill Creek.pdf

FYI

Sent from my iPhone

Begin forwarded message:

From: John Andrews <jandrews@utah.gov>
To: Justin Pidot <justin.pidot@sol.doi.gov>
Cc: David Ure <dure@utah.gov>
Subject: Documents

Justin;

Thank you for taking the time today on the southeast Utah issue, and please pass on our thanks to Nikki Buffa as well.

Per your request, I am attaching a copy of our counsel's FOIA request in connection with the Ute Tribal restoration issue; identical requests were sent to other relevant offices within DOI.

I also wanted to pass on a couple of documents we think are important.

SITLA's interest in the Ute Tribe's "restoration" claim for the historic Uncompahgre relates to our identifying the area as an area for acquiring BLM lands through exchange, in exchange for giving up conservation lands elsewhere in the state. We have done so most recently in the Utah

Recreation Land Exchange, and proposed to do so as part of the Public Lands Initiative. We also have an important statehood act in lieu selection pending in the area. If the BLM lands are "restored" to the Tribe, they by definition are not available for these purposes.

For the State as a whole, restoration would mean a huge loss in federal mineral leasing revenue, as well as equally significant ad valorem (property) tax revenue.

This led us to look at the legal basis for the Tribe's request to have public lands in the historic Uncompahgre restored under section 3 of the Indian Reorganization Act. In short, a Tribe may only seek restoration if the lands to be restored had previously been ceded to the United States for disposal, with the proceeds of disposal to be held for the benefit of the Indians. *Bowman v. Udall,* 243 F. Supp. 672,680 (D.D.C. 1965). In contrast, lands ceded outright by a Tribe, with no continuing equitable interest in the Tribe, are not subject to restoration. 54 *Interior Decisions* 559, 560 (1934).

The Uncompahgre reservation fell into the latter category, having been unconditionally ceded to the United States by statute in 1897, with no retained tribal interest of any nature. The two attached documents confirm this. The first deals with the Uncompahgre's litigation against the United States in the Indian Claims Commission (Docket No. 349) for failing to give them a reservation. In advising the Tribe to settle this litigation, the Tribe's litigation counsel clearly explained that the Tribe had no remaining property interest in the Uncompahgre reservation after the 1897 Act. As noted above, some retained tribal interest is necessary for restoration to be available under the IRA (we are pretty sure DOI has not seen this document, as it was from the Tribe's former legal counsel's internal files, now in the special collections library at BYU).

The second document is a 1946 legal opinion from the Interior Solicitor, approved by the Assistant Secretary, in connection with the grazing disputes that led to the establishment of the Hill Creek extension. At page 10, numbered paragraph 1, the Solicitor concluded that, because the Uncompahgres title had been absolutely extinguished by the 1897 Act, the only legal avenue for the restoration of public lands to tribal ownership was by act of Congress (citing statutes now codified at 25 USC 398a), which was in fact what happened with a portion of the Uncompahgre through the Hill Creek Act of 1948.

These two documents are part of a raft of other historic sources that indicate that the Uncompahgres had no retained interest of any nature in title to the lands within the historic Uncompahgre boundary, so restoration cannot occur under the IRA.

We hope that these are of use in your office's review. Thanks again for the time today.

John

--

John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

FOR COMMITTEE USE ONLY

MODRALL SPERLING

LAWYERS

FREEDOM OF INFORMATION ACT REQUEST

Walter E. Stern
505.848.1837
Fax: 505.848.9710
western@modrall.com

November 15, 2016

Clarice Julka
Office of the Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240
MS-7328, MIB

Dear Ms. Julka:

Per the Federal Freedom of Information Act, 5 U.S.C. § 552, I hereby request the following categories of public documents and records for the time period November 1, 2013 to present:

1. The application for restoration of lands, and any attachments or exhibits, submitted by the Ute Indian Tribe of the Uintah and Ouray Reservation (Ute Indian Tribe) seeking to restore lands within the historic Uncompahgre Reservation to tribal ownership pursuant to Section 3 of the Indian Reorganization Act of 1934, 25 U.S.C. § 5103 (formerly codified at 25 U.S.C. § 463); and
2. All documents constituting or describing communications between U.S. Department of Interior officials and representatives of the Ute Indian Tribe, including tribal officials, and any lobbyists and lawyers acting on the Ute Indian Tribe's behalf, regarding the Ute Indian Tribe's application seeking to have certain lands within the historic Uncompahgre Reservation restored to tribal ownership; and
3. All formal or informal agency decisions or policies regarding or relating to the Ute Indian Tribe's restoration application.

To the extent that you believe any of this information is privileged or exempted under FOIA, I request that you provide appropriately redacted copies of same. Pursuant to 5 U.S.C. § 552(a)(6) please notify me within 20 (twenty) business days from your receipt of this written request whether you will comply with this request.

Modrall Sperling
Roehl Harris & Sisk P.A.

500 Fourth Street NW
Suite 1000
Albuquerque,
New Mexico 87102

PO Box 2168
Albuquerque,
New Mexico 87103-2168

Tel: 505.848.1800
www.modrall.com

I am willing to pay up to $250.00 in copying fees. However, please advise me as soon as possible if you estimate that this amount is insufficient. If it is more convenient for you, I would accept electronic versions of the documents requested herein. My mailing and other contact information is as follows:

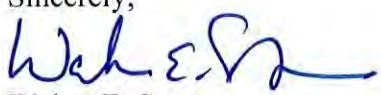
Walter Stern
Modrall, Sperling, Roehl, Harris & Sisk, P.A.
P.O. Box 2168
Albuquerque, New Mexico 87103

Street Address:
500 Fourth St. NW, Suite 1000
Albuquerque, New Mexico 87102

Phone (direct line): (505) 848-1837
e-mail: western@modrall.com

Please do not hesitate to contact me directly at 505-848-1837 if you have any questions related to the scope of this request.

Sincerely,



Walter E. Stern

FOR COMMITTEE USE ONLY

WILKINSON, CRAGUN & BARKER

LAW OFFICES

JOHN W. CRAGUN
GLEN A. WILKINSON
ROBERT W. BARKER
ROCCO C. SICILIANO
DONALD C. GORMLEY
CHARLES A. HOBBS

SHELDON Z. KAPLAN, *Counsel*

FRANCES L. HORN
CLARON C. SPENCER
ANGELO A. IADAROLA
PAUL S. QUINN
RICHARD A. BAENEN
LEON T. KNAUER
JERRY C. STRAUS

1616 H STREET, N. W.
WASHINGTON, D. C. 20006

NATIONAL 8-4400

CABLE ADDRESS:
"WILCBAR"

September 24, 1964

REPORT OF CLAIMS COUNSEL TO THE UTE INDIAN TRIBE OF THE UINTAH AND OURAY RESERVATION AND TO THE UTE DISTRIBUTION CORPORATION RECOMMENDING SETTLEMENT OF INDIAN CLAIMS COMMISSION DOCKET NO. 349

This is a claim which was filed by the Ute Indian Tribe for and on behalf of the Uncompahgre Band. The claim was filed under the "fair and honorable dealings" clause of the Indian Claims Act seeking compensation for the failure of the United States to provide a reservation for the Uncompahgre Ute Indians pursuant to the agreement of the Confederated Bands of Ute Indians contained in the Act of June 15, 1880. 21 Stat. 199.

In the late 1940's and early 1950's, when we were investigating and preparing the Ute claims for filing under the Indian Claims Commission Act, we learned that many Ute people had long considered this a meritorious case. While we could see some apparent weaknesses in the case, we prepared and filed a petition to assure that the merits of the claim would be duly considered.

Later, in preparing this case for trial, your claims counsel carefully weighed the merits of this claim, the strength of the government's position in defending against this claim and the possibilities of recovery in a trial of this case. Also, after receiving the government's amended answer in the Confederated Ute case No. 327, setting forth offsets assertable against the Uncompahgre Band, we made a careful study of the possibility of success in defending against those offsets. It is now our considered opinion and we recommend that all issues in this case be compromised and settled for a net judgment, after offsets, of $300,000.

We recognize that this recommendation may be a source of disappointment for some who may have felt that this case should bring a much higher sum to the Indians. We are led, nevertheless, to make this recommendation for the following reasons:

I

The controlling factors in our recommendation in this case upon the merits of the claim are the terms of the Agreement of 1880 (upon which the claim must be based), the background of the agreement reflecting what was intended at that time, and subsequent developments affecting the Uncompahgre Band.

Those provisions of the Agreement of 1880 which are pertinent to our question are as follows:

> The Uncompahgre Utes agree to remove to and settle upon agricultural lands on Grand River, near the mouth of the Gunnison River, in Colorado, if a sufficient quantity of agricultural land shall be found there, if not then upon such other unoccupied agricultural lands as may be found in that vicinity and in the Territory of Utah.
>
> * * *
>
> * * * a commission shall be sent to superintend the removal and settlement of the Utes, and to see that they are well provided with agricultural and pastoral lands sufficient for their future support, * * *.
>
> * * *
>
> * * * the agencies for the Uncompahgres and Southern Utes be removed to and established at suitable points, to be hereafter selected, upon the lands to be set apart, and to aid in the support of the said Utes until such time as they shall be able to support themselves, and that in the mean time the United States Government will establish and maintain schools in the settlements of the Utes, and make all necessary provision for the education of their children.
>
> * * *
>
> And upon the completion of said survey and enumeration herein required, the said commissioners shall cause allotments of lands to be made to each and all of the said Indians, in quantity and character as set forth in the agreement above mentioned, and whenever the report and proceedings of said commissioners, as required by this act, are approved by the President of the United States, he shall cause patents to issue to each and every allottee for the lands so allotted, with the same conditions, restrictions and limitations mentioned therein as are provided in said agreement; and all the lands not so allotted, the title to which is, by the said agreement of the confederated bands of the Ute Indians, and this acceptance by the United States, released and conveyed to the United States, shall be held and deemed to be public lands of the United States and subject to disposal under the laws providing for the disposal of the public lands, * * * and when sold

> the proceeds of said sale shall be first sacredly applied to reimbursing the United States for all sums paid out or set apart under this act by the government for the benefit of said Indians, and then to be applied in payment for the lands at one dollar and twenty-five cents per acre which may be ceded to them by the United States outside of their reservation, in pursuance of this agreement. * * *

The agreement also made specific provision for the allotment of a specified amount of agricultural and grazing land to each Indian, for the removal of the Southern Utes to the southern part of the reservation in Colorado and for the removal of the White River Utes to the Uintah Reservation in Utah.

The White Rivers went to the Uintah Reservation in Utah and the Southern Utes stayed in Colorado, but the Commission appointed to find land for the Uncompahgres in Colorado reported that none was available in that state and the Uncompahgres were placed on the Green River in Utah. They were settled on a reservation established in that area for the Uncompahgres by Executive Order in 1882. Thereafter, allotments were given to some Indians within the Executive Order reservation, the unallotted lands were open to settlement and finally the reservation was dissolved. Following dissolution of the reservation, the Uncompahgres were moved to the Uintah Reservation where they received allotments and an interest in the Uintah Grazing Reserve. Allotments to the Uncompahgres were paid for by them at the rate of $1.25 per acre pursuant to provisions for such payment contained in the 1880 Agreement and the Act of August 15, 1894. 28 Stat. at 337.

The results of the 1880 Agreement, so far as pertinent here, were as follows:

1. Southern Utes remained on part of the Colorado reservation.

2. The White Rivers went to Utah and received a half interest in the Uintah Reservation.

3. The Uncompahgres received allotments (which they paid for) in the former Executive Order reservation and in the Uintah Reservation and an interest in the Uintah Grazing Reserve (which they did not pay for).

When the petition in this case was filed, it was thought that the Uncompahgres had a claim because of the three major Ute groups, they alone, failed to receive a reservation in Colorado or, alternatively, in Utah out of the 1880 Agreement. It was thought that the Uncompahgres should receive compensation equal to the value (it would have to be as of 1880) of the land they should have

received in Colorado or at least compensation approximating the value of the Southern Ute Reservation or the interest of the White Rivers in the Uintah Reservation. In analyzing these contentions in connection with our preparation of this case for trial, we came to the conclusion that we could not successfully maintain the claim for two reasons:

1. A claim for the value of land the Uncompahgres should have received in Colorado would be nullified by the offsets which would arise:--Since the United States has paid for all the land in Colorado in the Court of Claims cases concluded in 1950, except the land in the Southern Ute Reservation, the United States has paid for the land which the Uncompahgres should have received. It is true that the money paid for Colorado lands in the 1950 judgments in the Court of Claims was divided between all the Ute Indian groups, but the Uncompahgres' share in 1950 attributable to the land they should have received in 1880 brought them more money than the entire value of what would have been the reservation land in 1880. This is so because the 1950 judgments were based upon 1938 values and the land was worth far more in 1938 than it was in 1880. This can be illustrated in the following way:

a. Suppose the Uncompahgres should have received the reservation in Colorado of 2,500,000 acres (based upon their population and the size of the reservations received by the Southern Utes and the White Rivers).

Original in BYU Library Special Collections

b. Suppose the land was worth $1.00 per acre in 1880, or $2,500,000. (We think a trial would have brought a much lower value.)

c. Suppose the same land was worth $3.80 per acre in 1938, (this is roughly the average per acre price in the 1950 Court of Claims case No. 45585 for the Colorado lands taken in 1938) or $9,500,000.00, exclusive of interest, for what should have been an Uncompahgre reservation in Colorado.

d. The Northern Utes (Uncompahgre, White River and Uintah) received 60 per cent of the judgment in No. 45585. This means they received 60% of the part of the judgment attributable to the land that would have been a reservation for the Uncompahgre, or $5,700,000.00.

e. Since the Uncompahgres received approximately half of the Northern Ute share, (based upon population) they received approximately $2,850,000.00, exclusive of interest, from the 1950 judgment in No. 45585 for the land that should have been a reservation for them in 1880.

In a trial of the Uncompahgre case, the sum of money which they have already received for the land which should have been given to them as a reservation in 1880 could be urged by the government as an offset and we believe it would probably wipe out any possibility of recovery before offsets.

2. A claim for land in Utah would probably be unsuccessful:--As an alternative to a claim for the value of land in Colorado, we considered a claim for the value of a reservation in Utah. The difficulty with this approach lies in the indications from the evidence that the Uncomphgres were not promised a permanent reservation outside Colorado apart from the allotments which were to be purchased at the rate of $1.25 per acre.

There is no mention in the Agreement of 1880, in so many words, of a reservation for the Uncompahgres in Colorado or Utah. There is no mention of a compensable interest in reservation lands outside of Colorado The agreement provides for disposition of all the land not allotted to the Indians This is not consistent with the idea that the Indians should receive a reservation in addition to allotments.

The documentary evidence relating to the 1880 Agreement shows the primary intent was to allot the Indians and open the remaining lands to a white settlement. The Secretary of the Interior, Mr. Schurz, stated to a Joint House and Senate Committee on Indian Affairs that the 1880 Agreement was not intended to perpetuate Indian reservations. "It is certainly not," he said, "the perpetuation of an Indian reservation in anything like the old sense. It is not any more so than the settlement of so many whites there would be."

From our study of the documents available, we feel that the most that can be said for the claim of a reservation in Utah for the Uncompahgres is that they were to be settled "in severalty" that is, allotted, in an area which would be reserved from white intrusion for a period of time to allow the Indians to adjust to the required change in their way of life. The creation of the temporary Executive Order reservation, which was later terminated, was consistent with such an intent. Since the Uncompahgres now have, in addition to their allotments, an interest in the Uintah Grazing Reserve which they did not have to purchase, it could be effectively argued by the government that the Uncompahgres have received all if not more than was contemplated for them in the 1880 agreement.

It is true that the Southern Utes and White Rivers received reservations and the Uncompahgres did not. This is unequal but not unfair treatment. The government would argue that the Uncompahgres were not dealt with unfairly or dishonorably if the Southern Utes and White Rivers received more than was bargained for them. Actually, if the early allotment policy and the disposition of unallotted lands, for which provision was made in the 1880 Agreement, had been carried out with respect to the Southern Utes and White Rivers, it is conceivable that they would have nothing left now but allotments.

Taking into consideration the language of the 1880 Agreement, the expressed intention not to perpetuate the reservation system for the Utes, and the fact that the Uncompahgres

received an interest in the Uintah Grazing Reserve on the Uintah Reservation where they now reside, we feel that the Commission, in a trial of this case, would refuse to find that the United States had dealt unfairly and dishonorably with the Uncompahgres.

II

The government claimed offsets against the Uncompahgres in Docket No. 327 filed on behalf of the Confederated Bands of Ute Indians. To remove complications of having those offsets considered in that case (as a deduction against the Uncompahgre's share) which also involved other groups, we agreed to negotiate on the offsets in this case, instead of that case.

The settlement not only would result in payment to the Uncompahgres (under the agreed cross-sharing, all Indians of Uintah and Ouray Reservations) the amount of $300,000, but it would pay up those offsets which could be deducted from their share of the Confederated Ute No. 327 claim. The amount which was claimed was $1,480,721. If all such offsets were good and allowed in No. 327, this would mean that in reality the settlement is the equivalent of $1,780,721 without offset. For reasons we will discuss later, we believe the offsets could be reduced to an amount between $1,480,721 and $686,500 depending on how evaluated

No publication or reproduction either photographic photomechanical or digital without written approval

The offset items claimed by the government against the Uncompahgres were pleaded in their answer in the Confederated Ute case No. 327 as follows:

¶14:

Value of Uncompahgre interest (35%) of subsurface interest in 1948 addition to Uintah and Ouray Reservation	$ 210,000.00

¶15:

Erroneous payment to Uncompahgre Band of funds appropriated to pay for forest lands taken from Uintah Reservation	439,466.88

¶23:

Disbursements Uintah & Ouray Reservation from July 1, 1948-June 30, 1962:

Welfare	$103,260.00
Placement & relocation	28,820.00

Pay of herders & stockmen	$ 19,400.00	
Agricultural extension.	112,580.00	
Forest and range management, fire suppression, etc.	317,770.00	
Soil & moisture conservation	844,340.00	
Weed & forest pest control.	236,340.00	$1,662,510.00

Only one-half of the amount claimed in paragraph 23 (not including pay of herders, etc. and weed and forest pest control), $703,385, is attributable to the Uncompahgres. The Uintah and White River share of the offsets is not involved in this case, having been disposed of on a basis very favorable to them in their case No. 47574 which was concluded in the Court of Claims in 1963.

Actually, in a prior settlement for the Uintah and White Rivers we had negotiated the paragraph 23 items on a very favorable basis to the Indians. In our negotiations in this case we allowed the same percentages used in the Uintah and White River case with the following result:

Item	Allowed by us	Amount
Welfare	25%	$12,907
Placement, etc.	10%	1,441
Range and forest management	25%	39,721
Agricultural extension	0%	
Soil and moisture	10%	42,217
		$96,286

Half of each of the two additional items was attributable to the Uncompahgres and they were negotiated as follows:

Item	Allowed by us	Amount
Pay of herders, etc.	10%	$ 970
Weed and forest pest control	25%	29,542
		$30,512
	Total	$126,798

This represents a compromise of these offset items for .08% of the government's claim.

While this negotiation had been accomplished in connection with the prior case, if we had insisted on trying No. 349 or No. 327 on offsets it is possible that a greater amount would have been allowed, conceivably the entire $831,255 or a substantial part thereof.

The items in paragraphs 14 and 15 of the government's amended answer represent more substantial offsets in terms of liability. Paragraph 14 involves the Uncompahgre's interest in the subsurface values of the 1948 addition to the reservation. This item (its worth then unknown) was reserved to the government in the 1950 Confederated Ute case No. 45585 as a future offset against the Uncompahgres. Paragraph 15 involves a mistaken payment to the Uncompahgres for forest lands taken from the reservation. The money should have gone to the Uintahs and White Rivers. The government later paid them in a suit brought by us to compel payment. The amount of the mistaken payment to the Uncompahgres is undisputed.

The evaluation of these latter two items is difficult. However, it is clear that the Uncompahgres got both the reservation land and the money. There is no real good defense to either claim.

As indicated above, the government claimed $649,466.88 for these two items. The erroneous cash payment was in the known amount of $439,466.88. The Indians had been enriched by this amount which was paid them by the government in error. In fairness the Indian Claims Commission probably would hold that the Uncompahgres should pay it back. There would be no basis to reduce the amount if the Commissioner should hold that the repayment was required.

The claimed $210,000 for the 35% interest of the Uncompahgre in the subsurface interest of the 1948 addition to the Uintah and Ouray Reservation is harder to evaluate. The government contended that in 1948 the possibility of this area being valuable for coal, oil and gas, as well as uranium and vanadium, was great. The attorneys for the government stated that their figure was based on an actual appraisal made for the purpose of this litigation and could be supported in court.

We discounted the value of this item in our own thinking. Our investigation disclosed that the activities in these minerals in this area was not extensive in 1948, even though some interest was existent and there was some oil and gas drilling and leasing in the general area. We feel in a trial the claimed $210,000 could have been reduced in amount.

All in all it is our view that the offsets claimed would result in a substantial deduction from any award in No. 327, if not settled in this case. We believe by negotiating on these items in connection with No. 349, the net position of the Uncompahgres was enhanced.

III

The proposed net judgment, in this case, after offsets, of $300,000 is, we feel, the best that can be obtained. In a real sense this is equivalent to a judgment of from $1,480,721 to $686,500, depending on how much weight is given to the claimed offsets.

The possibility of no recovery at all in a trial of this case seemed so great that we felt obligated to explore the possibilities of a settlement that would bring some return to the Indians and, at the same time, dispose of substantial pending offsets. We, therefore, pressed this claim as strongly as possible in negotiations and were able to secure an agreement to a judgment over and above offsets. All offsets assertable against the Uncompahgres through June 30, 1962, would be nullified by the judgment. Considering the merits of the claim in this case, we consider it a real attainment to get any recovery. As it is, however, we have been able to obtain an agreement to a judgment which would mean a recovery on the merits of the claim of $300,000, plus wiping out all existing offsets to June 30, 1962.

We, therefore, recommend approval of the proposed settlement.

Respectfully submitted,

WILKINSON, CRAGUN & BARKER

By: _____
Robert W. Barker

FOR COMMITTEE USE ONLY

28

X

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR
WASHINGTON 25, D. C.

I. C.

December 10, 1946

Memorandum

To: The Secretary.

From: The Office of the Solicitor.

Subject: Proposed adjudication of grazing privileges of Indians and non-Indians in Unit G, District No. 8, Utah.

On April 3 former Solicitor Gardner submitted to Mr. Ernest L. Wilkinson, attorney for the Ute Indians in Utah, and to Messrs. Knox Patterson and Hugh C. Colton, attorneys for certain non-Indian livestock operators, a proposal having for its purpose the settlement of a long-standing controversy over grazing privileges on public lands located in what is known as Unit G within Utah Grazing District No. 8, established pursuant to the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended. The proposal contemplated the issuance of grazing permits or licenses to the Indians and non-Indians after the respective rights of the parties had been adjudicated under the Federal Range Code and in substantial conformity with the provisions of the Taylor Grazing Act.

In a reply dated April 8, supplemented by letters dated June 7, June 13, and August 17, 1946, the attorneys for the white users expressed themselves as in substantial accord with Mr. Gardner's proposal. In a reply dated June 9, supplemented by letters dated June 20 and June 29, 1946, counsel for the Ute Indians objects to the adjudication at this time, makes certain suggestions as to procedure, and insists upon the institution of trespass proceedings against the white users. Before discussing the position of counsel, I deem it to be important that a review at some length of the record relating to this controversy be made.

The Uncompahgre (sometimes called Tabebguache) Band of Ute Indians is one of several bands commonly referred to as the Confederated Bands of Ute Indians. The Confederated Bands were parties to certain agreements with the United States by which cessions of large areas of land were made in consideration of sundry promises on the part of the Government. In one of these agreements,[1/] it was provided that the Uncompahgre Utes would

---

1/ Agreement dated March 6, 1880, ratified and confirmed by the act of June 15, 1880 (21 Stat. 199).

remove to and settle on agricultural lands on Grand River near the mouth of the Gunnison River in Colorado if a sufficient quantity of agricultural land should be found, or, if not, then upon such other unoccupied agricultural lands as might be found in that vicinity or in the Territory of Utah. Sufficient agricultural land not being found at the point designated for the future home of the Uncompahgres, the President established for them a reserve in Utah containing nearly two million acres, the boundaries of which were defined by an Executive order dated January 5, 1882. From 1882 to 1899 allotments of land within this reserve were made to 105 Uncompahgres. Between 1899 and 1905 all but 83 of these allotments were relinquished for other lands on the adjoining Uintah and Ouray Reservation.2/ The lands of the Uncompahgre Reservation not included in the individual allotments were unconditionally restored to the public domain by the act of June 7, 1897 (30 Stat. 87). From 1897 to 1933 the Uncompahgres and other Indians of the Uintah and Ouray Reservation grazed their livestock on the unentered public lands of the former Uncompahgre Reservation along with homesteaders and other white livestock operators.

On September 26, 1933, the First Assistant Secretary of the Interior approved the recommendation of the Commissioner of Indian Affairs that all vacant and unentered lands within the former Uncompahgre reserve be temporarily withdrawn in aid of legislation to be requested for the purpose of permanently reserving the lands as a grazing reserve. While the Commissioner's recommendation indicates that a permanent reserve was to be made for the benefit of both Indian and white users and recites that the temporary withdrawl was not intended to deprive the Indians or the whites who had theretofore utilized any of the withdrawn lands from continued use of the area for grazing purposes under approved permits from the Commissioner of Indian Affairs, it appears that the immediate objective was to protect the range from overgrazing by bands of sheep which were entering the area from Colorado and other parts of Utah in increasing numbers, and that the ultimate objective was to establish in some part of the area a permanent reserve for the exclusive use and benefit of the Indians.

Looking to the establishment of a permanent reserve for the exclusive use of the Indians, and in order to meet problems of administration resulting from the enactment of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), representatives of the Indian Service conferred with local stockmen, landowners and county commissioners at Vernal, Utah, on July 10, 1935. At this conference an agreement was reached on a proposed bill to establish a permanent grazing reserve for the exclusive use of the Indians and to authorize, among other things, an appropriation for the purchase of privately owned lands and improvements within the proposed reserve. This agreement was reduced

---

2/ This reservation, which is also known as the Ute Indian Reservation in Utah, is located in Uintah Valley and was set aside without treaty or agreement by an Executive order dated October 3, 1861. This Executive action was subsequently confirmed by the act of May 5, 1864 (13 Stat. 63).

No publication or reproduction (either photographic, photomechanical or digital) without written approval. Original in BYU Library Special Collections.

to writing and signed by the conferees on July 10, 1935.3/ Joint recommendations for range management of the withdrawn area were then submitted to the Secretary by the Commissioner of Indian Affairs and the Acting Director of the Division of Grazing Control. These recommendations were approved by the Secretary on July 20, 1935. The approved range management plan provided, in effect, that range management should be consistent with the withdrawal order of September 26, 1933; that, subject to the concurrence of the Commissioner of Indian Affairs on matters of policy, the withdrawn area should be placed temporarily under range management in conformity with the Taylor Grazing Act until December 31, 1936, or until the passage of the bill establishing the Indian reserve, whichever occurred first; that in the event the bill failed to pass by December 31, 1936, administration under the Tayler Grazing Act should continue, unless the Commissioner found that the local Utah people had ceased to support the bill; that Indians within the former Uncompahgre Reserve who desired to use the lands for their own livestock should be given a prior right to an allocation of range irrespective of what their technical commensurability might be; and that only temporary licenses which vested no rights of any kind in and to the lands should be issued for grazing livestock within the grazing district. Delay in the enactment of the legislation led Assistant Secretary Chapman to extend, on November 27, 1936, the period of temporary administration by the Grazing Service until final action should be taken by the Congress, with the understanding that in the meantime grazing fees by the Indians were to be waived, such waiver to be retroactive to July 19, 1935.4/

By an order dated June 22, 1935, Utah Grazing District No. 8 was established under authority of the Taylor Grazing Act. This order was amended on July 20, 1935, to include the lands temporarily withdrawn by the order of September 26, 1933. This amendment was approved simultaneously with the range management plan by which the withdrawn area was placed under temporary administration by the Grazing Service. The order of September 26, 1933, was not, therefore, affected by the inclusion of the withdrawn area in District No. 8.4a/ The boundaries of District No. 8, including the lands withdrawn by the order of September 26, 1933, embrace a gross area of approximately 2,500,000 acres of Federal lands.

3/ For the text of this agreement see Hearings before Subcommittee of the Senate Committee on Public Lands and Surveys, 78th Cong., February 16 and 17, 1943, Vernal, Utah, Part 6, p. 2150.

4/ For the text of the range management plan approved July 20, 1935, see Hearings before Subcommittee of the Senate Committee on Public Lands and Surveys, 78th Cong., February 16 and 17, 1943, Vernal, Utah, Part 6, p. 2157.

4a/ See letter dated May 3, 1944, from the Acting Secretary of the Interior to Senator McCarran.

On August 16, 1935, a bill conforming to the agreement reached at Vernal, Utah, on July 10, 1935, was introduced as H. R. 9156, 74th Congress. This bill proposed, among other things, to extend the boundaries of the Ute (Uintah and Ouray) Indian Reservation in Utah to include an additional area of about 726,000 acres. Of this area, about 380,000 acres were situated within the former Uncompahgre Reservation adjoining the Uintah and Ouray Reservation, where most of the Uncompahgres and other Indians of Utah were allotted. The remaining acreage was a part of the public domain located outside the former Uncompahgre Reservation.5/ The bill failed of enactment. Similar bills were introduced in the House and Senate in 1937.6/ But these likewise failed of enactment.

On January 4, 1939, Senator Adams introduced in the 76th Congress a bill (S. 72) having for its purpose the correction of a land description contained in the Ute jurisdictional act of June 28, 1938 (52 Stat. 1209). Mr. Murdock caused this bill to be amended in the House by the inclusion of a provision authorizing the Secretary to establish within Utah Grazing District No. 8 a grazing unit to be administered by the Bureau of Indian Affairs for the exclusive use and benefit of the Indians of the Uintah and Ouray Reservation, such unit to consist of an area of unappropriated public lands adjacent to the base properties of the Uintah and Ouray Indians and commensurate with but not exceeding the grazing rights of such properties determined in accordance with the range standards

---

5/ In reporting on this bill, the Department stated among other things:

" ... A plan to furnish the required area under the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), was carefully considered. However, it has been definitely concluded that if the best interests of the Indians and white stockmen of that vicinity are to be served, an Indian grazing reserve should be established separate and independent of the grazing districts being established under that act. In this way any possibility of conflict of interests between Indians and white stockmen will be eliminated, and for the further reason that the Indian Service can give the Indians the necessary supervision and establish and enforce range control to their benefit. This arrangement meets with the approval of the local stockmen and the Indians. ..." H. R. Rep. No. 2399, 74th Cong., 2d sess. (1936).

6/ S. 1792 and H. R. 5296, 75th Cong., 1st sess.

No publication or reproduction (either photographic, photomechanical or digital) without written approval. Original in BYU Library Special Collections.

adopted by the Grazing Service of the Department of the Interior.[7] On May 8, 1940, Mr. Murdock introduced a bill (H. R. 9705), which, as subsequently amended, was in conformity with the amended S. 72. H. R. 9705 passed the House on June 17, 1940, but failed in the Senate on objections from Senator Adams.[8]

Bills substantially similar to H. R. 9705 of the 76th Congress were introduced in the House during the next Congress, in 1941 and 1942.[9] The Public Lands Committee of the House reported favorably on one of these bills (H. R. 7768),[10] and the House passed the bill on October 19, 1942. The Senate failed to take any action on the bill. If it had been enacted, the measure would, among other things, have authorized the Secretary to set apart public lands adjacent to the base properties of the Indians of the Uintah and Ouray Reservation for the exclusive use of the Indians. The area to be set aside was to be determined with due regard to the commensurability of the base properties, the amount of lands needed for the proper conduct of the livestock enterprise based on such Indian properties, and such other range requirement standards as the Secretary might deem proper.

On January 7, 1943, Mr. Robinson of Utah introduced a bill (H. R. 837, 78th Cong.) identical in terms with H. R. 7638 of the previous Congress. The House Committee on Public Lands reported favorably on the bill without amendment and the House passed the bill on April 5, 1943. The bill encountered strong opposition in the Senate with particular regard to the proposal for establishing an Indian grazing reserve. The result was an amendment which eliminated the provision for such a reserve and substituted therefor a provision that would have required the Grazing Service to determine the extent of the tribal and individual grazing privileges of the Ute

---

7/ The Murdock amendment included certain matters wholly unrelated to the establishment of a grazing reserve for the Indians, such as the submission to the Court of Claims of the claims of the Utes based on certain unratified treaties, and a proposal to restore to the Indians 61,000 of some 220,000 acres of land which the United States had undertaken to dispose of for the benefit of the Indians under the act of May 27, 1902 (32 Stat. 245, 263), and subsequent acts. These lands were subject to restoration by Secretarial order under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), and were in fact restored to the Indians by order dated August 25, 1945 (10 F. R. 12409).

8/ See H. R. Rep. 2516, 76th Cong., 3d sess.; S. Rep. 2125, 76th Cong., 3d sess.

9/ H. R. 5720, 77th Cong., 1st sess.; H. R. 7638, 77th Cong., 2d sess.

10/ H. R. Rep. 2516, 77th Cong., 2d sess.

Indians by giving recognition to the prior use and productive capacity, as of the time of purchase, of any lands purchased by the Indians, the grazing rights of the Indians in all other respects to be determined under the provisions of the Taylor Grazing Act. The Senate passed the amended bill on November 27, 1944. Agreement was reached in conference, but no action was taken by either House on the conference report and the legislation again failed.[11] No further legislative action has been taken.

While this legislation was pursuing its tortuous and futile way, the Indian Service, in anticipation of favorable Congressional action, proceeded to acquire by purchase privately owned lands and improvements situated within the proposed Indian reserve. Such purchase negotiations were initiated in 1935. The first purchase was completed in 1937 and the purchase program was completed in 1942. A total acreage of approximately 31,000 was purchased for a consideration of nearly $300,000, including $169,000 of tribal Indian moneys.[12] The purchase price included the fair value of the commensurate rights of the base properties purchased to grazing privileges on the public domain, which were determined by the application of a three-to-one ratio on the public domain for base property commensurate ratings. This formula, according to a report dated July 9, 1938, by Carl. L. Pearson, Assistant Land Field Agent of the Indian Service, was adopted and applied by the Grazing Service in issuing permits for grazing privileges throughout District No. 8.

With the acquisition of these private properties, substantially all the lands within the proposed Indian reserve, with the exception of scattered tracts of State-owned land, were either Indian allotments, Indian tribal lands, or public domain. Accordingly, the Indian Office assumed that under the provisions of the Taylor Grazing Act the ownership by the Indians of these base properties would entitle them to the use of practically all the public domain within the proposed reserve. Upon this assumption, the Indian Office recommended the issuance of, and on September 16, 1941, the Secretary signed, an order designed to retain under temporary withdrawal in aid of legislation those lands included within the proposed Indian reserve; to exclude such lands from Utah District No. 8 and subject them to the administrative jurisdiction of the Indian Service; and to terminate the temporary withdrawal of

---

11/ The proposal to establish an Indian reserve was not the only controversial feature of H. R. 837. For example, the bill would have authorized the Court of Claims to enter judgment in favor of the Indians on the basis of $1.25 per acre for lands which the Indians are alleged to have surrendered to the United States under the provisions of an unratified treaty. The potential liability of the United States under this provision was estimated to run in the neighborhood of one hundred million dollars. Cong. Rec., December 12, 1944, p. 5070.

12/ For a list of the purchased properties see Hearings before Subcommittee of the Senate Committee on Public Lands and Surveys, 78th Cong., 1st sess., February 16 and 17, 1943, Vernal, Utah, Part 6, p. 2393.

No publication or reproduction (either photographic, photomechanical or digital) without written approval. Original in BYU Library Special Collections.

September 26, 1933, so that the public lands covered by that order and not included in the proposed Indian reserve would be subjected to the full administrative jurisdiction of the Grazing Service. The promulgation of the order of September 16, 1941, was withheld by the Secretary in order to afford the Congress an opportunity to enact legislation, which was then pending, to establish the Indian reserve. The order has not been released to date.

Pursuant to the range management plan approved by the Secretary on July 20, 1935, the Grazing Service proceeded with the administration of all the public lands within Utah Grazing District No. 8, including those temporarily withdrawn by the order of September 26, 1933, and with the issuance of grazing licenses to applicants for grazing privileges on the public domain. For purposes of administration, District No. 8 was divided into several administrative units. The boundaries of one of the units coincided with the boundaries of the reserve originally proposed for the Indians. It is designated as Unit G.[13] In the administration of this unit by the Grazing Service, serious controversy developed. This controversy has centered around the issuance by the Grazing Service of licenses for grazing privileges to some six non-Indian users identified as the Albert Smith Investment Company, a corporation, the David Smith Estate, a co-partnership, Blanche, Moroni and Emery Smith, a copartnership, Steve Chuturas, H. A. Tyzack, and D. R. Seeley. The position of the Indian Service has been that the grazing privileges licensed to these applicants were clearly in excess of the carrying capacity of the range; that in the issuance of licenses the range management plan approved on July 20, 1935, was violated in that some of the white users were not qualified for grazing privileges under the Taylor Grazing Act; and that other white users were allowed to shift their stock from Colorado and Western Utah, and from other units of District No. 8 to Unit G, in disregard of the grazing privileges attaching to the base properties owned by the Indians, whose requests for nonuse licenses pending the time when they would be able to utilize fully their grazing privileges were denied. Despite joint instructions issued by the Indian and Grazing Services to their field personnel under date of February 15, 1940, having for their purpose the clarification of existing misunderstandings and the adjustment of competing claims, no satisfactory solution of the controversy was reached, and the situation became so acute as to command the attention of the Subcommittee of the Committee on Public Lands and Surveys of the United States Senate. Members of that committee journeyed to Vernal, Utah, and on February 16 and 17, 1943, conducted an extensive inquiry into the controversy, hearing representatives of all interested parties. At the conclusion of the inquiry, Chairman McCarran suggested to the parties that the controversy was one that should lend itself to ready settlement, and he asked the parties to assume the responsibility of achieving a prompt settlement.

13/ While certain adjustments and modifications in the boundaries of this unit appear to have been made, it will continue to be referred to for convenience as Unit G.

Pursuant to Senator McCarran's suggestion, the Indian and Grazing Services entered into a cooperative agreement for the administration of Utah Grazing District No. 8, which agreement received Secretarial approval on June 14, 1943. In terms this agreement superseded the range management plan that had been approved on July 20, 1935. It provided for the issuance by the Grazing Service, without charge, of a 10-year grazing permit, renewable upon expiration, to the Ute Indian Tribe of the Uintah and Ouray Reservation for the use of public lands within Unit G, as modified and outlined on a map attached to the agreement, and subjected the lands in the unit to administrative jurisdiction and management by the Indian Service. The agreement further provided for the issuance by the Indian Service of permits to the six non-Indian livestock operators named above for grazing privileges, such permits to be (a) for the use of winter range, (b) for the number of livestock for which the applicant had theretofore received a license from the Grazing Service during the winter season of 1942-3, and (c) for the maximum period in each winter season, not exceeding five months, during which the range might be used in accordance with good range conservation practice. The permits to the non-Indians were to be made for a period of five years, with the privilege of renewal for an additional period of five years. Each permit was to be subject to a reduction of not to exceed 10 percent during the first 5-year period and a reduction of not to exceed 15 percent during the second 5-year period, such reductions to be made only when necessary for the accommodation of Indian-owned stock. At the end of the second 5-year period, further permits might be issued in so far as the actual needs for Indian use might then permit. Where the qualified demands of permittees could not be met within the unit because of the actual needs for Indian use, the Grazing Service was to endeavor to satisfy such demands on other Federal range. The administration of Grazing District No. 8, exclusive of the area permitted to the Indians, was to be committed to the Grazing Service.

Prior to the approval of this agreement, its substance was presented to the six white users and to representatives of the Ute Indians. The proposal was agreeable to the Indians, but the white users formally rejected it under date of April 20, 1943.14/ The provisions of the agreement were discussed at hearings before the Subcommittee of the Committee on Public Lands and Surveys, United States Senate, 78th Congress, in Washington on June 15, 16 and 21, 1943. The hearings were attended by representatives of the six white users and by an attorney representing the Indians. The general attitude seemed to be that, while a solution of the problem by the enactment of the legislation then pending was preferable, no substantial objection to the operation of the agreement in the

14/ See letter dated April 20, 1943, from Mr. C. C. Wright, Superintendent of the Uintah and Ouray Indian Reservation, to the Commissioner of Indian Affairs.

No publication or reproduction (either photographic, photomechanical or digital) without written approval. Original in BYU Library Special Collections.

interim would be made.

Pursuant to the agreement of June 14, 1943, the Director of the Grazing Service issued a 10-year permit to the Ute Indian Tribe of the Uintah and Ouray Reservation under date of July 1, 1943. Permits were thereafter tendered by the Indian Service to the white users, but the permits were formally rejected by them on October 27 and 28, 1943, chiefly for the reason, as alleged by them, that the range allocations offered to them differed from the area customarily used by them in the past and that the new allocations were in fact waste lands and not winter grazing lands, as contemplated by the agreement of June 14, 1943. They also objected to administration of the area by the Indian Service and to the 5-year permits, insisting upon 10-year permits such as were customarily issued to other users under the provisions of the Taylor Grazing Act. Shortly after rejecting the permits, the white users brought suit to enjoin the Superintendent of the Uintah and Ouray Agency from carrying out the terms of the agreement of 1943, but this suit was dismissed on motion of the plaintiffs without prejudice on March 31, 1944. On January 31, 1945, the Superintendent of the Uintah and Ouray Agency advised the white users that, until the acceptance by them of the permits tendered in 1943, they were without authority to use the Federal range.

Pursuant to instructions issued by Commissioner Brophy under date of November 6, 1945, permits for grazing privileges in Unit G carrying a 10 percent reduction were offered to the white users. These instructions were based primarily on the carrying capacity of the range, as established by reports submitted by Richard E. Millin, Regional Forester of the Indian Service, and by Milo H. Deming, Range Examiner of the Grazing Service, under the respective dates of February 10, 1945, and March 1, 1945, which reports were reconciled by a joint report submitted on September 12, 1945, by Frank B. Lenzie, Regional Forester, Indian Service, and James A. Scott, Chief of Range Management, Grazing Service. The white users again refused to accept the permits; and on January 16, 1946, they protested further administration of the area under the agreement of June 14, 1943, petitioned for the issuance of a permit in common under the provisions of the Taylor Grazing Act covering the combined area theretofore used by them, and asked for a hearing. This petition was denied by the Assistant Commissioner of Indian Affairs on February 12, 1946, and the Superintendent was instructed to confer with the United States Attorney with a view to the institution of trespass proceedings against the white users. From this action the petitioners appealed informally to the Department. The matter was referred to former Solicitor Gardner, who formulated and submitted to the interested parties the tentative recommendations of April 3, 1946.

15/ See statement of Assistant Secretary Chapman appearing at pages 2445-6 of Hearings before a subcommittee of the Senate Committee on Public Lands and Surveys, 78th Cong., 1st sess. (1943), Part 7.

While the legal and equitable considerations upon which Mr. Gardner's proposal is based have not been questioned by counsel for either party, the more important of these should be stressed. These considerations, amplified somewhat, are indicated below.

1. The act of June 7, 1897 (30 Stat. 87), by which the unallotted lands of the Uncompahgre Reservation were restored to the public domain, contained no conditions imposing on the lands any trust for the benefit of the Indians. Since the restoration was wholly unconditional, the Indian title was completely extinguished. That title, in view of the prohibition contained in section 27 of the act of June 30, 1919 (41 Stat. 3), and section 4 of the act of March 3, 1927 (44 Stat. 1347), against the creation of Indian reservations or the making of changes in the boundaries of reservations except by act of Congress, may be restored only by Congressional action. For a like reason, the temporary withdrawal of September 26, 1933, although effective, until revoked, to preserve the status quo and prevent the initation of new rights under the public land laws, could not, and was not intended to, have the effect of restoring the Indian title to any part of the withdrawn area. Nevertheless, the long use of at least part of the area involved, and the expenditure of nearly $300,000 in the purchase of base properties upon the understanding that the purchase included the commensurate rights of the properties to grazing privileges on the public domain and with the expectation that a permanent Indian reserve would be established by the Congress, have placed the Indians in a strong position in so far as equitable considerations are concerned.

2. The non-Indian users can claim no vested rights under the provisions of the Taylor Grazing Act, since the act in section 3 expressly declares that the creation of a grazing district, or the issuance of a permit pursuant to the provisions of the act, "shall not create any right, title or estate in or to the lands." At the time of the passage of the Taylor Grazing Act, the lands within the former Uncompahgre Reservation were covered by the temporary withdrawal of September 26, 1933. Administration of the lands under range management in conformity with the Taylor Grazing Act, as provided in the range management plan approved July 20, 1935, was temporary and limited. This range management plan was largely superseded by the agreement of June 14, 1943, under which the Indians now hold a permit for the entire area under discussion, subject to the issuance to the white users of permits for grazing privileges on the terms and conditions set forth in the agreement. The white users, although entitled to equitable consideration upon a proper showing of prior use over the years, have nevertheless refused to accept permits tendered to them under the agreement of 1943 and are, therefore, in the position of occupying the range without lawful authority.

3. Since the only claim which any of the parties, Indian or white, could legitimately assert in any event is a claim to grazing privileges under the Taylor Grazing Act, it is entirely appropriate that the claims

No publication or reproduction (either photographic, photomechanical or digital) without written approval. Original in BYU Library Special Collections.

of all be adjudicated under authority of that act and in conformity with the Federal Range Code adopted thereunder subject, however, to departures from the code deemed necessary to meet the equities of the parties.

4. Neither the range management plan approved July 20, 1935, nor the agreement of June 14, 1943, purports to constitute a contract between the parties upon which vested, enforceable rights might be based. The range management plan and the agreement are merely administrative measures that were adopted for the temporary administration of the area pending the enactment of legislation that was awaiting action by the Congress as of the time when each became effective. Of course, the range management plan was, and the agreement is, subject to termination or modification at any time, and hence they constitute no legal bar to the proposed adjudication proceedings.

In his letter of June 9, counsel for the Ute Indians suggests that the adjudication proceedings be preceded by an attempt on the part of "top flight" officials to arrive at a determination of the controversy which might be acceptable to the parties. An examination of the record demonstrates that such an attempt would be futile. Every effort, short of adjudication, to settle this controversy has already been made without success. These efforts, extending over a period of some 15 years, have included attempts to settle the controversy by agreement, joint instructions, arbitration, and legislation. Numerous investigations and range surveys have been made by technicians of the Indian and Grazing Services, separately and jointly. While the reports of these investigations contain much valuable data bearing upon the respective rights of the parties, no final or conclusive determination of those rights has been made. Such a determination may properly be made only after a full hearing has been accorded to the interested parties. The objection of counsel for the Indians to the conduct of such a hearing by an examiner affiliated with either the Indian Service or the Grazing Service is not well taken, in my judgment. It seems advisable that the adjudication be made by a competent examiner who is qualified by experience in the practical administration of the Taylor Grazing Act and the range code, and the designation, as examiner, of a completely disinterested person would tend to assure the impartiality and freedom from bias that are essential to a determination that will be fair to all the parties.

Counsel for the Indians and for the six white users have suggested that there are other non-Indian users within or adjacent to Unit G who are interested in that unit and whose rights should be determined for that reason. Counsel for the Indians also suggests that the rights of certain Indians to grazing privileges outside of Unit G should be determined. This, he states, is necessary because Indian rights outside the unit have been determined by the advisory board of District No. 8 on the premise that all Indian rights were to be confined to Unit G. The adjudication proceedings should, of course, be open to all parties claiming to be entitled to grazing privileges in Unit G, irrespective of whether their base properties are located within or without the boundaries of that unit. In the absence of full information concerning the

extent of the grazing privileges claimed by the various parties, and the evidence to be submitted in support thereof, it is not possible to fix in advance the exact limitations of the adjudication other than to suggest that it is a matter that should be left to the discretion of the examiner, who should be invested with authority to pursue the investigation to such extent as may be essential to a fair determination of the rights of the parties. The primary purpose of the adjudication is, however, to determine the distribution of the range in Unit G. Licenses are to be issued, of course, in the order of preference set forth in the Federal Range Code (43 CFR sec. 501.6), not to exceed, however, the reasonable carrying capacity of the range. If Federal range is not available to accommodate all applicants, unqualified applicants should be eliminated first and the secondary (class 2) applicants next. If, with those eliminations, the Federal range is still insufficient to satisfy qualified applicants in class 1, the available range should be apportioned among them, with one qualification deemed to be necessary in justice to all the parties. This qualification is that applicants whose grazing privileges may have been shifted into Unit G from other States or other parts of District No. 8 should be subordinated to an applicant who clearly established that the Federal range applied for was that customarily used by him during the priority period in connection with the base properties which he submits.

Another point mentioned by counsel for the Indians is that the measuring rod for determining the grazing rights attaching to the base properties purchased for the Indians in Unit G should be changed from the productivity of the lands at the time of purchase to the productivity of the base properties at the time of the acceptance of options. This suggestion has merit and should be adopted, in my judgment. Reference to the time of purchase is somewhat indefinite. The uncertainty would be removed by the adoption of counsel's suggestion. Moreover, some of the sellers, in reliance upon punctual consummation of the sales, commenced the liquidation of their livestock holdings after optioning the properties to the Indians and allowed the productivity of the properties to decrease during the intervening period. The Indians should not be penalized by this delay, which occurred through no fault on their part.

Finally, counsel for the Indians insists that the Department of Justice be required to institute trespass suits against the white users. If, as counsel alleges, these users have continued, notwithstanding the lapse of their licenses, to drive their sheep across lands in Indian ownership without permission, they would no doubt be liable for the penalties prescribed by 25 U.S.C. sec. 179. However, the institution of such an action in advance of a determination of the rights of the parties in the proposed adjudication proceedings would appear to be unwise, and I would suggest that no such action be filed at this time. On the other

No publication or reproduction (either photographic, photomechanical or digital) without written approval. Original in BYU Library Special Collections.

hand, the parties should be informed that any use of the Federal range without licenses or permits issued under authority of this Department is made at their peril, and that they will be held to strict accountability for such use, past or future.

In view of the foregoing, I recommend that the following procedure be adopted for the adjudication of the respective rights of the parties and the issuance to them of licenses or permits on Federal range in Unit G of District No. 8:

a. Applications for licenses or permits shall be filed with a special examiner to be selected by the Director of the Bureau of Land Management. No person who has heretofore participated in any advice or recommendation concerning the issuance of permits or licenses in Utah Grazing District No. 8 or who may be interested, directly or indirectly, in any application for a license or permit, shall be selected as examiner. All applications shall be filed within 30 days from the date of notice to be given by the examiner. The applications shall be set down for hearing before the examiner after reasonable notice to the applicants. The proceedings shall be open to all parties claiming to be entitled to grazing privileges in Unit G, irrespective of whether their base properties are located within or without the boundaries of Unit G. The evidence submitted in support of applications, and the adjudication, shall conform to the requirements of the Federal Range Code, except that (1) Indian base properties not submitted prior to June 28, 1938, may be offered in applications for grazing privileges, and if the requirements of the Federal Range Code are otherwise met, the applicants shall be eligible for grazing privileges on the Federal range, and (2) the determination of the grazing privileges attaching to base properties purchased for the Indians shall be made on the basis of grazing use during the priority period by applicants and their predecessors in interest and upon the productivity of the base properties at the time of the acceptance of options by the Indians. The allocation of Federal range shall, however, be made on the basis of productivity of the base properties at the time of adjudication, the difference to be considered in a nonuse status with the grazing privileges to attach as productivity of the base properties is restored. The examiner shall have full authority to pursue the investigation to such extent as may be essential to a fair determination of the rights of the parties. At the conclusion of the hearings, the applications for licenses or permits and the tenative findings of the examiner shall be referred to the Advisory Board of District No. 8 for advice and recommendation, upon the receipt of which the examiner shall proceed with the final adjudication of the rights of the parties. Upon final adjudication by the examiner of the rights of any applicant, any aggrieved party shall have the right to appeal to the Secretary of the Interior within 30 days from the date of the adjudication.

2 6

b. The grazing capacity of the lands and the dividing line between winter and summer range, agreed on by the Office of Indian Affairs and the Grazing Service and as set out in the Scott-Lenzie report of September 12, 1945, will be applied in the allocation of Federal range.

c. Licenses or permits shall be issued to the parties in accordance with the final adjudication. Licenses shall be issued in the order of preference set forth in the Federal Range Code (43 CFR sec. 501.6). If Federal range is not available to accommodate all applicants, unqualified applicants shall be eliminated first and the secondary (class 2) applicants next. If, with these eliminations, the Federal range is still insufficient to satisfy qualified applicants in class 1, the available range shall be apportioned among them subject to the condition that applicants whose grazing privileges may have been shifted into Unit G from other States or other parts of District No. 8 shall be subordinated to an applicant who clearly establishes that the Federal range applied for was that customarily used by him during the priority period in connection with the base properties which he submits.

d. The agreement approved June 14, 1943, shall remain in full force and effect until the adjudication shall have been completed. Pending completion of the adjudication, any party who utilizes the Federal range without a license or permit does so at his peril and shall be held to strict accountability for such unlawful use, past or future.

In conclusion, attention is called to the fact that the temporary withdrawal of September 26, 1933, which affects the unentered lands of the former Uncompahgre Reservation originally comprising nearly two million acres of land, is still in force, notwithstanding the failure of the Congress to enact legislation to establish the proposed Indian reserve. The unpromulgated order of September 16, 1941, which would have continued the temporary withdrawal only as to lands within the proposed Indian reservation, constitutes the only effort at modification over the years. In a letter dated June 20 to the Secretary, Senator McCarran strongly criticized the practice of continuing these temporary withdrawals over a long period of years after the failure of Congress to enact the legislation in anticipation of which such withdrawals were made. By a memorandum dated August 6 the Indian Office, in connection with Senator McCarran's complaint, recommended to the Secretary that the withdrawal be not vacated until the rights of the Indians shall have been taken care of by appropriate legislation. As efforts over a period of ten years to obtain such legislation have been unsuccessful, and as the only legislation which both Houses of the Congress have considered favorably would have required the grazing privileges of the Indians in these public lands to be determined by application of the provisions of the Taylor Grazing Act, there seems to be no justification for continuing in effect the temporary order of September 26, 1933.

No publication or reproduction (either photographic, photomechanical or digital) without written approval. Original in BYU Library Special Collections.

Accordingly, I recommend that that order, as well as the unpromulgated order of September 16, 1941, be canceled immediately upon completion of the adjudication and the issuance of licenses or permits in conformity with the adjudication.

(sgd.) W. H. Flanery

W. H. Flanery,
Assistant Solicitor.

I concur:

(Sgd.) Mastin G. White

Solicitor.

Approved: FEB - 5 1947

(Sgd.) C. Girard Davidson

Assistant Secretary of the Interior.

FOR COMMITTEE USE ONLY

Conversation Contents

FW: PLI markup

Attachments:

/43. FW: PLI markup/1.1 HR 5780 Bishop_#1[2].docx
/43. FW: PLI markup/3.1 HR 5780 Bishop_#1[2].docx
/43. FW: PLI markup/4.1 HR 5780 Bishop_#1[2].docx
/43. FW: PLI markup/5.1 HR 5780 Bishop_#1[2].docx
/43. FW: PLI markup/6.1 HR 5780 Bishop_#1[2].docx
/43. FW: PLI markup/10.1 HR 5780 Bishop_#1[2].docx
/43. FW: PLI markup/13.1 HR 5780 Bishop_#1[2].docx
/43. FW: PLI markup/14.1 HR 5780 Bishop_#1[2].docx

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Wed Sep 28 2016 08:51:57 GMT-0600 (MDT)
To:	Nikki Buffa <nicole_buffa@ios.doi.gov>
Subject:	FW: PLI markup
Attachments:	HR 5780 Bishop_#1[2].docx

From: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Date: Wednesday, September 28, 2016 10:50 AM
To: Jamie Pool <jpool@blm.gov>
Subject: PLI markup

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)."

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Sep 28 2016 09:07:49 GMT-0600 (MDT)
To:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject:	Re: FW: PLI markup

FOR COMMITTEE USE ONLY

Looks like the commission made it iin!

On Wed, Sep 28, 2016 at 10:51 AM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> **From:** Fred Ferguson <Fred.Ferguson@mail.house.gov>
> **Date:** Wednesday, September 28, 2016 10:50 AM
> **To:** Jamie Pool <jpool@blm.gov>
> **Subject:** PLI markup
>
> 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

"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

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Sep 28 2016 09:09:20 GMT-0600 (MDT)
To:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject:	Fwd: FW: PLI markup
Attachments:	HR 5780 Bishop_#1[2].docx

Forgot to include you.

---------- Forwarded message ----------
From: **Buffa, Nicole** <nicole_buffa@ios.doi.gov>
Date: Wed, Sep 28, 2016 at 11:09 AM
Subject: Fwd: FW: PLI markup
To: Neil Kornze <nkornze@blm.gov>, Liz Pardue <lpardue@blm.gov>, Sarah Neimeyer <sarah_Neimeyer@ios.doi.gov>

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

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

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Sep 28 2016 09:09:41 GMT-0600 (MDT)
To:	Michael Degnan (b) (6), Christopher Adamo (b) (6), Drew McConville (b) (6), Stephenne Harding (b) (6), "McDermott, Marna A. EOP/CEQ" (b) (6), "Mallory, Brenda" (b) (6)
Subject:	Fwd: FW: PLI markup
Attachments:	HR 5780 Bishop_#1[2].docx

---------- Forwarded message ----------
From: **Buffa, Nicole** <nicole_buffa@ios.doi.gov>
Date: Wed, Sep 28, 2016 at 11:09 AM
Subject: Fwd: FW: PLI markup
To: Neil Kornze <nkornze@blm.gov>, Liz Pardue <lpardue@blm.gov>, Sarah Neimeyer <sarah_Neimeyer@ios.doi.gov>

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

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

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Sep 28 2016 09:10:09 GMT-0600 (MDT)
To:	Gisella Ojeda-dodds <gisella_ojeda-dodds@ios.doi.gov>
Subject:	Fwd: FW: PLI markup
Attachments:	HR 5780 Bishop_#1[2].docx

Please print this attachment and email for my Utah binder. thanks!

---------- 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>

From: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Date: Wednesday, September 28, 2016 10:50 AM
To: Jamie Pool <jpool@blm.gov>
Subject: PLI markup

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

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Wed Sep 28 2016 09:13:03 GMT-0600 (MDT)
To:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject:	Re: PLI markup

Trying my hardest over here.

From: Nikki Buffa <nicole_buffa@ios.doi.gov>
Date: Wednesday, September 28, 2016 11:07 AM
To: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Subject: Re: FW: PLI markup

Looks like the commission made it iin!

On Wed, Sep 28, 2016 at 10:51 AM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> ---
>
> **From:** Fred Ferguson <Fred.Ferguson@mail.house.gov>
> **Date:** Wednesday, September 28, 2016 10:50 AM
> **To:** Jamie Pool <jpool@blm.gov>
> **Subject:** PLI markup
>
> 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

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Sep 28 2016 09:15:09 GMT-0600 (MDT)
To:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject:	Re: PLI markup

I know. Thank you!

On Wed, Sep 28, 2016 at 11:13 AM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> Trying my hardest over here.
>
> ---
>
> **From:** Nikki Buffa <nicole_buffa@ios.doi.gov>
> **Date:** Wednesday, September 28, 2016 11:07 AM
> **To:** Fred Ferguson <Fred.Ferguson@mail.house.gov>
> **Subject:** Re: FW: PLI markup
>
> Looks like the commission made it iin!
>
> On Wed, Sep 28, 2016 at 10:51 AM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:
>
> > ---
> >
> > **From:** Fred Ferguson <Fred.Ferguson@mail.house.gov>
> > **Date:** Wednesday, September 28, 2016 10:50 AM
> > **To:** Jamie Pool <jpool@blm.gov>
> > **Subject:** PLI markup
> >
> > 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

--
Nikki Buffa
Deputy Chief of Staff
US Department of the Interior
202-219-3861

nicole_buffa@ios.doi.gov

"Degnan, Michael H. EOP/CEQ" (b) (6)

From: "Degnan, Michael H. EOP/CEQ" (b) (6)

Sent: Wed Sep 28 2016 09:19:35 GMT-0600 (MDT)

To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>, "Adamo, Chris J. EOP/CEQ" (b) (6), "McConville, Drew J. EOP/CEQ" (b) (6) "Harding, Stephenne S. EOP/CEQ" (b) (6), "McDermott, Marna A. EOP/CEQ" (b) (6) "Mallory, Brenda EOP/CEQ" (b) (6)

Subject: RE: FW: PLI markup

Great – thank you!

From: Buffa, Nicole [mailto:nicole_buffa@ios.doi.gov]
Sent: Wednesday, September 28, 2016 11:10 AM
To: Degnan, Michael H. EOP/CEQ (b) (6); Adamo, Chris J. EOP/CEQ (b) (6); McConville, Drew J. EOP/CEQ (b) (6) Harding, Stephenne S. EOP/CEQ (b) (6) McDermott, Marna A. EOP/CEQ (b) (6) Mallory, Brenda EOP/CEQ (b) (6)
Subject: Fwd: FW: PLI markup

---------- Forwarded message ----------
From: **Buffa, Nicole** <nicole_buffa@ios.doi.gov>
Date: Wed, Sep 28, 2016 at 11:09 AM
Subject: Fwd: FW: PLI markup
To: Neil Kornze <nkornze@blm.gov>, Liz Pardue <lpardue@blm.gov>, Sarah Neimeyer <sarah_Neimeyer@ios.doi.gov>

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

FOR COMMITTEE USE ONLY

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

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

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Sep 28 2016 09:21:38 GMT-0600 (MDT)
To:	Jamie Pool <jpool@blm.gov>, Liz Pardue <lpardue@blm.gov>
Subject:	Fwd: FW: PLI markup
Attachments:	HR 5780 Bishop_#1[2].docx

Would be great to know how many of our changes they took when you're able. It looks like they took our Bears Ears language whole-cloth (?).

---------- 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>

From: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Date: Wednesday, September 28, 2016 10:50 AM
To: Jamie Pool <jpool@blm.gov>
Subject: PLI markup

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

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

From:	"Pool, Jamie" <jpool@blm.gov>
Sent:	Wed Sep 28 2016 09:24:54 GMT-0600 (MDT)
To:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
CC:	Liz Pardue <lpardue@blm.gov>
Subject:	Re: FW: PLI markup

I can work on a redline to compare.

On Wed, Sep 28, 2016 at 11:21 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Would be great to know how many of our changes they took when you're able. It looks like they took our Bears Ears language whole-cloth (?).
>
> ---------- 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>
>
> **From:** Fred Ferguson <Fred.Ferguson@mail.house.gov>
> **Date:** Wednesday, September 28, 2016 10:50 AM
> **To:** Jamie Pool <jpool@blm.gov>

FOR COMMITTEE USE ONLY

Subject: PLI markup

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

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

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Sep 28 2016 09:28:26 GMT-0600 (MDT)
To:	"Pool, Jamie" <jpool@blm.gov>
CC:	Liz Pardue <lpardue@blm.gov>
Subject:	Re: FW: PLI markup

Don't go too nuts.

On Wed, Sep 28, 2016 at 11:24 AM, Pool, Jamie <jpool@blm.gov> wrote:
I can work on a redline to compare.

On Wed, Sep 28, 2016 at 11:21 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
Would be great to know how many of our changes they took when you're able. It looks like they took our Bears Ears language whole-cloth (?).

---------- 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>

From: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Date: Wednesday, September 28, 2016 10:50 AM
To: Jamie Pool <jpool@blm.gov>
Subject: PLI markup

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

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

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

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Mon Oct 24 2016 12:34:56 GMT-0600 (MDT)
To:	Michael Connor <michael_connor@ios.doi.gov>
Subject:	Fwd: PLI markup
Attachments:	HR 5780 Bishop_#1[2].docx

FOR COMMITTEE USE ONLY

Here's the TA with the commission language we sent to the hill.

Begin forwarded message:

From: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Date: September 28, 2016 at 10:51:57 AM EDT
To: Nikki Buffa <nicole_buffa@ios.doi.gov>
Subject: FW: PLI markup

From: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Date: Wednesday, September 28, 2016 10:50 AM
To: Jamie Pool <jpool@blm.gov>
Subject: PLI markup

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)."

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Nov 16 2016 13:18:17 GMT-0700 (MST)
To:	John Leshy <leshyj@uchastings.edu>
Subject:	Fwd: FW: PLI markup
Attachments:	HR 5780 Bishop_#1[2].docx

---------- 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>

From: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Date: Wednesday, September 28, 2016 10:50 AM
To: Jamie Pool <jpool@blm.gov>
Subject: PLI markup

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

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Nov 16 2016 13:33:45 GMT-0700 (MST)
To:	"Pool, Jamie" <jpool@blm.gov>
CC:	Liz Pardue <lpardue@blm.gov>
Subject:	Re: FW: PLI markup

Do you know if this was ever reported in Thomas? Looking for a link....

On Wed, Sep 28, 2016 at 11:24 AM, Pool, Jamie <jpool@blm.gov> wrote:

> I can work on a redline to compare.
>
> On Wed, Sep 28, 2016 at 11:21 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
>
> > Would be great to know how many of our changes they took when you're able. It looks like they took our Bears Ears language whole-cloth (?).
> >
> > ---------- 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>
> >
> > ---
> >
> > **From:** Fred Ferguson <Fred.Ferguson@mail.house.gov>
> > **Date:** Wednesday, September 28, 2016 10:50 AM
> > **To:** Jamie Pool <jpool@blm.gov>
> > **Subject:** PLI markup
> >
> > 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

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

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

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

From:	"Pardue, Laura (Liz)" <lpardue@blm.gov>
Sent:	Wed Nov 16 2016 13:35:54 GMT-0700 (MST)
To:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
CC:	"Pool, Jamie" <jpool@blm.gov>
Subject:	Re: FW: PLI markup

I think it's still just ordered reported -- they don't have a CBO score yet so they wouldn't have filed the report

On Wed, Nov 16, 2016 at 3:33 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
> Do you know if this was ever reported in Thomas? Looking for a link....
>
> On Wed, Sep 28, 2016 at 11:24 AM, Pool, Jamie <jpool@blm.gov> wrote:
> > I can work on a redline to compare.
> >
> > On Wed, Sep 28, 2016 at 11:21 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
> > > Would be great to know how many of our changes they took when you're able. It looks like they took our Bears Ears language whole-cloth (?).
> > >
> > > ---------- 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>

From: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Date: Wednesday, September 28, 2016 10:50 AM
To: Jamie Pool <jpool@blm.gov>
Subject: PLI markup

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

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

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

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

FOR COMMITTEE USE ONLY

"Leshy, John" <leshyj@uchastings.edu>

From:	"Leshy, John" <leshyj@uchastings.edu>
Sent:	Wed Nov 16 2016 14:01:56 GMT-0700 (MST)
To:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject:	RE: FW: PLI markup

Hi, Nikki, here's the Thomas link to the bill. It still shows the text as introduced, and does not include the manager's amendment that is attached to Fred F's email.

That's because, I guess, as Fred's email says, the new text is not created until the bill is actually formally reported from the committee which is supposed to happen in November.

https://www.congress.gov/bill/114th-congress/house-bill/5780/text?q=%7B%22search%22%3A%5B%22H.R.+5780%22%5D%7D&r=1

I'll focus on the manager's amendment…

Good talking with you today. I'm planning to be back in DC Dec. 12-15 and will probably spend a day or so rooting around DOI. I'll give you a headsup as it gets closer. Best, John

John D. Leshy
Harry D. Sunderland Distinguished Professor of Law Emeritus
University of California, Hastings College of the Law
200 McAllister St.
San Francisco, CA 94102
Tel. 415 565 4726

Bio and publications available at
www.uchastings.edu/academics/faculty/facultybios/leshy/index.php
SSRN Author page: http://ssrn.com/author=571198

From: Buffa, Nicole [mailto:nicole_buffa@ios.doi.gov]
Sent: Wednesday, November 16, 2016 12:18 PM
To: Leshy, John <leshyj@uchastings.edu>
Subject: Fwd: FW: PLI markup

---------- 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>

From: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Date: Wednesday, September 28, 2016 10:50 AM
To: Jamie Pool <jpool@blm.gov>
Subject: PLI markup

FOR COMMITTEE USE ONLY

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

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Nov 16 2016 14:15:33 GMT-0700 (MST)
To:	"Pardue, Laura (Liz)" <lpardue@blm.gov>
CC:	"Pool, Jamie" <jpool@blm.gov>
Subject:	Re: PLI markup

So is the amendment public in any way?

On Nov 16, 2016, at 3:36 PM, Pardue, Laura (Liz) <lpardue@blm.gov> wrote:

> I think it's still just ordered reported -- they don't have a CBO score yet so they wouldn't have filed the report
>
> On Wed, Nov 16, 2016 at 3:33 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
> > Do you know if this was ever reported in Thomas? Looking for a link....
> >
> > On Wed, Sep 28, 2016 at 11:24 AM, Pool, Jamie <jpool@blm.gov> wrote:
> > > I can work on a redline to compare.
> > >
> > > On Wed, Sep 28, 2016 at 11:21 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
> > > > Would be great to know how many of our changes they took when you're able. It looks like they took our Bears Ears language whole-cloth (?).
> > > >
> > > > ---------- 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>

From: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Date: Wednesday, September 28, 2016 10:50 AM
To: Jamie Pool <jpool@blm.gov>
Subject: PLI markup

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

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

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

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

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

From: "Pool, Jamie" <jpool@blm.gov>
Sent: Wed Nov 16 2016 14:20:21 GMT-0700 (MST)

FOR COMMITTEE USE ONLY

To: Nicole Buffa <nicole_buffa@ios.doi.gov>
CC: "Pardue, Laura (Liz)" <lpardue@blm.gov>
Subject: Re: PLI markup

Yes -- the managers amendment adopted by the committee is available here. Just for reference, the other amendments offered by the minority are available here.

On Wed, Nov 16, 2016 at 4:15 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
> So is the amendment public in any way?
>
> On Nov 16, 2016, at 3:36 PM, Pardue, Laura (Liz) <lpardue@blm.gov> wrote:
>
> > I think it's still just ordered reported -- they don't have a CBO score yet so they wouldn't have filed the report
> >
> > On Wed, Nov 16, 2016 at 3:33 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
> > > Do you know if this was ever reported in Thomas? Looking for a link....
> > >
> > > On Wed, Sep 28, 2016 at 11:24 AM, Pool, Jamie <jpool@blm.gov> wrote:
> > > > I can work on a redline to compare.
> > > >
> > > > On Wed, Sep 28, 2016 at 11:21 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
> > > > > Would be great to know how many of our changes they took when you're able. It looks like they took our Bears Ears language whole-cloth (?).
> > > > >
> > > > > ---------- 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>
> > > > >
> > > > > ---
> > > > > **From:** Fred Ferguson <Fred.Ferguson@mail.house.gov>
> > > > > **Date:** Wednesday, September 28, 2016 10:50 AM
> > > > > **To:** Jamie Pool <jpool@blm.gov>
> > > > > **Subject:** PLI markup
> > > > >
> > > > > 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

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

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

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

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

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Nov 16 2016 14:41:32 GMT-0700 (MST)
To:	"Leshy, John" <leshyj@uchastings.edu>
Subject:	Re: PLI markup

I've got the amendment here too:

http://naturalresources.house.gov/uploadedfiles/hr_5780_bishop_1.pdf

Looking forward to seeing you next month.

FOR COMMITTEE USE ONLY

On Nov 16, 2016, at 4:02 PM, Leshy, John <leshyj@uchastings.edu> wrote:

Hi, Nikki, here's the Thomas link to the bill. It still shows the text as introduced, and does not include the manager's amendment that is attached to Fred F's email.

That's because, I guess, as Fred's email says, the new text is not created until the bill is actually formally reported from the committee which is supposed to happen in November.

https://www.congress.gov/bill/114th-congress/house-bill/5780/text?q=%7B%22search%22%3A%5B%22H.R.+5780%22%5D%7D&r=1

I'll focus on the manager's amendment…

Good talking with you today. I'm planning to be back in DC Dec. 12-15 and will probably spend a day or so rooting around DOI. I'll give you a headsup as it gets closer. Best, John

John D. Leshy
Harry D. Sunderland Distinguished Professor of Law Emeritus
University of California, Hastings College of the Law
200 McAllister St.
San Francisco, CA 94102
Tel. 415 565 4726

Bio and publications available at
www.uchastings.edu/academics/faculty/facultybios/leshy/index.php
SSRN Author page: http://ssrn.com/author=571198

From: Buffa, Nicole [mailto:nicole_buffa@ios.doi.gov]
Sent: Wednesday, November 16, 2016 12:18 PM
To: Leshy, John <leshyj@uchastings.edu>
Subject: Fwd: FW: PLI markup

---------- 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>

From: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Date: Wednesday, September 28, 2016 10:50 AM
To: Jamie Pool <jpool@blm.gov>
Subject: PLI markup

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

Amendment #1********

Amendment to H.R. 5780
Offered by Mr. Bishop of Utah

At each place it appears, strike "Utah PLI Special Management Area Map dated June 30, 2016" and insert "Utah PLI Special Management Area Map dated September 19, 2016".

At each place it appears, strike "Utah PLI Land Conveyances Map dated June 30, 2016" and insert "Utah PLI Land Conveyances Map dated September 20, 2016".

At each place it appears, strike "Utah PLI National Conservation Area Map dated June 30, 2016" and insert "Utah PLI National Conservation Area Map dated September 16, 2016".

At each place it appears, strike "Utah PLI Wilderness Map dated June 30, 2016" and insert "Utah PLI Wilderness Map dated September 19, 2016".

Page 6, line 9 insert "(a) DESIGNATIONS. — " before "In furtherance".

Page 6, line 24, strike "458,413" and insert "452,204".

Page 8, line 6, after "Management" insert "and the National Park Service".

Page 8, line 25, after "Management" insert "and the National Park Service".

Page 12, line 18, after "Management" insert "and the United States Forest Service".

Page 14, line 23, after "Management" insert "and the United States Forest Service".

Page 16, line 11, strike "and the United States Forest Service".

Page 16, starting on line 17, strike "United States Forest Service", and insert "Bureau of Land Management and the National Park Service".

Page 16, after line 21, insert the following:

"(b) PREVIOUS LAND USE.--The previous land use classifications of the Grand Gulch Primitive Area and the Dark Canyon Primitive Area are hereby superseded." .

Strike the text beginning on page 16, line 23 through page 17, line 4 and insert:

"(a) IN GENERAL. – As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture as appropriate shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each wilderness area designated by this title.".

Page 17, beginning on line 16, strike "the Bureau of Indian Affairs".

Page 19, line 14 insert "and Food" after "Agriculture".

Page 19, line 22, "and other wilderness" before "purposes".

Page 24, strike line 4.

Page 24, line 5, strike "(1)" and insert "(a)".

Page 24, line 13, strike "(A)" and insert "(1)".

Page 24, line 15, strike "(B)" and insert "(2)".

Page 24, line 17, strike "(C)" and insert "(3)".

Page 24, line 19, strike "(D) the 20,404-acre"" and insert "(4) the 38,242-acre".

Page 24, line 22, strike "this title" and insert "Title IV".

Page 24, line 24, strike "(E)" and insert "(5").

Page 25, line 1, strike "(F)" and insert "(6)".

Page 25, line 24, strike "(K), (AA), and (BB)" and insert "(27) and (28)".

Page 29, after line 10, insert the following and redesignate the following sections accordingly:

"**SEC. 202. DEFINITIONS.** –In this title:

(a) Management plan.—The term 'management plan' means the management plans for each National Conservation Area developed by the relevant Secretary under section 205.

(b) National Conservation Area.—The term 'National Conservation Area' means the National Conservation Areas established under section 201 of this title.".

Page 29, strike lines 12 through 18 and insert the following:

"(a) IN GENERAL. – As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture as appropriate shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each National Conservation Area designated by this title.".

Page 30, starting on line 5, strike "the Bureau of Indian Affairs,".

Page 30, starting on line 6, strike the comma after "Bureau of Land Management".

Page 31, strike lines 2 through 5 and insert the following:

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the relevant Secretary shall develop a comprehensive management plan for the long-term management of each National Conservation Area.".

Page 31, line 7, strike "The" and insert "In developing the management plans required under paragraph (1), the".

Page 31, starting on line 7, strike "prepare the management plan in consultation and coordination" and insert "consult and coordinate".

Page 31, line 9, before "local" insert "appropriate state,".

Page 31, line 9, strike "governments," and insert "government entities, members of".

Strike the text beginning on page 31, line 22 through page 32, line 8, and insert the following:

"(a) WITHDRAWALS.—

(1) In General.—Subject to valid existing rights and paragraph (3), all Federal land in each National Conservation Area is withdrawn from—

(i) all forms of entry, appropriation, and disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) Additional Land.—If the relevant Secretary acquires additional land that is located within a National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(3) Exception.—This withdrawal shall not apply to the extraction and storage of mineral materials used for road maintenance within the National Conservation Areas established under section 201 of this Act.".

Page 34, line 24, insert "and Food" after "Agriculture".

Page 38, line 17, strike "204(d)(2)" and insert "205(d)(2)".

Page 41, beginning on line 12, strike "Secretary of the Interior and Secretary of Agriculture" and insert "relevant Secretary".

Page 41, beginning on line 21, strike "Secretary of the Interior and Secretary of Agriculture" and insert "relevant Secretary".

Page 42, beginning on line 8, strike "Secretary of the Interior and the Secretary of Agriculture" and insert "relevant Secretary".

Page 43, line 24, strike "shall effect", insert "precludes".

Page 44, line 4, strike "designated under section 201".

Page 44, strike lines 7 through 9 and insert: "In addition to those purposes provided in section 204 of this Act, a purpose for the Colorado River National Conservation

Area shall be to provide for the management, development, protection, and use of drinking water within the Colorado River National Conservation Area.".

Page 46, line 8, strike "of Agriculture".

Page 46, beginning on line 16, strike "and the Bureau of Indian Affairs".

Page 51, line 5, strike "relevant".

Page 56, line 23, strike "purpose" and insert "purposes".

Page 60, line 20, strike "relevant".

Page 62, line 14. Strike "ignations" and insert "ignation".

Page 62, line 19, insert "and Food" after "Agriculture".

Page 63, line 9, strike "areas" and insert "Area".

Page 66, beginning on line 19, strike "of Agriculture".

Page 67, line 12, insert "Secretary" after "the".

Page 69, line 10, strike "of the Interior".

Page 69, beginning on line 16, strike "Energy and Natural Resources" and insert "Agriculture, Nutrition, and Forestry".

Page 72, line 8, strike "Conservation Area" and insert "Little West Fork Blacks Fork Special Management Area".

Page 72, line 22, strike "area" and insert "Little West Fork Blacks Fork Special Management Area".

Page 73, line 20, strike "Area designated under section 405" and insert "Little West Fork Blacks Fork Special Management Area".

Page 74, line 2, strike "relevant".

Page 74, line 7, strike "areas designated by section 405" and insert "Little West Fork Blacks Fork Special Management Area".

Page 74, line 8, strike "an area" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 74, line 10, strike "areas designated by section 405" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 75, line 5, strike "areas designated by section 405" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 75, line 19, strike "ignations" and insert "ignation".

Page 75, line 24, insert "and Food" after "Agriculture".

Page 77, line 2, strike "areas" and insert "Little West Fork Blacks Special Management Area".

Page 77, line 21, line 21, strike "Areas" and insert "Area".

Page 78, line 12, strike "Areas" and insert "Area".

Page 80, line 3, insert a comma after "Area".

Page 80, line 6, strike "405" and insert "406".

Page 80, line 24, strike "8,770" and insert "9,578".

Page 81, beginning on line 6, strike "41,301 acres; 26,210 acres in Carbon County and 15,091 acres" and insert "38,293 acres (26,199 acres in Carbon County and 12,094 acres".

Page 81, line 8, strike "County" and insert "County)".

Page 81, beginning on line 9, strike "in Carbon County and Duchesne County".

Page 82, line 15, strike "maintains" and insert "maintain".

Page 82, line 18, strike "purpose" and insert "purposes".

Page 82, line 19, strike "hereinto" and insert "hereafter".

Page 82, line 20, strike "is" and insert 'are".

Page 83, line 7, strike "(hereinafter referred to as the "Secretary")".

Page 83, line 15, insert "of the Interior" before "may".

Page 84, line 5, insert "of the Interior" after "Secretary".

Page 84, line 9, insert "of the Interior" after "Secretary".

Page 84, line 12, strike "Committee" and insert "Council".

Page 84, like 25, strike "204" and insert "205".

Page 85, line 1, strike "204(a)" and insert "205(a)" .

Page 85, strike lines 2 through 4 and insert "shall not apply to the Areas.".

Page 85, line 6, insert "the Areas" after "resources in".

Page 85, line 25, strike "FLPMA (site)" and insert "the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)".

Page 86, line 7 strike "(hereinto referred to as the "Secretary")".

Page 86, beginning on line 13, strike "Advisory Council described in subsection (d) below" and insert "Book Cliffs Sportsmen's Special Management Area Advisory Committee established under section 413.".

Page 86, line 16, strike "Council" and insert "Committee ".

Page 86, line 22, strike "Council" and insert "Committee".

Page 86, line 24, strike "in accordance with section 408(c)" and insert "to support the purposes outlined in section 408(c)".

Page 87, line 1, insert "of the Interior" after "Secretary".

Page 87, line 5, insert "of the Interior" after "Secretary".

Page 87, line 10, strike "the" and insert "The".

Page 87, line 10, insert "of the Interior" after "Secretary".

Page 87, line 23, insert "of the Interior" after "Secretary".

Page 88, line 9, strike "maintain".

Page 90, line 9, strike "or one designee" and insert "or his designee".

Page 90, line 25, strike "under section 402" and insert "on the Book Cliffs Sportsmen's Special Management Area Advisory Committee".

Page 91, line 2, insert ", except for the State Division of Wildlife Resources Director" after "Government".

Page 91, beginning on line 4, strike "from the two categories in section 402, the Secretary of the Interior" and insert ", the Secretary of the Interior".

Page 91, line 7, strike "from within each category".

Page 91, line 19, strike "Agriculture, Nutrition, and Forestry" and insert "Energy and Natural Resources".

Page 92, line 24, strike "1 time a year. A majority"" and insert "once a year. A majority of the members".

Page 93, line 1, insert "a quorum for" after "constitute".

Page 94, line 8, strike "the" after "generations".

Page 94, line 14, strike "BOUNDARIES" and insert "ESTABLISHMENT".

Page 94, line 18, after "Monument" insert "and to be managed by the Bureau of Land Management" before the period.

Strike the text beginning on page 94, line 20 through page 95, line 2, and insert the following:

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of the Monument.".

Page 96, line 5, before "land within the Monument" insert "Federal".

Page 96, strike lines 9 through 10 and insert the following:

"(1) all forms of entry, appropriation, and disposal under the public land laws;".

Page 96, strike lines 16 through 22 and insert the following:

"(1) PLAN REQUIRED.—As soon as practicable after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term management of the Monument, including consideration of enhanced transportation routes, outdoor recreation planning, and promotion of scientific research.".

Strike the text beginning on page 96, line 24 through page 97, line 1, and insert "In developing the management plan required under paragraph (1), the Secretary shall consult with appropriate state, local, and tribal government entities, members of the public, and the Public Lands".

Page 97, line 12, strike "State and" and insert "State,".

Page 97, strike lines 13 through 15 and insert the following:

"(3) USES.—The Secretary shall only allow such uses of the Monument that the Secretary determines would further the purposes described in section 601(a) of this title.".

Page 97, strike lines 18 through 19 and insert the following:

"(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(2) this title;

(3) any other applicable law (including regulations).".

Page 100, line 2, strike "as a" the first time it appears.

Page 100, line 19, after "County", insert ", Utah, to be administered by the Secretary of the Interior,".

Page 100, line 23, after "County", insert ", Utah, to be administered by the Secretary of the Interior,".

Page 101, line 15, strike "or transfer from another agency" and insert "transfer from another agency, or purchase from a willing seller".

Page 103, line 21, insert "in this title" after "hereinafter".

Page 103, beginning on line 23, strike "(hereinafter referred to as the "Area"".

Page 104, beginning on line 1, strike "Energy and Natural Resources" and insert "Agriculture, Nutrition, and Forestry".

Page 105, line 5, strike "Committee" and insert "Council".

Page 105, beginning on line 11, strike "Energy and Natural Resources" and insert Agriculture, Nutrition, and Forestry".

Page 106, line 24, strike "County" and insert "county".

Page 107, line 19, strike "Conservation".

Page 107, line 23, insert "dated September 19, 2016" after "Map".

Page 108, line 10, strike "area" and insert "Area".

Page 108, line 14, insert comma after "feasible".

Page 108, line 14, insert "Secretary" before "may".

Page 109, line 20, strike "relevant".

Page 109, line 25, strike "areas" and insert "Area".

Page 110, line 1, strike "an area" and insert "the Area".

Page 110, line 4, strike "in areas" and insert "in the Area".

Page 110, line 15, strike "an area" and insert "the Area".

Page 110, line 24, strike "in areas" and insert "the Area".

Page 111, strike line 14 and insert "ignation made under section 801.".

Page 111, line 19, insert "and Food" after "Agriculture".

Page 112, line 15, strike "the areas" and insert "the Area".

Page 115, line 7, insert a comma after "Act".

Page 115, line 16, strike "United States Forest Service" and insert "Secretary".

Page 117, line 15, insert ", except such term does not include land the title to which is held in trust by the United States for the benefit of a tribe or an individual or is held in fee by a tribe or individual subject to restriction by the United States against alienation" after "Utah".

Page 117, beginning on line 16, strike "following".

Page 117, line 19, strike "July 12" and re insert "September 21".

Page 125, line 14, strike "Maps" and insert "Map".

Page 127, line 15, strike "title" and insert "Act".

Page 128, line 9, strike "Maps" and insert "Map".

Page 152, line 15, strike "Bluff Service Area" and insert "San Juan County, Utah".

Page 152, line 24, strike the underscore and insert "3.71".

Page 153, after line 3, insert the following:

"(21) ALLEN CANYON CEMETERY.- - The approximately 1.2 acres depicted on the map entitled Utah PLI Land Conveyances Map and dated September 16, 2016, as 'Ute Cemetery', to the Ute Mountain Ute Tribe to

use as a cemetery. The Bureau of Land Management shall designate as an easement the existing two-track road that runs between County Road B227 and the Allen Canyon Cemetery to provide public access to the cemetery.".

Page 153, line 8, insert before the period at the end "of the U.S. House of Representatives, and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the U.S. Senate".

Page 170, line 10, strike the underscore and insert "210,116".

Page 170, line 12, insert "and Utah Rims" after "Dee Pass".

Page 172, beginning on line 13, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 172, line 16, strike "is" and insert "are".

Page 174, line 15, strike "is" and insert "are".

Page 176, line 6, strike "is" and insert "are".

Page 176, beginning on line 11, strike "of the Interior".

Page 177, line 11, strike "of the Interior".

Page 178, beginning on line 1, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 178, line 4, strike "is" and insert "are".

Page 178, beginning on line 9, strike "of the Interior".

Page 179, line 10, strike "of the Interior".

Page 180, beginning on line 1, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 180, line 4, strike "is" and insert "are".

Page 180, beginning on line 9, strike "of the Interior".

Page 181, line 8, strike "of the Interior".

Page 181, beginning on line 22, strike Section 815 and redesignate the subsequent sections accordingly.

Page 183, line 22, insert "The application of" before "San Juan".

Page 183, line 23, strike "Utah's application for a Title V"" and inset "Utah, for a Title V of the Federal Land Policy and Management Act of 1976".

Page 184, line 4, insert "of the Federal Land Policy and Management Act of 1976" after "Title V".

Page 184, line 6, strike "canyon" and insert "Recapture Canyon".

Page 184, beginning on line 9, strike "In granting the application, compliance with section" and insert "Section".

Page 184, line 15, strike "proposed".

Page 184, line 16, insert "Utah," after "Area,".

Page 184, line 19, strike "2016" and insert "2015".

Page 185, line 18, strike "trail" and insert "Trail".

Page 185, strike line 19 and insert "the Secretary shall give priority consideration to a long distance route".

Page 185, line 11, strike the underscore and insert "June 30, 2016".

Page 185, line 21, strike "and".

Page 187, line 15, strike "subparagraph (C)" and insert "subsection (c)".

Page 188, beginning on line 19, strike "Red Rock County Off-Highway Vehicle".

Page 189, line 21, strike "McCraken" and insert "McCracken".

Page 189, line 23, strike "McCraken" and insert "McCracken".

Page 190, beginning on line 9, strike "a Federal agency owns or" and insert "the United States".

Page 190, beginning on line 11, strike "owned or managed by the Federal agency" and insert "managed by the United States".

Page 190, line 24, strike "133-133" and insert "113-133".

Page 192, line 15, strike "subtitle" and insert "title".

Page 193, line 16, insert "permitting" before "process".

Page 194, line 5, strike "completed" and insert "approved".

Page 195, strike lines 13 through 16 and insert:

"The recommendations of the Grand County Council for Hey Joe Canyon, Tenmile Canyon, and Mineral Canyon roads, as depicted on the map entitled 'Grand County PLI Final Map 4-17-2015' and dated April 17, 2015, shall".

Page 195, line 24, strike "title V" and insert "Title V of the Federal Land Policy and Management Act of 1976".

Page 196, line 9, strike "title" and insert "Act".

Page 197, line 5, insert "in Utah" after "areas".

Strike the text beginning on page 197, line 16 through page 198, line 11, and insert:

"**SEC. 101. DEFINITIONS.—**

(a) Advisory Council.—The term "Advisory Council" means the Public Lands Initiative Planning and Implementation Advisory Council established under section 102(a) of this title.

SEC. 102. PUBLIC LANDS INITIATIVE PLANNING AND IMPLEMENTATION ADVISORY COUNCIL.

(a) Establishment.—The Secretary of the Interior and the Secretary of Agriculture shall jointly establish an Advisory Council, to be known as the 'Public Lands Initiative Planning and Implementation Advisory Council', to advise the Secretary concerned with respect to the

development and implementation of the management plans required by this Act and with respect to policies or programs that encourage coordination among the public, local elected officials, and public lands stakeholders, and the State, tribes, and the Federal Government.

(1) Applicable Law.—The Advisory Council shall be subject to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).".

Page 198, line 15, strike "Committee' and insert "Council".

Page 198, line 22, strike "Committee" and insert "Council".

Page 199, line 1, strike "Committee" and insert "Council".

Page 199, line 6, strike "Committee" and insert "Council".

Page 199, line 9, strike "Committee" and insert "Council".

Page 199, line 10, strike "COMMITTEE" and insert "COUNCIL".

Page 199, line 11, strike "Committee" and insert "Council".

Page 199, line 14, strike "Committee" and insert "Council".

Page 200, after line 2, insert the following and redesignate the following clauses accordingly:

"(v) A representative of the National Park Service Intermountain Region".

Page 201, after line 21 insert the following :

(2) TERMS.—

(A) INITIAL APPOINTMENTS.—The Secretaries of the Interior and Agriculture shall make initial appointments to the Advisory Council not later than 180 days after the date of the enactment of this Act.

(B) TERM LENGTH.—Members of the Advisory Council shall be jointly appointed by the Secretaries of the Interior and Agriculture for a term of 5 years.

(C) REAPPOINTMENT.—A member may be reappointed to serve on the Advisory Council for not more than 3 terms.

(D) VACANCIES.—The Secretaries of the Interior and Agriculture shall fill vacancies on the Advisory Committee as soon as practicable after the vacancy has occurred.

(3) CHAIRPERSON.—The Secretaries of the Interior and Agriculture shall jointly select the chairperson of the Advisory Council for a term of 5 years.

(4) SERVICE WITHOUT COMPENSATION.—Members of the Advisory Council shall serve without pay.

(5) PRESERVATION OF PUBLIC ADVISORY STATUS.—No member of the Advisory Council appointed to represent the interests outlined in subparagraph (c)(2)(B) may be an officer or employee of the Federal Government or State of Utah.

(6) REPRESENTATION.—The Secretaries of the Interior and Agriculture shall ensure that membership of the Advisory Council is fairly balanced in terms of the points of view represented and the functions to be performed by the Advisory Council.".

Page 201, strike lines 22 through 25.

Page 202, strike lines 1 through 9.

Page 202, line 10, strike "COMMITTEE" and insert "COUNCIL".

Page 202, beginning on line 11, strike "Committee" and insert "Council".

Page 202, line 18, strike "Committee" and insert "Council".

Page 203, beginning on line 1, strike "Committee" and insert "Council".

Page 203, line 4, strike "Committee" and insert "Council".

Page 203, strike lines 10 through 11.

Page 203, line 12, strike "(1)" and insert "(f)".

Page 203, beginning on line 12, strike "Committee" and insert "Council".

Page 203, line 17, strike "(2)" and insert "(g)".

Page 203, line 18, strike "(A)" and insert (1).

Page 203, starting on line 18, strike "Committee" and insert "Council".

Page 203, line 22, insert "of the members of the Council" after "members".

Page 203, line 24, strike "Committee" and insert "Council".

Page 204, line 1, strike "(B)" and insert "(2)".

Page 204, line 5, strike "(3)" and insert "(h)".

Page 205, line 14, strike "U.S. Forest Service in San Juan County" and insert "United States Forest Service in San Juan County, Utah,".

Page 205, line 16, strike "to be known" and insert "shall be designated ".

Page 205, strike lines 19 through 25 and insert the following:

"(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, as appropriate, shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate a map and legal description of the National Conservation Area established in section 102 of this title.".

Page 206, line 1, strike "Each" and insert "The".

Page 206, line 21, strike "established by section 102".

Page 207, line 1, strike "maintains and enhances", insert "encourages".

Page 207, starting on line 18, strike "Native American archaeological sites" and insert "covered sites and properties" .

Page 208, strike lines 1 through 5 and insert the following:

"(b) MANAGEMENT PLAN.--

"(1) PLAN REQUIRED.—As soon as practicable after the date of enactment of this Act, the Secretaries shall develop a joint comprehensive plan for the long-term management of the Bears Ears National Conservation Area.".

Page 208, strike lines 7 through 9 and insert "In developing the management plan required under paragraph (1), the Secretaries shall consult with appropriate state, local, and tribal government entities, members of the public, and the".

Page 208, line 11, strike "Committee" and insert "Council".

Page 208, line 12, strike "relevant Secretary does" and insert "Secretaries do".

Page 208, line 15, strike "relevant Secretary" and insert "Secretaries".

Page 208, line 18, strike "and".

Page 208, line 19, insert ", and Senate Committee on Agriculture, Nutrition and Forestry," after "Natural Resources".

Page 208, strike lines 22 through 23 and insert "The general provisions of section 205 of Division A of this Act shall apply to this title.".

Page 209, line 2, insert "and the Secretary of Agriculture" after "Interior".

Page 209, line 5, strike "National Conservation Area".

Page 209, strike lines 9 through 20 and insert the following:

"(a) CREATION OF COMMISSION.—In preparing the management plan under section 104(b) for the Bears Ears, the Secretaries of the Interior and Agriculture shall create a Commission consisting of tribal representatives and federal agency staff, in recognition of the importance of tribal participation to the care and management of the Bear Ears' natural and cultural resources.

(1) APPOINTMENT AND TERM.—The Secretaries of the Interior and Agriculture shall appoint for a term of five years beginning on the date of appointment:

(A) Three federal members, one each from the Bureau of Land Management, the National Park Service and the United States Forest Service; and

(B) No more than seven elected officers of tribal governments or their designated employees.

(2) REQUIREMENTS.—The Secretaries of the Interior and Agriculture shall select tribal members of the Commission who demonstrate:
   (A) A historical or geographical connection to the objects and lands of the Bears Ears;
   (B) Relevant traditional knowledge; and
   (C) The ability to contribute to the management of the Bears Ears.

(3) DUTIES.—The Commission shall provide information and proposals as needed to integrate the tribes' traditional knowledge and special expertise where relevant to the care and management of the Bears Ears' natural and cultural resources, including in the development of the management plans developed under section 104(b) of this title. The Secretaries shall carefully consider these proposals, and may use all applicable federal authorities to ensure that these management plans and management decisions incorporate, as appropriate, the information and proposals provided from the Commission. Such input from the Commission may include, but need not be limited to:
   (A) Protections for and use of sacred sites;
   (B) Cultural and educational programming;
   (C) Plants, animals, and special resources;
   (D) Traditional uses, such as gathering firewood;
   (E) Historical and archaeological resources;
   (F) Impacts of off-road use and off-road vehicles on cultural and environmental resources;
   (G) Recreational uses, such as climbing; and
   (H) Resource uses, such as grazing, timber production, and mining.".

Page 209, line 24, strike "the Bears Ears National Conservation Area" and insert "Bears Ears".

Page 209, line 25, insert "and the Secretary of Agriculture" after "Interior".

Page 210, line 4, insert "and the Secretary of Agriculture" after "Interior".

Page 210, beginning on line 8, strike "the Bears Ears National Conservation Area" and insert "Bear Ears".

Page 210, line 14, insert "and the Secretary of Agriculture" after "terior".

Page 210, line 18, strike "Secretary" and insert "Secretaries".

Page 210, line 22, insert "and the Secretary of Agriculture" after "Interior".

Page 211, line 5, insert "and the Secretary of Agriculture" after "Interior".

Page 211, line 8, strike "Secretary of the Interior" and insert "Secretaries".

Page 211, line 11, insert "and the Secretary of Agriculture" after "Interior".

Page 211, beginning on line 14, strike "Secretary of the Interior" and insert "Secretaries".

Page 211, line 18, strike "Secretary of the Interior" and insert "Secretaries".

Page 213, beginning on line 10, strike "from the two categories in section 2, the Secretary of the Interior" and insert ", the Secretaries".

Page 213, line 13, strike "from within each category".

Page 213, line 15, insert "and the Secretary of Agriculture" after "rior".

Page 213, line 23, insert "the Secretary of Agriculture," after "Interior,".

Page 213, line 24, strike "and".

Page 213, line 25, insert "and the Committee on Energy and Natural Resources of the Senate" before the period.

Page 214, line 3, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 13, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 16, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 22, insert "and the Secretary of Agriculture" after "Interior".

Page 214, strike line 24 and insert "retaries.".

Page 215, line 3, insert "the Secretary of Agriculture," after "Interior,".

Amendment #1********

Amendment to H.R. 5780
Offered by Mr. Bishop of Utah

At each place it appears, strike "Utah PLI Special Management Area Map dated June 30, 2016" and insert "Utah PLI Special Management Area Map dated September 19, 2016".

At each place it appears, strike "Utah PLI Land Conveyances Map dated June 30, 2016" and insert "Utah PLI Land Conveyances Map dated September 20, 2016".

At each place it appears, strike "Utah PLI National Conservation Area Map dated June 30, 2016" and insert "Utah PLI National Conservation Area Map dated September 16, 2016".

At each place it appears, strike "Utah PLI Wilderness Map dated June 30, 2016" and insert "Utah PLI Wilderness Map dated September 19, 2016".

Page 6, line 9 insert "(a) DESIGNATIONS. — " before "In furtherance".

Page 6, line 24, strike "458,413" and insert "452,204".

Page 8, line 6, after "Management" insert "and the National Park Service".

Page 8, line 25, after "Management" insert "and the National Park Service".

Page 12, line 18, after "Management" insert "and the United States Forest Service".

Page 14, line 23, after "Management" insert "and the United States Forest Service".

Page 16, line 11, strike "and the United States Forest Service".

Page 16, starting on line 17, strike "United States Forest Service", and insert "Bureau of Land Management and the National Park Service".

Page 16, after line 21, insert the following:

"(b) PREVIOUS LAND USE.--The previous land use classifications of the Grand Gulch Primitive Area and the Dark Canyon Primitive Area are hereby superseded." .

Strike the text beginning on page 16, line 23 through page 17, line 4 and insert:

"(a) IN GENERAL. – As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture as appropriate shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each wilderness area designated by this title.".

Page 17, beginning on line 16, strike "the Bureau of Indian Affairs".

Page 19, line 14 insert "and Food" after "Agriculture".

Page 19, line 22, "and other wilderness" before "purposes".

Page 24, strike line 4.

Page 24, line 5, strike "(1)" and insert "(a)".

Page 24, line 13, strike "(A)" and insert "(1)".

Page 24, line 15, strike "(B)" and insert "(2)".

Page 24, line 17, strike "(C)" and insert "(3)".

Page 24, line 19, strike "(D) the 20,404-acre"" and insert "(4) the 38,242-acre".

Page 24, line 22, strike "this title" and insert "Title IV".

Page 24, line 24, strike "(E)" and insert "(5").

Page 25, line 1, strike "(F)" and insert "(6)".

Page 25, line 24, strike "(K), (AA), and (BB)" and insert "(27) and (28)".

Page 29, after line 10, insert the following and redesignate the following sections accordingly:

"**SEC. 202. DEFINITIONS.** –In this title:

(a) Management plan.—The term 'management plan' means the management plans for each National Conservation Area developed by the relevant Secretary under section 205.

(b) National Conservation Area.—The term 'National Conservation Area' means the National Conservation Areas established under section 201 of this title.".

Page 29, strike lines 12 through 18 and insert the following:

"(a) IN GENERAL. – As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture as appropriate shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each National Conservation Area designated by this title.".

Page 30, starting on line 5, strike "the Bureau of Indian Affairs,".

Page 30, starting on line 6, strike the comma after "Bureau of Land Management".

Page 31, strike lines 2 through 5 and insert the following:

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the relevant Secretary shall develop a comprehensive management plan for the long-term management of each National Conservation Area.".

Page 31, line 7, strike "The" and insert "In developing the management plans required under paragraph (1), the".

Page 31, starting on line 7, strike "prepare the management plan in consultation and coordination" and insert "consult and coordinate".

Page 31, line 9, before "local" insert "appropriate state,".

Page 31, line 9, strike "governments," and insert "government entities, members of".

Strike the text beginning on page 31, line 22 through page 32, line 8, and insert the following:

"(a) WITHDRAWALS.—

(1) In General.—Subject to valid existing rights and paragraph (3), all Federal land in each National Conservation Area is withdrawn from—

(i) all forms of entry, appropriation, and disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) Additional Land.—If the relevant Secretary acquires additional land that is located within a National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(3) Exception.—This withdrawal shall not apply to the extraction and storage of mineral materials used for road maintenance within the National Conservation Areas established under section 201 of this Act.".

Page 34, line 24, insert "and Food" after "Agriculture".

Page 38, line 17, strike "204(d)(2)" and insert "205(d)(2)".

Page 41, beginning on line 12, strike "Secretary of the Interior and Secretary of Agriculture" and insert "relevant Secretary".

Page 41, beginning on line 21, strike "Secretary of the Interior and Secretary of Agriculture" and insert "relevant Secretary".

Page 42, beginning on line 8, strike "Secretary of the Interior and the Secretary of Agriculture" and insert "relevant Secretary".

Page 43, line 24, strike "shall effect", insert "precludes".

Page 44, line 4, strike "designated under section 201".

Page 44, strike lines 7 through 9 and insert: "In addition to those purposes provided in section 204 of this Act, a purpose for the Colorado River National Conservation

Area shall be to provide for the management, development, protection, and use of drinking water within the Colorado River National Conservation Area.".

Page 46, line 8, strike "of Agriculture".

Page 46, beginning on line 16, strike "and the Bureau of Indian Affairs".

Page 51, line 5, strike "relevant".

Page 56, line 23, strike "purpose" and insert "purposes".

Page 60, line 20, strike "relevant".

Page 62, line 14. Strike "ignations" and insert "ignation".

Page 62, line 19, insert "and Food" after "Agriculture".

Page 63, line 9, strike "areas" and insert "Area".

Page 66, beginning on line 19, strike "of Agriculture".

Page 67, line 12, insert "Secretary" after "the".

Page 69, line 10, strike "of the Interior".

Page 69, beginning on line 16, strike "Energy and Natural Resources" and insert "Agriculture, Nutrition, and Forestry".

Page 72, line 8, strike "Conservation Area" and insert "Little West Fork Blacks Fork Special Management Area".

Page 72, line 22, strike "area" and insert "Little West Fork Blacks Fork Special Management Area".

Page 73, line 20, strike "Area designated under section 405" and insert "Little West Fork Blacks Fork Special Management Area".

Page 74, line 2, strike "relevant".

Page 74, line 7, strike "areas designated by section 405" and insert "Little West Fork Blacks Fork Special Management Area".

Page 74, line 8, strike "an area" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 74, line 10, strike "areas designated by section 405" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 75, line 5, strike "areas designated by section 405" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 75, line 19, strike "ignations" and insert "ignation".

Page 75, line 24, insert "and Food" after "Agriculture".

Page 77, line 2, strike "areas" and insert "Little West Fork Blacks Special Management Area".

Page 77, line 21, line 21, strike "Areas" and insert "Area".

Page 78, line 12, strike "Areas" and insert "Area".

Page 80, line 3, insert a comma after "Area".

Page 80, line 6, strike "405" and insert "406".

Page 80, line 24, strike "8,770" and insert "9,578".

Page 81, beginning on line 6, strike "41,301 acres; 26,210 acres in Carbon County and 15,091 acres" and insert "38,293 acres (26,199 acres in Carbon County and 12,094 acres".

Page 81, line 8, strike "County" and insert "County)".

Page 81, beginning on line 9, strike "in Carbon County and Duchesne County".

Page 82, line 15, strike "maintains" and insert "maintain".

Page 82, line 18, strike "purpose" and insert "purposes".

Page 82, line 19, strike "hereinto" and insert "hereafter".

Page 82, line 20, strike "is" and insert 'are".

Page 83, line 7, strike "(hereinafter referred to as the "Secretary")".

Page 83, line 15, insert "of the Interior" before "may".

Page 84, line 5, insert "of the Interior" after "Secretary".

Page 84, line 9, insert "of the Interior" after "Secretary".

Page 84, line 12, strike "Committee" and insert "Council".

Page 84, like 25, strike "204" and insert "205".

Page 85, line 1, strike "204(a)" and insert "205(a)" .

Page 85, strike lines 2 through 4 and insert "shall not apply to the Areas.".

Page 85, line 6, insert "the Areas" after "resources in".

Page 85, line 25, strike "FLPMA (site)" and insert "the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)".

Page 86, line 7 strike "(hereinto referred to as the "Secretary")".

Page 86, beginning on line 13, strike "Advisory Council described in subsection (d) below" and insert "Book Cliffs Sportsmen's Special Management Area Advisory Committee established under section 413.".

Page 86, line 16, strike "Council" and insert "Committee ".

Page 86, line 22, strike "Council" and insert "Committee".

Page 86, line 24, strike "in accordance with section 408(c)" and insert "to support the purposes outlined in section 408(c)".

Page 87, line 1, insert "of the Interior" after "Secretary".

Page 87, line 5, insert "of the Interior" after "Secretary".

Page 87, line 10, strike "the" and insert "The".

Page 87, line 10, insert "of the Interior" after "Secretary".

Page 87, line 23, insert "of the Interior" after "Secretary".

Page 88, line 9, strike "maintain".

Page 90, line 9, strike "or one designee" and insert "or his designee".

Page 90, line 25, strike "under section 402" and insert "on the Book Cliffs Sportsmen's Special Management Area Advisory Committee".

Page 91, line 2, insert ", except for the State Division of Wildlife Resources Director" after "Government".

Page 91, beginning on line 4, strike "from the two categories in section 402, the Secretary of the Interior" and insert ", the Secretary of the Interior".

Page 91, line 7, strike "from within each category".

Page 91, line 19, strike "Agriculture, Nutrition, and Forestry" and insert "Energy and Natural Resources".

Page 92, line 24, strike "1 time a year. A majority"" and insert "once a year. A majority of the members".

Page 93, line 1, insert "a quorum for" after "constitute".

Page 94, line 8, strike "the" after "generations".

Page 94, line 14, strike "BOUNDARIES" and insert "ESTABLISHMENT".

Page 94, line 18, after "Monument" insert "and to be managed by the Bureau of Land Management" before the period.

Strike the text beginning on page 94, line 20 through page 95, line 2, and insert the following:

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of the Monument.".

Page 96, line 5, before "land within the Monument" insert "Federal".

Page 96, strike lines 9 through 10 and insert the following:

"(1) all forms of entry, appropriation, and disposal under the public land laws;".

Page 96, strike lines 16 through 22 and insert the following:

"(1) PLAN REQUIRED.—As soon as practicable after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term management of the Monument, including consideration of enhanced transportation routes, outdoor recreation planning, and promotion of scientific research.".

Strike the text beginning on page 96, line 24 through page 97, line 1, and insert "In developing the management plan required under paragraph (1), the Secretary shall consult with appropriate state, local, and tribal government entities, members of the public, and the Public Lands".

Page 97, line 12, strike "State and" and insert "State,".

Page 97, strike lines 13 through 15 and insert the following:

"(3) USES.—The Secretary shall only allow such uses of the Monument that the Secretary determines would further the purposes described in section 601(a) of this title.".

Page 97, strike lines 18 through 19 and insert the following:

"(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(2) this title;

(3) any other applicable law (including regulations).".

Page 100, line 2, strike "as a" the first time it appears.

Page 100, line 19, after "County", insert ", Utah, to be administered by the Secretary of the Interior,".

Page 100, line 23, after "County", insert ", Utah, to be administered by the Secretary of the Interior,".

Page 101, line 15, strike "or transfer from another agency" and insert "transfer from another agency, or purchase from a willing seller".

Page 103, line 21, insert "in this title" after "hereinafter".

Page 103, beginning on line 23, strike "(hereinafter referred to as the "Area"".

Page 104, beginning on line 1, strike "Energy and Natural Resources" and insert "Agriculture, Nutrition, and Forestry".

Page 105, line 5, strike "Committee" and insert "Council".

Page 105, beginning on line 11, strike "Energy and Natural Resources" and insert Agriculture, Nutrition, and Forestry".

Page 106, line 24, strike "County" and insert "county".

Page 107, line 19, strike "Conservation".

Page 107, line 23, insert "dated September 19, 2016" after "Map".

Page 108, line 10, strike "area" and insert "Area".

Page 108, line 14, insert comma after "feasible".

Page 108, line 14, insert "Secretary" before "may".

Page 109, line 20, strike "relevant".

Page 109, line 25, strike "areas" and insert "Area".

Page 110, line 1, strike "an area" and insert "the Area".

Page 110, line 4, strike "in areas" and insert "in the Area".

Page 110, line 15, strike "an area" and insert "the Area".

Page 110, line 24, strike "in areas" and insert "the Area".

Page 111, strike line 14 and insert "ignation made under section 801.".

Page 111, line 19, insert "and Food" after "Agriculture".

Page 112, line 15, strike "the areas" and insert "the Area".

Page 115, line 7, insert a comma after "Act".

Page 115, line 16, strike "United States Forest Service" and insert "Secretary".

Page 117, line 15, insert ", except such term does not include land the title to which is held in trust by the United States for the benefit of a tribe or an individual or is held in fee by a tribe or individual subject to restriction by the United States against alienation" after "Utah".

Page 117, beginning on line 16, strike "following".

Page 117, line 19, strike "July 12" and re insert "September 21".

Page 125, line 14, strike "Maps" and insert "Map".

Page 127, line 15, strike "title" and insert "Act".

Page 128, line 9, strike "Maps" and insert "Map".

Page 152, line 15, strike "Bluff Service Area" and insert "San Juan County, Utah".

Page 152, line 24, strike the underscore and insert "3.71".

Page 153, after line 3, insert the following:

"(21) ALLEN CANYON CEMETERY.- - The approximately 1.2 acres depicted on the map entitled Utah PLI Land Conveyances Map and dated September 16, 2016, as 'Ute Cemetery', to the Ute Mountain Ute Tribe to

use as a cemetery. The Bureau of Land Management shall designate as an easement the existing two-track road that runs between County Road B227 and the Allen Canyon Cemetery to provide public access to the cemetery.".

Page 153, line 8, insert before the period at the end "of the U.S. House of Representatives, and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the U.S. Senate".

Page 170, line 10, strike the underscore and insert "210,116".

Page 170, line 12, insert "and Utah Rims" after "Dee Pass".

Page 172, beginning on line 13, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 172, line 16, strike "is" and insert "are".

Page 174, line 15, strike "is" and insert "are".

Page 176, line 6, strike "is" and insert "are".

Page 176, beginning on line 11, strike "of the Interior".

Page 177, line 11, strike "of the Interior".

Page 178, beginning on line 1, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 178, line 4, strike "is" and insert "are".

Page 178, beginning on line 9, strike "of the Interior".

Page 179, line 10, strike "of the Interior".

Page 180, beginning on line 1, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 180, line 4, strike "is" and insert "are".

Page 180, beginning on line 9, strike "of the Interior".

Page 181, line 8, strike "of the Interior".

Page 181, beginning on line 22, strike Section 815 and redesignate the subsequent sections accordingly.

Page 183, line 22, insert "The application of" before "San Juan".

Page 183, line 23, strike "Utah's application for a Title V"" and inset "Utah, for a Title V of the Federal Land Policy and Management Act of 1976".

Page 184, line 4, insert "of the Federal Land Policy and Management Act of 1976" after "Title V".

Page 184, line 6, strike "canyon" and insert "Recapture Canyon".

Page 184, beginning on line 9, strike "In granting the application, compliance with section" and insert "Section".

Page 184, line 15, strike "proposed".

Page 184, line 16, insert "Utah," after "Area,".

Page 184, line 19, strike "2016" and insert "2015".

Page 185, line 18, strike "trail" and insert "Trail".

Page 185, strike line 19 and insert "the Secretary shall give priority consideration to a long distance route".

Page 185, line 11, strike the underscore and insert "June 30, 2016".

Page 185, line 21, strike "and".

Page 187, line 15, strike "subparagraph (C)" and insert "subsection (c)".

Page 188, beginning on line 19, strike "Red Rock County Off-Highway Vehicle".

Page 189, line 21, strike "McCraken" and insert "McCracken".

Page 189, line 23, strike "McCraken" and insert "McCracken".

Page 190, beginning on line 9, strike "a Federal agency owns or" and insert "the United States".

Page 190, beginning on line 11, strike "owned or managed by the Federal agency" and insert "managed by the United States".

Page 190, line 24, strike "133-133" and insert "113-133".

Page 192, line 15, strike "subtitle" and insert "title".

Page 193, line 16, insert "permitting" before "process".

Page 194, line 5, strike "completed" and insert "approved".

Page 195, strike lines 13 through 16 and insert:

"The recommendations of the Grand County Council for Hey Joe Canyon, Tenmile Canyon, and Mineral Canyon roads, as depicted on the map entitled 'Grand County PLI Final Map 4-17-2015' and dated April 17, 2015, shall".

Page 195, line 24, strike "title V" and insert "Title V of the Federal Land Policy and Management Act of 1976".

Page 196, line 9, strike "title" and insert "Act".

Page 197, line 5, insert "in Utah" after "areas".

Strike the text beginning on page 197, line 16 through page 198, line 11, and insert:

"**SEC. 101. DEFINITIONS.—**

(a) Advisory Council.—The term "Advisory Council" means the Public Lands Initiative Planning and Implementation Advisory Council established under section 102(a) of this title.

SEC. 102. PUBLIC LANDS INITIATIVE PLANNING AND IMPLEMENTATION ADVISORY COUNCIL.

(a) Establishment.—The Secretary of the Interior and the Secretary of Agriculture shall jointly establish an Advisory Council, to be known as the 'Public Lands Initiative Planning and Implementation Advisory Council', to advise the Secretary concerned with respect to the

development and implementation of the management plans required by this Act and with respect to policies or programs that encourage coordination among the public, local elected officials, and public lands stakeholders, and the State, tribes, and the Federal Government.

(1) Applicable Law.—The Advisory Council shall be subject to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).".

Page 198, line 15, strike "Committee' and insert "Council".

Page 198, line 22, strike "Committee" and insert "Council".

Page 199, line 1, strike "Committee" and insert "Council".

Page 199, line 6, strike "Committee" and insert "Council".

Page 199, line 9, strike "Committee" and insert "Council".

Page 199, line 10, strike "COMMITTEE" and insert "COUNCIL".

Page 199, line 11, strike "Committee" and insert "Council".

Page 199, line 14, strike "Committee" and insert "Council".

Page 200, after line 2, insert the following and redesignate the following clauses accordingly:

"(v) A representative of the National Park Service Intermountain Region".

Page 201, after line 21 insert the following :

(2) TERMS.—

(A) INITIAL APPOINTMENTS.—The Secretaries of the Interior and Agriculture shall make initial appointments to the Advisory Council not later than 180 days after the date of the enactment of this Act.

(B) TERM LENGTH.—Members of the Advisory Council shall be jointly appointed by the Secretaries of the Interior and Agriculture for a term of 5 years.

(C) REAPPOINTMENT.—A member may be reappointed to serve on the Advisory Council for not more than 3 terms.

(D) VACANCIES.—The Secretaries of the Interior and Agriculture shall fill vacancies on the Advisory Committee as soon as practicable after the vacancy has occurred.

(3) CHAIRPERSON.—The Secretaries of the Interior and Agriculture shall jointly select the chairperson of the Advisory Council for a term of 5 years.

(4) SERVICE WITHOUT COMPENSATION.—Members of the Advisory Council shall serve without pay.

(5) PRESERVATION OF PUBLIC ADVISORY STATUS.—No member of the Advisory Council appointed to represent the interests outlined in subparagraph (c)(2)(B) may be an officer or employee of the Federal Government or State of Utah.

(6) REPRESENTATION.—The Secretaries of the Interior and Agriculture shall ensure that membership of the Advisory Council is fairly balanced in terms of the points of view represented and the functions to be performed by the Advisory Council.".

Page 201, strike lines 22 through 25.

Page 202, strike lines 1 through 9.

Page 202, line 10, strike "COMMITTEE" and insert "COUNCIL".

Page 202, beginning on line 11, strike "Committee" and insert "Council".

Page 202, line 18, strike "Committee" and insert "Council".

Page 203, beginning on line 1, strike "Committee" and insert "Council".

Page 203, line 4, strike "Committee" and insert "Council".

Page 203, strike lines 10 through 11.

Page 203, line 12, strike "(1)" and insert "(f)".

Page 203, beginning on line 12, strike "Committee" and insert "Council".

Page 203, line 17, strike "(2)" and insert "(g)".

Page 203, line 18, strike "(A)" and insert (1).

Page 203, starting on line 18, strike "Committee" and insert "Council".

Page 203, line 22, insert "of the members of the Council" after "members".

Page 203, line 24, strike "Committee" and insert "Council".

Page 204, line 1, strike "(B)" and insert "(2)".

Page 204, line 5, strike "(3)" and insert "(h)".

Page 205, line 14, strike "U.S. Forest Service in San Juan County" and insert "United States Forest Service in San Juan County, Utah,".

Page 205, line 16, strike "to be known" and insert "shall be designated ".

Page 205, strike lines 19 through 25 and insert the following:

"(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, as appropriate, shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate a map and legal description of the National Conservation Area established in section 102 of this title.".

Page 206, line 1, strike "Each" and insert "The".

Page 206, line 21, strike "established by section 102".

Page 207, line 1, strike "maintains and enhances", insert "encourages".

Page 207, starting on line 18, strike "Native American archaeological sites" and insert "covered sites and properties" .

Page 208, strike lines 1 through 5 and insert the following:

"(b) MANAGEMENT PLAN.--

"(1) PLAN REQUIRED.—As soon as practicable after the date of enactment of this Act, the Secretaries shall develop a joint comprehensive plan for the long-term management of the Bears Ears National Conservation Area.".

Page 208, strike lines 7 through 9 and insert "In developing the management plan required under paragraph (1), the Secretaries shall consult with appropriate state, local, and tribal government entities, members of the public, and the".

Page 208, line 11, strike "Committee" and insert "Council".

Page 208, line 12, strike "relevant Secretary does" and insert "Secretaries do".

Page 208, line 15, strike "relevant Secretary" and insert "Secretaries".

Page 208, line 18, strike "and".

Page 208, line 19, insert ", and Senate Committee on Agriculture, Nutrition and Forestry," after "Natural Resources".

Page 208, strike lines 22 through 23 and insert "The general provisions of section 205 of Division A of this Act shall apply to this title.".

Page 209, line 2, insert "and the Secretary of Agriculture" after "Interior".

Page 209, line 5, strike "National Conservation Area".

Page 209, strike lines 9 through 20 and insert the following:

"(a) CREATION OF COMMISSION.—In preparing the management plan under section 104(b) for the Bears Ears, the Secretaries of the Interior and Agriculture shall create a Commission consisting of tribal representatives and federal agency staff, in recognition of the importance of tribal participation to the care and management of the Bear Ears' natural and cultural resources.

(1) APPOINTMENT AND TERM.—The Secretaries of the Interior and Agriculture shall appoint for a term of five years beginning on the date of appointment:

(A) Three federal members, one each from the Bureau of Land Management, the National Park Service and the United States Forest Service; and

(B) No more than seven elected officers of tribal governments or their designated employees.

(2) REQUIREMENTS.—The Secretaries of the Interior and Agriculture shall select tribal members of the Commission who demonstrate:
   (A) A historical or geographical connection to the objects and lands of the Bears Ears;
   (B) Relevant traditional knowledge; and
   (C) The ability to contribute to the management of the Bears Ears.

(3) DUTIES.—The Commission shall provide information and proposals as needed to integrate the tribes' traditional knowledge and special expertise where relevant to the care and management of the Bears Ears' natural and cultural resources, including in the development of the management plans developed under section 104(b) of this title. The Secretaries shall carefully consider these proposals, and may use all applicable federal authorities to ensure that these management plans and management decisions incorporate, as appropriate, the information and proposals provided from the Commission. Such input from the Commission may include, but need not be limited to:
   (A) Protections for and use of sacred sites;
   (B) Cultural and educational programming;
   (C) Plants, animals, and special resources;
   (D) Traditional uses, such as gathering firewood;
   (E) Historical and archaeological resources;
   (F) Impacts of off-road use and off-road vehicles on cultural and environmental resources;
   (G) Recreational uses, such as climbing; and
   (H) Resource uses, such as grazing, timber production, and mining.".

Page 209, line 24, strike "the Bears Ears National Conservation Area" and insert "Bears Ears".

Page 209, line 25, insert "and the Secretary of Agriculture" after "Interior".

Page 210, line 4, insert "and the Secretary of Agriculture" after "Interior".

Page 210, beginning on line 8, strike "the Bears Ears National Conservation Area" and insert "Bear Ears".

Page 210, line 14, insert "and the Secretary of Agriculture" after "terior".

Page 210, line 18, strike "Secretary" and insert "Secretaries".

Page 210, line 22, insert "and the Secretary of Agriculture" after "Interior".

Page 211, line 5, insert "and the Secretary of Agriculture" after "Interior".

Page 211, line 8, strike "Secretary of the Interior" and insert "Secretaries".

Page 211, line 11, insert "and the Secretary of Agriculture" after "Interior".

Page 211, beginning on line 14, strike "Secretary of the Interior" and insert "Secretaries".

Page 211, line 18, strike "Secretary of the Interior" and insert "Secretaries".

Page 213, beginning on line 10, strike "from the two categories in section 2, the Secretary of the Interior" and insert ", the Secretaries".

Page 213, line 13, strike "from within each category".

Page 213, line 15, insert "and the Secretary of Agriculture" after "rior".

Page 213, line 23, insert "the Secretary of Agriculture," after "Interior,".

Page 213, line 24, strike "and".

Page 213, line 25, insert "and the Committee on Energy and Natural Resources of the Senate" before the period.

Page 214, line 3, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 13, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 16, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 22, insert "and the Secretary of Agriculture" after "Interior".

Page 214, strike line 24 and insert "retaries.".

Page 215, line 3, insert "the Secretary of Agriculture," after "Interior,".

Amendment #1********

Amendment to H.R. 5780
Offered by Mr. Bishop of Utah

At each place it appears, strike "Utah PLI Special Management Area Map dated June 30, 2016" and insert "Utah PLI Special Management Area Map dated September 19, 2016".

At each place it appears, strike "Utah PLI Land Conveyances Map dated June 30, 2016" and insert "Utah PLI Land Conveyances Map dated September 20, 2016".

At each place it appears, strike "Utah PLI National Conservation Area Map dated June 30, 2016" and insert "Utah PLI National Conservation Area Map dated September 16, 2016".

At each place it appears, strike "Utah PLI Wilderness Map dated June 30, 2016" and insert "Utah PLI Wilderness Map dated September 19, 2016".

Page 6, line 9 insert "(a) DESIGNATIONS. — " before "In furtherance".

Page 6, line 24, strike "458,413" and insert "452,204".

Page 8, line 6, after "Management" insert "and the National Park Service".

Page 8, line 25, after "Management" insert "and the National Park Service".

Page 12, line 18, after "Management" insert "and the United States Forest Service".

Page 14, line 23, after "Management" insert "and the United States Forest Service".

Page 16, line 11, strike "and the United States Forest Service".

Page 16, starting on line 17, strike "United States Forest Service", and insert "Bureau of Land Management and the National Park Service".

Page 16, after line 21, insert the following:

"(b) PREVIOUS LAND USE.--The previous land use classifications of the Grand Gulch Primitive Area and the Dark Canyon Primitive Area are hereby superseded." .

Strike the text beginning on page 16, line 23 through page 17, line 4 and insert:

"(a) IN GENERAL. – As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture as appropriate shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each wilderness area designated by this title.".

Page 17, beginning on line 16, strike "the Bureau of Indian Affairs".

Page 19, line 14 insert "and Food" after "Agriculture".

Page 19, line 22, "and other wilderness" before "purposes".

Page 24, strike line 4.

Page 24, line 5, strike "(1)" and insert "(a)".

Page 24, line 13, strike "(A)" and insert "(1)".

Page 24, line 15, strike "(B)" and insert "(2)".

Page 24, line 17, strike "(C)" and insert "(3)".

Page 24, line 19, strike "(D) the 20,404-acre"" and insert "(4) the 38,242-acre".

Page 24, line 22, strike "this title" and insert "Title IV".

Page 24, line 24, strike "(E)" and insert "(5").

Page 25, line 1, strike "(F)" and insert "(6)".

Page 25, line 24, strike "(K), (AA), and (BB)" and insert "(27) and (28)".

Page 29, after line 10, insert the following and redesignate the following sections accordingly:

"**SEC. 202. DEFINITIONS.** –In this title:

(a) Management plan.—The term 'management plan' means the management plans for each National Conservation Area developed by the relevant Secretary under section 205.

(b) National Conservation Area.—The term 'National Conservation Area' means the National Conservation Areas established under section 201 of this title.".

Page 29, strike lines 12 through 18 and insert the following:

"(a) IN GENERAL. – As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture as appropriate shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each National Conservation Area designated by this title.".

Page 30, starting on line 5, strike "the Bureau of Indian Affairs,".

Page 30, starting on line 6, strike the comma after "Bureau of Land Management".

Page 31, strike lines 2 through 5 and insert the following:

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the relevant Secretary shall develop a comprehensive management plan for the long-term management of each National Conservation Area.".

Page 31, line 7, strike "The" and insert "In developing the management plans required under paragraph (1), the".

Page 31, starting on line 7, strike "prepare the management plan in consultation and coordination" and insert "consult and coordinate".

Page 31, line 9, before "local" insert "appropriate state,".

Page 31, line 9, strike "governments," and insert "government entities, members of".

Strike the text beginning on page 31, line 22 through page 32, line 8, and insert the following:

"(a) WITHDRAWALS.—

(1) In General.—Subject to valid existing rights and paragraph (3), all Federal land in each National Conservation Area is withdrawn from—

(i) all forms of entry, appropriation, and disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) Additional Land.—If the relevant Secretary acquires additional land that is located within a National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(3) Exception.—This withdrawal shall not apply to the extraction and storage of mineral materials used for road maintenance within the National Conservation Areas established under section 201 of this Act.".

Page 34, line 24, insert "and Food" after "Agriculture".

Page 38, line 17, strike "204(d)(2)" and insert "205(d)(2)".

Page 41, beginning on line 12, strike "Secretary of the Interior and Secretary of Agriculture" and insert "relevant Secretary".

Page 41, beginning on line 21, strike "Secretary of the Interior and Secretary of Agriculture" and insert "relevant Secretary".

Page 42, beginning on line 8, strike "Secretary of the Interior and the Secretary of Agriculture" and insert "relevant Secretary".

Page 43, line 24, strike "shall effect", insert "precludes".

Page 44, line 4, strike "designated under section 201".

Page 44, strike lines 7 through 9 and insert: "In addition to those purposes provided in section 204 of this Act, a purpose for the Colorado River National Conservation

Area shall be to provide for the management, development, protection, and use of drinking water within the Colorado River National Conservation Area.".

Page 46, line 8, strike "of Agriculture".

Page 46, beginning on line 16, strike "and the Bureau of Indian Affairs".

Page 51, line 5, strike "relevant".

Page 56, line 23, strike "purpose" and insert "purposes".

Page 60, line 20, strike "relevant".

Page 62, line 14. Strike "ignations" and insert "ignation".

Page 62, line 19, insert "and Food" after "Agriculture".

Page 63, line 9, strike "areas" and insert "Area".

Page 66, beginning on line 19, strike "of Agriculture".

Page 67, line 12, insert "Secretary" after "the".

Page 69, line 10, strike "of the Interior".

Page 69, beginning on line 16, strike "Energy and Natural Resources" and insert "Agriculture, Nutrition, and Forestry".

Page 72, line 8, strike "Conservation Area" and insert "Little West Fork Blacks Fork Special Management Area".

Page 72, line 22, strike "area" and insert "Little West Fork Blacks Fork Special Management Area".

Page 73, line 20, strike "Area designated under section 405" and insert "Little West Fork Blacks Fork Special Management Area".

Page 74, line 2, strike "relevant".

Page 74, line 7, strike "areas designated by section 405" and insert "Little West Fork Blacks Fork Special Management Area".

Page 74, line 8, strike "an area" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 74, line 10, strike "areas designated by section 405" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 75, line 5, strike "areas designated by section 405" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 75, line 19, strike "ignations" and insert "ignation".

Page 75, line 24, insert "and Food" after "Agriculture".

Page 77, line 2, strike "areas" and insert "Little West Fork Blacks Special Management Area".

Page 77, line 21, line 21, strike "Areas" and insert "Area".

Page 78, line 12, strike "Areas" and insert "Area".

Page 80, line 3, insert a comma after "Area".

Page 80, line 6, strike "405" and insert "406".

Page 80, line 24, strike "8,770" and insert "9,578".

Page 81, beginning on line 6, strike "41,301 acres; 26,210 acres in Carbon County and 15,091 acres" and insert "38,293 acres (26,199 acres in Carbon County and 12,094 acres".

Page 81, line 8, strike "County" and insert "County)".

Page 81, beginning on line 9, strike "in Carbon County and Duchesne County".

Page 82, line 15, strike "maintains" and insert "maintain".

Page 82, line 18, strike "purpose" and insert "purposes".

Page 82, line 19, strike "hereinto" and insert "hereafter".

Page 82, line 20, strike "is" and insert 'are".

Page 83, line 7, strike "(hereinafter referred to as the "Secretary")".

Page 83, line 15, insert "of the Interior" before "may".

Page 84, line 5, insert "of the Interior" after "Secretary".

Page 84, line 9, insert "of the Interior" after "Secretary".

Page 84, line 12, strike "Committee" and insert "Council".

Page 84, like 25, strike "204" and insert "205".

Page 85, line 1, strike "204(a)" and insert "205(a)" .

Page 85, strike lines 2 through 4 and insert "shall not apply to the Areas.".

Page 85, line 6, insert "the Areas" after "resources in".

Page 85, line 25, strike "FLPMA (site)" and insert "the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)".

Page 86, line 7 strike "(hereinto referred to as the "Secretary")".

Page 86, beginning on line 13, strike "Advisory Council described in subsection (d) below" and insert "Book Cliffs Sportsmen's Special Management Area Advisory Committee established under section 413.".

Page 86, line 16, strike "Council" and insert "Committee ".

Page 86, line 22, strike "Council" and insert "Committee".

Page 86, line 24, strike "in accordance with section 408(c)" and insert "to support the purposes outlined in section 408(c)".

Page 87, line 1, insert "of the Interior" after "Secretary".

Page 87, line 5, insert "of the Interior" after "Secretary".

Page 87, line 10, strike "the" and insert "The".

Page 87, line 10, insert "of the Interior" after "Secretary".

Page 87, line 23, insert "of the Interior" after "Secretary".

Page 88, line 9, strike "maintain".

Page 90, line 9, strike "or one designee" and insert "or his designee".

Page 90, line 25, strike "under section 402" and insert "on the Book Cliffs Sportsmen's Special Management Area Advisory Committee".

Page 91, line 2, insert ", except for the State Division of Wildlife Resources Director" after "Government".

Page 91, beginning on line 4, strike "from the two categories in section 402, the Secretary of the Interior" and insert ", the Secretary of the Interior".

Page 91, line 7, strike "from within each category".

Page 91, line 19, strike "Agriculture, Nutrition, and Forestry" and insert "Energy and Natural Resources".

Page 92, line 24, strike "1 time a year. A majority"" and insert "once a year. A majority of the members".

Page 93, line 1, insert "a quorum for" after "constitute".

Page 94, line 8, strike "the" after "generations".

Page 94, line 14, strike "BOUNDARIES" and insert "ESTABLISHMENT".

Page 94, line 18, after "Monument" insert "and to be managed by the Bureau of Land Management" before the period.

Strike the text beginning on page 94, line 20 through page 95, line 2, and insert the following:

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of the Monument.".

Page 96, line 5, before "land within the Monument" insert "Federal".

Page 96, strike lines 9 through 10 and insert the following:

"(1) all forms of entry, appropriation, and disposal under the public land laws;".

Page 96, strike lines 16 through 22 and insert the following:

"(1) PLAN REQUIRED.—As soon as practicable after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term management of the Monument, including consideration of enhanced transportation routes, outdoor recreation planning, and promotion of scientific research.".

Strike the text beginning on page 96, line 24 through page 97, line 1, and insert "In developing the management plan required under paragraph (1), the Secretary shall consult with appropriate state, local, and tribal government entities, members of the public, and the Public Lands".

Page 97, line 12, strike "State and" and insert "State,".

Page 97, strike lines 13 through 15 and insert the following:

"(3) USES.—The Secretary shall only allow such uses of the Monument that the Secretary determines would further the purposes described in section 601(a) of this title.".

Page 97, strike lines 18 through 19 and insert the following:

"(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(2) this title;

(3) any other applicable law (including regulations).".

Page 100, line 2, strike "as a" the first time it appears.

Page 100, line 19, after "County", insert ", Utah, to be administered by the Secretary of the Interior,".

Page 100, line 23, after "County", insert ", Utah, to be administered by the Secretary of the Interior,".

Page 101, line 15, strike "or transfer from another agency" and insert "transfer from another agency, or purchase from a willing seller".

Page 103, line 21, insert "in this title" after "hereinafter".

Page 103, beginning on line 23, strike "(hereinafter referred to as the "Area"".

Page 104, beginning on line 1, strike "Energy and Natural Resources" and insert "Agriculture, Nutrition, and Forestry".

Page 105, line 5, strike "Committee" and insert "Council".

Page 105, beginning on line 11, strike "Energy and Natural Resources" and insert Agriculture, Nutrition, and Forestry".

Page 106, line 24, strike "County" and insert "county".

Page 107, line 19, strike "Conservation".

Page 107, line 23, insert "dated September 19, 2016" after "Map".

Page 108, line 10, strike "area" and insert "Area".

Page 108, line 14, insert comma after "feasible".

Page 108, line 14, insert "Secretary" before "may".

Page 109, line 20, strike "relevant".

Page 109, line 25, strike "areas" and insert "Area".

Page 110, line 1, strike "an area" and insert "the Area".

Page 110, line 4, strike "in areas" and insert "in the Area".

Page 110, line 15, strike "an area" and insert "the Area".

Page 110, line 24, strike "in areas" and insert "the Area".

Page 111, strike line 14 and insert "ignation made under section 801.".

Page 111, line 19, insert "and Food" after "Agriculture".

Page 112, line 15, strike "the areas" and insert "the Area".

Page 115, line 7, insert a comma after "Act".

Page 115, line 16, strike "United States Forest Service" and insert "Secretary".

Page 117, line 15, insert ", except such term does not include land the title to which is held in trust by the United States for the benefit of a tribe or an individual or is held in fee by a tribe or individual subject to restriction by the United States against alienation" after "Utah".

Page 117, beginning on line 16, strike "following".

Page 117, line 19, strike "July 12" and re insert "September 21".

Page 125, line 14, strike "Maps" and insert "Map".

Page 127, line 15, strike "title" and insert "Act".

Page 128, line 9, strike "Maps" and insert "Map".

Page 152, line 15, strike "Bluff Service Area" and insert "San Juan County, Utah".

Page 152, line 24, strike the underscore and insert "3.71".

Page 153, after line 3, insert the following:

"(21) ALLEN CANYON CEMETERY.- - The approximately 1.2 acres depicted on the map entitled Utah PLI Land Conveyances Map and dated September 16, 2016, as 'Ute Cemetery', to the Ute Mountain Ute Tribe to

use as a cemetery. The Bureau of Land Management shall designate as an easement the existing two-track road that runs between County Road B227 and the Allen Canyon Cemetery to provide public access to the cemetery.".

Page 153, line 8, insert before the period at the end "of the U.S. House of Representatives, and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the U.S. Senate".

Page 170, line 10, strike the underscore and insert "210,116".

Page 170, line 12, insert "and Utah Rims" after "Dee Pass".

Page 172, beginning on line 13, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 172, line 16, strike "is" and insert "are".

Page 174, line 15, strike "is" and insert "are".

Page 176, line 6, strike "is" and insert "are".

Page 176, beginning on line 11, strike "of the Interior".

Page 177, line 11, strike "of the Interior".

Page 178, beginning on line 1, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 178, line 4, strike "is" and insert "are".

Page 178, beginning on line 9, strike "of the Interior".

Page 179, line 10, strike "of the Interior".

Page 180, beginning on line 1, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 180, line 4, strike "is" and insert "are".

Page 180, beginning on line 9, strike "of the Interior".

Page 181, line 8, strike "of the Interior".

Page 181, beginning on line 22, strike Section 815 and redesignate the subsequent sections accordingly.

Page 183, line 22, insert "The application of" before "San Juan".

Page 183, line 23, strike "Utah's application for a Title V"" and inset "Utah, for a Title V of the Federal Land Policy and Management Act of 1976".

Page 184, line 4, insert "of the Federal Land Policy and Management Act of 1976" after "Title V".

Page 184, line 6, strike "canyon" and insert "Recapture Canyon".

Page 184, beginning on line 9, strike "In granting the application, compliance with section" and insert "Section".

Page 184, line 15, strike "proposed".

Page 184, line 16, insert "Utah," after "Area,".

Page 184, line 19, strike "2016" and insert "2015".

Page 185, line 18, strike "trail" and insert "Trail".

Page 185, strike line 19 and insert "the Secretary shall give priority consideration to a long distance route".

Page 185, line 11, strike the underscore and insert "June 30, 2016".

Page 185, line 21, strike "and".

Page 187, line 15, strike "subparagraph (C)" and insert "subsection (c)".

Page 188, beginning on line 19, strike "Red Rock County Off-Highway Vehicle".

Page 189, line 21, strike "McCraken" and insert "McCracken".

Page 189, line 23, strike "McCraken" and insert "McCracken".

Page 190, beginning on line 9, strike "a Federal agency owns or" and insert "the United States".

Page 190, beginning on line 11, strike "owned or managed by the Federal agency" and insert "managed by the United States".

Page 190, line 24, strike "133-133" and insert "113-133".

Page 192, line 15, strike "subtitle" and insert "title".

Page 193, line 16, insert "permitting" before "process".

Page 194, line 5, strike "completed" and insert "approved".

Page 195, strike lines 13 through 16 and insert:

"The recommendations of the Grand County Council for Hey Joe Canyon, Tenmile Canyon, and Mineral Canyon roads, as depicted on the map entitled 'Grand County PLI Final Map 4-17-2015' and dated April 17, 2015, shall".

Page 195, line 24, strike "title V" and insert "Title V of the Federal Land Policy and Management Act of 1976".

Page 196, line 9, strike "title" and insert "Act".

Page 197, line 5, insert "in Utah" after "areas".

Strike the text beginning on page 197, line 16 through page 198, line 11, and insert:

"**SEC. 101. DEFINITIONS.—**

(a) Advisory Council.—The term "Advisory Council" means the Public Lands Initiative Planning and Implementation Advisory Council established under section 102(a) of this title.

SEC. 102. PUBLIC LANDS INITIATIVE PLANNING AND IMPLEMENTATION ADVISORY COUNCIL.

(a) Establishment.—The Secretary of the Interior and the Secretary of Agriculture shall jointly establish an Advisory Council, to be known as the 'Public Lands Initiative Planning and Implementation Advisory Council', to advise the Secretary concerned with respect to the

development and implementation of the management plans required by this Act and with respect to policies or programs that encourage coordination among the public, local elected officials, and public lands stakeholders, and the State, tribes, and the Federal Government.

(1) Applicable Law.—The Advisory Council shall be subject to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).".

Page 198, line 15, strike "Committee' and insert "Council".

Page 198, line 22, strike "Committee" and insert "Council".

Page 199, line 1, strike "Committee" and insert "Council".

Page 199, line 6, strike "Committee" and insert "Council".

Page 199, line 9, strike "Committee" and insert "Council".

Page 199, line 10, strike "COMMITTEE" and insert "COUNCIL".

Page 199, line 11, strike "Committee" and insert "Council".

Page 199, line 14, strike "Committee" and insert "Council".

Page 200, after line 2, insert the following and redesignate the following clauses accordingly:

"(v) A representative of the National Park Service Intermountain Region".

Page 201, after line 21 insert the following :

(2) TERMS.—

(A) INITIAL APPOINTMENTS.—The Secretaries of the Interior and Agriculture shall make initial appointments to the Advisory Council not later than 180 days after the date of the enactment of this Act.

(B) TERM LENGTH.—Members of the Advisory Council shall be jointly appointed by the Secretaries of the Interior and Agriculture for a term of 5 years.

(C) REAPPOINTMENT.—A member may be reappointed to serve on the Advisory Council for not more than 3 terms.

(D) VACANCIES.—The Secretaries of the Interior and Agriculture shall fill vacancies on the Advisory Committee as soon as practicable after the vacancy has occurred.

(3) CHAIRPERSON.—The Secretaries of the Interior and Agriculture shall jointly select the chairperson of the Advisory Council for a term of 5 years.

(4) SERVICE WITHOUT COMPENSATION.—Members of the Advisory Council shall serve without pay.

(5) PRESERVATION OF PUBLIC ADVISORY STATUS.—No member of the Advisory Council appointed to represent the interests outlined in subparagraph (c)(2)(B) may be an officer or employee of the Federal Government or State of Utah.

(6) REPRESENTATION.—The Secretaries of the Interior and Agriculture shall ensure that membership of the Advisory Council is fairly balanced in terms of the points of view represented and the functions to be performed by the Advisory Council.".

Page 201, strike lines 22 through 25.

Page 202, strike lines 1 through 9.

Page 202, line 10, strike "COMMITTEE" and insert "COUNCIL".

Page 202, beginning on line 11, strike "Committee" and insert "Council".

Page 202, line 18, strike "Committee" and insert "Council".

Page 203, beginning on line 1, strike "Committee" and insert "Council".

Page 203, line 4, strike "Committee" and insert "Council".

Page 203, strike lines 10 through 11.

Page 203, line 12, strike "(1)" and insert "(f)".

Page 203, beginning on line 12, strike "Committee" and insert "Council".

Page 203, line 17, strike "(2)" and insert "(g)".

Page 203, line 18, strike "(A)" and insert (1).

Page 203, starting on line 18, strike "Committee" and insert "Council".

Page 203, line 22, insert "of the members of the Council" after "members".

Page 203, line 24, strike "Committee" and insert "Council".

Page 204, line 1, strike "(B)" and insert "(2)".

Page 204, line 5, strike "(3)" and insert "(h)".

Page 205, line 14, strike "U.S. Forest Service in San Juan County" and insert "United States Forest Service in San Juan County, Utah,".

Page 205, line 16, strike "to be known" and insert "shall be designated ".

Page 205, strike lines 19 through 25 and insert the following:

"(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, as appropriate, shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate a map and legal description of the National Conservation Area established in section 102 of this title.".

Page 206, line 1, strike "Each" and insert "The".

Page 206, line 21, strike "established by section 102".

Page 207, line 1, strike "maintains and enhances", insert "encourages".

Page 207, starting on line 18, strike "Native American archaeological sites" and insert "covered sites and properties" .

Page 208, strike lines 1 through 5 and insert the following:

"(b) MANAGEMENT PLAN.--

"(1) PLAN REQUIRED.—As soon as practicable after the date of enactment of this Act, the Secretaries shall develop a joint comprehensive plan for the long-term management of the Bears Ears National Conservation Area.".

Page 208, strike lines 7 through 9 and insert "In developing the management plan required under paragraph (1), the Secretaries shall consult with appropriate state, local, and tribal government entities, members of the public, and the".

Page 208, line 11, strike "Committee" and insert "Council".

Page 208, line 12, strike "relevant Secretary does" and insert "Secretaries do".

Page 208, line 15, strike "relevant Secretary" and insert "Secretaries".

Page 208, line 18, strike "and".

Page 208, line 19, insert ", and Senate Committee on Agriculture, Nutrition and Forestry," after "Natural Resources".

Page 208, strike lines 22 through 23 and insert "The general provisions of section 205 of Division A of this Act shall apply to this title.".

Page 209, line 2, insert "and the Secretary of Agriculture" after "Interior".

Page 209, line 5, strike "National Conservation Area".

Page 209, strike lines 9 through 20 and insert the following:

"(a) CREATION OF COMMISSION.—In preparing the management plan under section 104(b) for the Bears Ears, the Secretaries of the Interior and Agriculture shall create a Commission consisting of tribal representatives and federal agency staff, in recognition of the importance of tribal participation to the care and management of the Bear Ears' natural and cultural resources.

(1) APPOINTMENT AND TERM.—The Secretaries of the Interior and Agriculture shall appoint for a term of five years beginning on the date of appointment:

(A) Three federal members, one each from the Bureau of Land Management, the National Park Service and the United States Forest Service; and

(B) No more than seven elected officers of tribal governments or their designated employees.

(2) REQUIREMENTS.—The Secretaries of the Interior and Agriculture shall select tribal members of the Commission who demonstrate:
   (A) A historical or geographical connection to the objects and lands of the Bears Ears;
   (B) Relevant traditional knowledge; and
   (C) The ability to contribute to the management of the Bears Ears.

(3) DUTIES.—The Commission shall provide information and proposals as needed to integrate the tribes' traditional knowledge and special expertise where relevant to the care and management of the Bears Ears' natural and cultural resources, including in the development of the management plans developed under section 104(b) of this title. The Secretaries shall carefully consider these proposals, and may use all applicable federal authorities to ensure that these management plans and management decisions incorporate, as appropriate, the information and proposals provided from the Commission. Such input from the Commission may include, but need not be limited to:
   (A) Protections for and use of sacred sites;
   (B) Cultural and educational programming;
   (C) Plants, animals, and special resources;
   (D) Traditional uses, such as gathering firewood;
   (E) Historical and archaeological resources;
   (F) Impacts of off-road use and off-road vehicles on cultural and environmental resources;
   (G) Recreational uses, such as climbing; and
   (H) Resource uses, such as grazing, timber production, and mining.".

Page 209, line 24, strike "the Bears Ears National Conservation Area" and insert "Bears Ears".

Page 209, line 25, insert "and the Secretary of Agriculture" after "Interior".

Page 210, line 4, insert "and the Secretary of Agriculture" after "Interior".

Page 210, beginning on line 8, strike "the Bears Ears National Conservation Area" and insert "Bear Ears".

Page 210, line 14, insert "and the Secretary of Agriculture" after "terior".

Page 210, line 18, strike "Secretary" and insert "Secretaries".

Page 210, line 22, insert "and the Secretary of Agriculture" after "Interior".

Page 211, line 5, insert "and the Secretary of Agriculture" after "Interior".

Page 211, line 8, strike "Secretary of the Interior" and insert "Secretaries".

Page 211, line 11, insert "and the Secretary of Agriculture" after "Interior".

Page 211, beginning on line 14, strike "Secretary of the Interior" and insert "Secretaries".

Page 211, line 18, strike "Secretary of the Interior" and insert "Secretaries".

Page 213, beginning on line 10, strike "from the two categories in section 2, the Secretary of the Interior" and insert ", the Secretaries".

Page 213, line 13, strike "from within each category".

Page 213, line 15, insert "and the Secretary of Agriculture" after "rior".

Page 213, line 23, insert "the Secretary of Agriculture," after "Interior,".

Page 213, line 24, strike "and".

Page 213, line 25, insert "and the Committee on Energy and Natural Resources of the Senate" before the period.

Page 214, line 3, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 13, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 16, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 22, insert "and the Secretary of Agriculture" after "Interior".

Page 214, strike line 24 and insert "retaries.".

Page 215, line 3, insert "the Secretary of Agriculture," after "Interior,".

Amendment #1********

Amendment to H.R. 5780
Offered by Mr. Bishop of Utah

At each place it appears, strike "Utah PLI Special Management Area Map dated June 30, 2016" and insert "Utah PLI Special Management Area Map dated September 19, 2016".

At each place it appears, strike "Utah PLI Land Conveyances Map dated June 30, 2016" and insert "Utah PLI Land Conveyances Map dated September 20, 2016".

At each place it appears, strike "Utah PLI National Conservation Area Map dated June 30, 2016" and insert "Utah PLI National Conservation Area Map dated September 16, 2016".

At each place it appears, strike "Utah PLI Wilderness Map dated June 30, 2016" and insert "Utah PLI Wilderness Map dated September 19, 2016".

Page 6, line 9 insert "(a) DESIGNATIONS. — " before "In furtherance".

Page 6, line 24, strike "458,413" and insert "452,204".

Page 8, line 6, after "Management" insert "and the National Park Service".

Page 8, line 25, after "Management" insert "and the National Park Service".

Page 12, line 18, after "Management" insert "and the United States Forest Service".

Page 14, line 23, after "Management" insert "and the United States Forest Service".

Page 16, line 11, strike "and the United States Forest Service".

Page 16, starting on line 17, strike "United States Forest Service", and insert "Bureau of Land Management and the National Park Service".

Page 16, after line 21, insert the following:

"(b) PREVIOUS LAND USE.--The previous land use classifications of the Grand Gulch Primitive Area and the Dark Canyon Primitive Area are hereby superseded." .

Strike the text beginning on page 16, line 23 through page 17, line 4 and insert:

"(a) IN GENERAL. – As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture as appropriate shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each wilderness area designated by this title.".

Page 17, beginning on line 16, strike "the Bureau of Indian Affairs".

Page 19, line 14 insert "and Food" after "Agriculture".

Page 19, line 22, "and other wilderness" before "purposes".

Page 24, strike line 4.

Page 24, line 5, strike "(1)" and insert "(a)".

Page 24, line 13, strike "(A)" and insert "(1)".

Page 24, line 15, strike "(B)" and insert "(2)".

Page 24, line 17, strike "(C)" and insert "(3)".

Page 24, line 19, strike "(D) the 20,404-acre"" and insert "(4) the 38,242-acre".

Page 24, line 22, strike "this title" and insert "Title IV".

Page 24, line 24, strike "(E)" and insert "(5").

Page 25, line 1, strike "(F)" and insert "(6)".

Page 25, line 24, strike "(K), (AA), and (BB)" and insert "(27) and (28)".

Page 29, after line 10, insert the following and redesignate the following sections accordingly:

"**SEC. 202. DEFINITIONS.** –In this title:

(a) Management plan.—The term 'management plan' means the management plans for each National Conservation Area developed by the relevant Secretary under section 205.

(b) National Conservation Area.—The term 'National Conservation Area' means the National Conservation Areas established under section 201 of this title.".

Page 29, strike lines 12 through 18 and insert the following:

"(a) IN GENERAL. – As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture as appropriate shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each National Conservation Area designated by this title.".

Page 30, starting on line 5, strike "the Bureau of Indian Affairs,".

Page 30, starting on line 6, strike the comma after "Bureau of Land Management".

Page 31, strike lines 2 through 5 and insert the following:

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the relevant Secretary shall develop a comprehensive management plan for the long-term management of each National Conservation Area.".

Page 31, line 7, strike "The" and insert "In developing the management plans required under paragraph (1), the".

Page 31, starting on line 7, strike "prepare the management plan in consultation and coordination" and insert "consult and coordinate".

Page 31, line 9, before "local" insert "appropriate state,".

Page 31, line 9, strike "governments," and insert "government entities, members of".

Strike the text beginning on page 31, line 22 through page 32, line 8, and insert the following:

"(a) WITHDRAWALS.—

(1) In General.—Subject to valid existing rights and paragraph (3), all Federal land in each National Conservation Area is withdrawn from—

(i) all forms of entry, appropriation, and disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) Additional Land.—If the relevant Secretary acquires additional land that is located within a National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(3) Exception.—This withdrawal shall not apply to the extraction and storage of mineral materials used for road maintenance within the National Conservation Areas established under section 201 of this Act.".

Page 34, line 24, insert "and Food" after "Agriculture".

Page 38, line 17, strike "204(d)(2)" and insert "205(d)(2)".

Page 41, beginning on line 12, strike "Secretary of the Interior and Secretary of Agriculture" and insert "relevant Secretary".

Page 41, beginning on line 21, strike "Secretary of the Interior and Secretary of Agriculture" and insert "relevant Secretary".

Page 42, beginning on line 8, strike "Secretary of the Interior and the Secretary of Agriculture" and insert "relevant Secretary".

Page 43, line 24, strike "shall effect", insert "precludes".

Page 44, line 4, strike "designated under section 201".

Page 44, strike lines 7 through 9 and insert: "In addition to those purposes provided in section 204 of this Act, a purpose for the Colorado River National Conservation

Area shall be to provide for the management, development, protection, and use of drinking water within the Colorado River National Conservation Area.".

Page 46, line 8, strike "of Agriculture".

Page 46, beginning on line 16, strike "and the Bureau of Indian Affairs".

Page 51, line 5, strike "relevant".

Page 56, line 23, strike "purpose" and insert "purposes".

Page 60, line 20, strike "relevant".

Page 62, line 14. Strike "ignations" and insert "ignation".

Page 62, line 19, insert "and Food" after "Agriculture".

Page 63, line 9, strike "areas" and insert "Area".

Page 66, beginning on line 19, strike "of Agriculture".

Page 67, line 12, insert "Secretary" after "the".

Page 69, line 10, strike "of the Interior".

Page 69, beginning on line 16, strike "Energy and Natural Resources" and insert "Agriculture, Nutrition, and Forestry".

Page 72, line 8, strike "Conservation Area" and insert "Little West Fork Blacks Fork Special Management Area".

Page 72, line 22, strike "area" and insert "Little West Fork Blacks Fork Special Management Area".

Page 73, line 20, strike "Area designated under section 405" and insert "Little West Fork Blacks Fork Special Management Area".

Page 74, line 2, strike "relevant".

Page 74, line 7, strike "areas designated by section 405" and insert "Little West Fork Blacks Fork Special Management Area".

Page 74, line 8, strike "an area" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 74, line 10, strike "areas designated by section 405" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 75, line 5, strike "areas designated by section 405" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 75, line 19, strike "ignations" and insert "ignation".

Page 75, line 24, insert "and Food" after "Agriculture".

Page 77, line 2, strike "areas" and insert "Little West Fork Blacks Special Management Area".

Page 77, line 21, line 21, strike "Areas" and insert "Area".

Page 78, line 12, strike "Areas" and insert "Area".

Page 80, line 3, insert a comma after "Area".

Page 80, line 6, strike "405" and insert "406".

Page 80, line 24, strike "8,770" and insert "9,578".

Page 81, beginning on line 6, strike "41,301 acres; 26,210 acres in Carbon County and 15,091 acres" and insert "38,293 acres (26,199 acres in Carbon County and 12,094 acres".

Page 81, line 8, strike "County" and insert "County)".

Page 81, beginning on line 9, strike "in Carbon County and Duchesne County".

Page 82, line 15, strike "maintains" and insert "maintain".

Page 82, line 18, strike "purpose" and insert "purposes".

Page 82, line 19, strike "hereinto" and insert "hereafter".

Page 82, line 20, strike "is" and insert 'are".

Page 83, line 7, strike "(hereinafter referred to as the "Secretary")".

Page 83, line 15, insert "of the Interior" before "may".

Page 84, line 5, insert "of the Interior" after "Secretary".

Page 84, line 9, insert "of the Interior" after "Secretary".

Page 84, line 12, strike "Committee" and insert "Council".

Page 84, like 25, strike "204" and insert "205".

Page 85, line 1, strike "204(a)" and insert "205(a)" .

Page 85, strike lines 2 through 4 and insert "shall not apply to the Areas.".

Page 85, line 6, insert "the Areas" after "resources in".

Page 85, line 25, strike "FLPMA (site)" and insert "the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)".

Page 86, line 7 strike "(hereinto referred to as the "Secretary")".

Page 86, beginning on line 13, strike "Advisory Council described in subsection (d) below" and insert "Book Cliffs Sportsmen's Special Management Area Advisory Committee established under section 413.".

Page 86, line 16, strike "Council" and insert "Committee ".

Page 86, line 22, strike "Council" and insert "Committee".

Page 86, line 24, strike "in accordance with section 408(c)" and insert "to support the purposes outlined in section 408(c)".

Page 87, line 1, insert "of the Interior" after "Secretary".

Page 87, line 5, insert "of the Interior" after "Secretary".

Page 87, line 10, strike "the" and insert "The".

Page 87, line 10, insert "of the Interior" after "Secretary".

Page 87, line 23, insert "of the Interior" after "Secretary".

Page 88, line 9, strike "maintain".

Page 90, line 9, strike "or one designee" and insert "or his designee".

Page 90, line 25, strike "under section 402" and insert "on the Book Cliffs Sportsmen's Special Management Area Advisory Committee".

Page 91, line 2, insert ", except for the State Division of Wildlife Resources Director" after "Government".

Page 91, beginning on line 4, strike "from the two categories in section 402, the Secretary of the Interior" and insert ", the Secretary of the Interior".

Page 91, line 7, strike "from within each category".

Page 91, line 19, strike "Agriculture, Nutrition, and Forestry" and insert "Energy and Natural Resources".

Page 92, line 24, strike "1 time a year. A majority"" and insert "once a year. A majority of the members".

Page 93, line 1, insert "a quorum for" after "constitute".

Page 94, line 8, strike "the" after "generations".

Page 94, line 14, strike "BOUNDARIES" and insert "ESTABLISHMENT".

Page 94, line 18, after "Monument" insert "and to be managed by the Bureau of Land Management" before the period.

Strike the text beginning on page 94, line 20 through page 95, line 2, and insert the following:

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of the Monument.".

Page 96, line 5, before "land within the Monument" insert "Federal".

Page 96, strike lines 9 through 10 and insert the following:

"(1) all forms of entry, appropriation, and disposal under the public land laws;".

Page 96, strike lines 16 through 22 and insert the following:

"(1) PLAN REQUIRED.—As soon as practicable after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term management of the Monument, including consideration of enhanced transportation routes, outdoor recreation planning, and promotion of scientific research.".

Strike the text beginning on page 96, line 24 through page 97, line 1, and insert "In developing the management plan required under paragraph (1), the Secretary shall consult with appropriate state, local, and tribal government entities, members of the public, and the Public Lands".

Page 97, line 12, strike "State and" and insert "State,".

Page 97, strike lines 13 through 15 and insert the following:

"(3) USES.—The Secretary shall only allow such uses of the Monument that the Secretary determines would further the purposes described in section 601(a) of this title.".

Page 97, strike lines 18 through 19 and insert the following:

"(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(2) this title;

(3) any other applicable law (including regulations).".

Page 100, line 2, strike "as a" the first time it appears.

Page 100, line 19, after "County", insert ", Utah, to be administered by the Secretary of the Interior,".

Page 100, line 23, after "County", insert ", Utah, to be administered by the Secretary of the Interior,".

Page 101, line 15, strike "or transfer from another agency" and insert "transfer from another agency, or purchase from a willing seller".

Page 103, line 21, insert "in this title" after "hereinafter".

Page 103, beginning on line 23, strike "(hereinafter referred to as the "Area"".

Page 104, beginning on line 1, strike "Energy and Natural Resources" and insert "Agriculture, Nutrition, and Forestry".

Page 105, line 5, strike "Committee" and insert "Council".

Page 105, beginning on line 11, strike "Energy and Natural Resources" and insert Agriculture, Nutrition, and Forestry".

Page 106, line 24, strike "County" and insert "county".

Page 107, line 19, strike "Conservation".

Page 107, line 23, insert "dated September 19, 2016" after "Map".

Page 108, line 10, strike "area" and insert "Area".

Page 108, line 14, insert comma after "feasible".

Page 108, line 14, insert "Secretary" before "may".

Page 109, line 20, strike "relevant".

Page 109, line 25, strike "areas" and insert "Area".

Page 110, line 1, strike "an area" and insert "the Area".

Page 110, line 4, strike "in areas" and insert "in the Area".

Page 110, line 15, strike "an area" and insert "the Area".

Page 110, line 24, strike "in areas" and insert "the Area".

Page 111, strike line 14 and insert "ignation made under section 801.".

Page 111, line 19, insert "and Food" after "Agriculture".

Page 112, line 15, strike "the areas" and insert "the Area".

Page 115, line 7, insert a comma after "Act".

Page 115, line 16, strike "United States Forest Service" and insert "Secretary".

Page 117, line 15, insert ", except such term does not include land the title to which is held in trust by the United States for the benefit of a tribe or an individual or is held in fee by a tribe or individual subject to restriction by the United States against alienation" after "Utah".

Page 117, beginning on line 16, strike "following".

Page 117, line 19, strike "July 12" and re insert "September 21".

Page 125, line 14, strike "Maps" and insert "Map".

Page 127, line 15, strike "title" and insert "Act".

Page 128, line 9, strike "Maps" and insert "Map".

Page 152, line 15, strike "Bluff Service Area" and insert "San Juan County, Utah".

Page 152, line 24, strike the underscore and insert "3.71".

Page 153, after line 3, insert the following:

"(21) ALLEN CANYON CEMETERY.- - The approximately 1.2 acres depicted on the map entitled Utah PLI Land Conveyances Map and dated September 16, 2016, as 'Ute Cemetery', to the Ute Mountain Ute Tribe to

use as a cemetery. The Bureau of Land Management shall designate as an easement the existing two-track road that runs between County Road B227 and the Allen Canyon Cemetery to provide public access to the cemetery.".

Page 153, line 8, insert before the period at the end "of the U.S. House of Representatives, and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the U.S. Senate".

Page 170, line 10, strike the underscore and insert "210,116".

Page 170, line 12, insert "and Utah Rims" after "Dee Pass".

Page 172, beginning on line 13, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 172, line 16, strike "is" and insert "are".

Page 174, line 15, strike "is" and insert "are".

Page 176, line 6, strike "is" and insert "are".

Page 176, beginning on line 11, strike "of the Interior".

Page 177, line 11, strike "of the Interior".

Page 178, beginning on line 1, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 178, line 4, strike "is" and insert "are".

Page 178, beginning on line 9, strike "of the Interior".

Page 179, line 10, strike "of the Interior".

Page 180, beginning on line 1, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 180, line 4, strike "is" and insert "are".

Page 180, beginning on line 9, strike "of the Interior".

Page 181, line 8, strike "of the Interior".

Page 181, beginning on line 22, strike Section 815 and redesignate the subsequent sections accordingly.

Page 183, line 22, insert "The application of" before "San Juan".

Page 183, line 23, strike "Utah's application for a Title V"" and inset "Utah, for a Title V of the Federal Land Policy and Management Act of 1976".

Page 184, line 4, insert "of the Federal Land Policy and Management Act of 1976" after "Title V".

Page 184, line 6, strike "canyon" and insert "Recapture Canyon".

Page 184, beginning on line 9, strike "In granting the application, compliance with section" and insert "Section".

Page 184, line 15, strike "proposed".

Page 184, line 16, insert "Utah," after "Area,".

Page 184, line 19, strike "2016" and insert "2015".

Page 185, line 18, strike "trail" and insert "Trail".

Page 185, strike line 19 and insert "the Secretary shall give priority consideration to a long distance route".

Page 185, line 11, strike the underscore and insert "June 30, 2016".

Page 185, line 21, strike "and".

Page 187, line 15, strike "subparagraph (C)" and insert "subsection (c)".

Page 188, beginning on line 19, strike "Red Rock County Off-Highway Vehicle".

Page 189, line 21, strike "McCraken" and insert "McCracken".

Page 189, line 23, strike "McCraken" and insert "McCracken".

Page 190, beginning on line 9, strike "a Federal agency owns or" and insert "the United States".

Page 190, beginning on line 11, strike "owned or managed by the Federal agency" and insert "managed by the United States".

Page 190, line 24, strike "133-133" and insert "113-133".

Page 192, line 15, strike "subtitle" and insert "title".

Page 193, line 16, insert "permitting" before "process".

Page 194, line 5, strike "completed" and insert "approved".

Page 195, strike lines 13 through 16 and insert:

"The recommendations of the Grand County Council for Hey Joe Canyon, Tenmile Canyon, and Mineral Canyon roads, as depicted on the map entitled 'Grand County PLI Final Map 4-17-2015' and dated April 17, 2015, shall".

Page 195, line 24, strike "title V" and insert "Title V of the Federal Land Policy and Management Act of 1976".

Page 196, line 9, strike "title" and insert "Act".

Page 197, line 5, insert "in Utah" after "areas".

Strike the text beginning on page 197, line 16 through page 198, line 11, and insert:

"**SEC. 101. DEFINITIONS.—**

(a) Advisory Council.—The term "Advisory Council" means the Public Lands Initiative Planning and Implementation Advisory Council established under section 102(a) of this title.

SEC. 102. PUBLIC LANDS INITIATIVE PLANNING AND IMPLEMENTATION ADVISORY COUNCIL.

(a) Establishment.—The Secretary of the Interior and the Secretary of Agriculture shall jointly establish an Advisory Council, to be known as the 'Public Lands Initiative Planning and Implementation Advisory Council', to advise the Secretary concerned with respect to the

development and implementation of the management plans required by this Act and with respect to policies or programs that encourage coordination among the public, local elected officials, and public lands stakeholders, and the State, tribes, and the Federal Government.

(1) Applicable Law.—The Advisory Council shall be subject to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).".

Page 198, line 15, strike "Committee' and insert "Council".

Page 198, line 22, strike "Committee" and insert "Council".

Page 199, line 1, strike "Committee" and insert "Council".

Page 199, line 6, strike "Committee" and insert "Council".

Page 199, line 9, strike "Committee" and insert "Council".

Page 199, line 10, strike "COMMITTEE" and insert "COUNCIL".

Page 199, line 11, strike "Committee" and insert "Council".

Page 199, line 14, strike "Committee" and insert "Council".

Page 200, after line 2, insert the following and redesignate the following clauses accordingly:

"(v) A representative of the National Park Service Intermountain Region".

Page 201, after line 21 insert the following :

(2) TERMS.—

(A) INITIAL APPOINTMENTS.—The Secretaries of the Interior and Agriculture shall make initial appointments to the Advisory Council not later than 180 days after the date of the enactment of this Act.

(B) TERM LENGTH.—Members of the Advisory Council shall be jointly appointed by the Secretaries of the Interior and Agriculture for a term of 5 years.

(C) REAPPOINTMENT.—A member may be reappointed to serve on the Advisory Council for not more than 3 terms.

(D) VACANCIES.—The Secretaries of the Interior and Agriculture shall fill vacancies on the Advisory Committee as soon as practicable after the vacancy has occurred.

(3) CHAIRPERSON.—The Secretaries of the Interior and Agriculture shall jointly select the chairperson of the Advisory Council for a term of 5 years.

(4) SERVICE WITHOUT COMPENSATION.—Members of the Advisory Council shall serve without pay.

(5) PRESERVATION OF PUBLIC ADVISORY STATUS.—No member of the Advisory Council appointed to represent the interests outlined in subparagraph (c)(2)(B) may be an officer or employee of the Federal Government or State of Utah.

(6) REPRESENTATION.—The Secretaries of the Interior and Agriculture shall ensure that membership of the Advisory Council is fairly balanced in terms of the points of view represented and the functions to be performed by the Advisory Council.".

Page 201, strike lines 22 through 25.

Page 202, strike lines 1 through 9.

Page 202, line 10, strike "COMMITTEE" and insert "COUNCIL".

Page 202, beginning on line 11, strike "Committee" and insert "Council".

Page 202, line 18, strike "Committee" and insert "Council".

Page 203, beginning on line 1, strike "Committee" and insert "Council".

Page 203, line 4, strike "Committee" and insert "Council".

Page 203, strike lines 10 through 11.

Page 203, line 12, strike "(1)" and insert "(f)".

Page 203, beginning on line 12, strike "Committee" and insert "Council".

Page 203, line 17, strike "(2)" and insert "(g)".

Page 203, line 18, strike "(A)" and insert (1).

Page 203, starting on line 18, strike "Committee" and insert "Council".

Page 203, line 22, insert "of the members of the Council" after "members".

Page 203, line 24, strike "Committee" and insert "Council".

Page 204, line 1, strike "(B)" and insert "(2)".

Page 204, line 5, strike "(3)" and insert "(h)".

Page 205, line 14, strike "U.S. Forest Service in San Juan County" and insert "United States Forest Service in San Juan County, Utah,".

Page 205, line 16, strike "to be known" and insert "shall be designated ".

Page 205, strike lines 19 through 25 and insert the following:

"(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, as appropriate, shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate a map and legal description of the National Conservation Area established in section 102 of this title.".

Page 206, line 1, strike "Each" and insert "The".

Page 206, line 21, strike "established by section 102".

Page 207, line 1, strike "maintains and enhances", insert "encourages".

Page 207, starting on line 18, strike "Native American archaeological sites" and insert "covered sites and properties" .

Page 208, strike lines 1 through 5 and insert the following:

"(b) MANAGEMENT PLAN.--

"(1) PLAN REQUIRED.—As soon as practicable after the date of enactment of this Act, the Secretaries shall develop a joint comprehensive plan for the long-term management of the Bears Ears National Conservation Area.".

Page 208, strike lines 7 through 9 and insert "In developing the management plan required under paragraph (1), the Secretaries shall consult with appropriate state, local, and tribal government entities, members of the public, and the".

Page 208, line 11, strike "Committee" and insert "Council".

Page 208, line 12, strike "relevant Secretary does" and insert "Secretaries do".

Page 208, line 15, strike "relevant Secretary" and insert "Secretaries".

Page 208, line 18, strike "and".

Page 208, line 19, insert ", and Senate Committee on Agriculture, Nutrition and Forestry," after "Natural Resources".

Page 208, strike lines 22 through 23 and insert "The general provisions of section 205 of Division A of this Act shall apply to this title.".

Page 209, line 2, insert "and the Secretary of Agriculture" after "Interior".

Page 209, line 5, strike "National Conservation Area".

Page 209, strike lines 9 through 20 and insert the following:

"(a) CREATION OF COMMISSION.—In preparing the management plan under section 104(b) for the Bears Ears, the Secretaries of the Interior and Agriculture shall create a Commission consisting of tribal representatives and federal agency staff, in recognition of the importance of tribal participation to the care and management of the Bear Ears' natural and cultural resources.

(1) APPOINTMENT AND TERM.—The Secretaries of the Interior and Agriculture shall appoint for a term of five years beginning on the date of appointment:

(A) Three federal members, one each from the Bureau of Land Management, the National Park Service and the United States Forest Service; and

(B) No more than seven elected officers of tribal governments or their designated employees.

(2) REQUIREMENTS.—The Secretaries of the Interior and Agriculture shall select tribal members of the Commission who demonstrate:
   (A) A historical or geographical connection to the objects and lands of the Bears Ears;
   (B) Relevant traditional knowledge; and
   (C) The ability to contribute to the management of the Bears Ears.

(3) DUTIES.—The Commission shall provide information and proposals as needed to integrate the tribes' traditional knowledge and special expertise where relevant to the care and management of the Bears Ears' natural and cultural resources, including in the development of the management plans developed under section 104(b) of this title. The Secretaries shall carefully consider these proposals, and may use all applicable federal authorities to ensure that these management plans and management decisions incorporate, as appropriate, the information and proposals provided from the Commission. Such input from the Commission may include, but need not be limited to:
   (A) Protections for and use of sacred sites;
   (B) Cultural and educational programming;
   (C) Plants, animals, and special resources;
   (D) Traditional uses, such as gathering firewood;
   (E) Historical and archaeological resources;
   (F) Impacts of off-road use and off-road vehicles on cultural and environmental resources;
   (G) Recreational uses, such as climbing; and
   (H) Resource uses, such as grazing, timber production, and mining.".

Page 209, line 24, strike "the Bears Ears National Conservation Area" and insert "Bears Ears".

Page 209, line 25, insert "and the Secretary of Agriculture" after "Interior".

Page 210, line 4, insert "and the Secretary of Agriculture" after "Interior".

Page 210, beginning on line 8, strike "the Bears Ears National Conservation Area" and insert "Bear Ears".

Page 210, line 14, insert "and the Secretary of Agriculture" after "terior".

Page 210, line 18, strike "Secretary" and insert "Secretaries".

Page 210, line 22, insert "and the Secretary of Agriculture" after "Interior".

Page 211, line 5, insert "and the Secretary of Agriculture" after "Interior".

Page 211, line 8, strike "Secretary of the Interior" and insert "Secretaries".

Page 211, line 11, insert "and the Secretary of Agriculture" after "Interior".

Page 211, beginning on line 14, strike "Secretary of the Interior" and insert "Secretaries".

Page 211, line 18, strike "Secretary of the Interior" and insert "Secretaries".

Page 213, beginning on line 10, strike "from the two categories in section 2, the Secretary of the Interior" and insert ", the Secretaries".

Page 213, line 13, strike "from within each category".

Page 213, line 15, insert "and the Secretary of Agriculture" after "rior".

Page 213, line 23, insert "the Secretary of Agriculture," after "Interior,".

Page 213, line 24, strike "and".

Page 213, line 25, insert "and the Committee on Energy and Natural Resources of the Senate" before the period.

Page 214, line 3, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 13, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 16, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 22, insert "and the Secretary of Agriculture" after "Interior".

Page 214, strike line 24 and insert "retaries.".

Page 215, line 3, insert "the Secretary of Agriculture," after "Interior,".

Amendment #1********

Amendment to H.R. 5780
Offered by Mr. Bishop of Utah

At each place it appears, strike "Utah PLI Special Management Area Map dated June 30, 2016" and insert "Utah PLI Special Management Area Map dated September 19, 2016".

At each place it appears, strike "Utah PLI Land Conveyances Map dated June 30, 2016" and insert "Utah PLI Land Conveyances Map dated September 20, 2016".

At each place it appears, strike "Utah PLI National Conservation Area Map dated June 30, 2016" and insert "Utah PLI National Conservation Area Map dated September 16, 2016".

At each place it appears, strike "Utah PLI Wilderness Map dated June 30, 2016" and insert "Utah PLI Wilderness Map dated September 19, 2016".

Page 6, line 9 insert "(a) DESIGNATIONS. — " before "In furtherance".

Page 6, line 24, strike "458,413" and insert "452,204".

Page 8, line 6, after "Management" insert "and the National Park Service".

Page 8, line 25, after "Management" insert "and the National Park Service".

Page 12, line 18, after "Management" insert "and the United States Forest Service".

Page 14, line 23, after "Management" insert "and the United States Forest Service".

Page 16, line 11, strike "and the United States Forest Service".

Page 16, starting on line 17, strike "United States Forest Service", and insert "Bureau of Land Management and the National Park Service".

Page 16, after line 21, insert the following:

"(b) PREVIOUS LAND USE.--The previous land use classifications of the Grand Gulch Primitive Area and the Dark Canyon Primitive Area are hereby superseded." .

Strike the text beginning on page 16, line 23 through page 17, line 4 and insert:

"(a) IN GENERAL. – As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture as appropriate shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each wilderness area designated by this title.".

Page 17, beginning on line 16, strike "the Bureau of Indian Affairs".

Page 19, line 14 insert "and Food" after "Agriculture".

Page 19, line 22, "and other wilderness" before "purposes".

Page 24, strike line 4.

Page 24, line 5, strike "(1)" and insert "(a)".

Page 24, line 13, strike "(A)" and insert "(1)".

Page 24, line 15, strike "(B)" and insert "(2)".

Page 24, line 17, strike "(C)" and insert "(3)".

Page 24, line 19, strike "(D) the 20,404-acre"" and insert "(4) the 38,242-acre".

Page 24, line 22, strike "this title" and insert "Title IV".

Page 24, line 24, strike "(E)" and insert "(5").

Page 25, line 1, strike "(F)" and insert "(6)".

Page 25, line 24, strike "(K), (AA), and (BB)" and insert "(27) and (28)".

Page 29, after line 10, insert the following and redesignate the following sections accordingly:

"**SEC. 202. DEFINITIONS.** –In this title:

(a) Management plan.—The term 'management plan' means the management plans for each National Conservation Area developed by the relevant Secretary under section 205.

(b) National Conservation Area.—The term 'National Conservation Area' means the National Conservation Areas established under section 201 of this title.".

Page 29, strike lines 12 through 18 and insert the following:

"(a) IN GENERAL. – As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture as appropriate shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each National Conservation Area designated by this title.".

Page 30, starting on line 5, strike "the Bureau of Indian Affairs,".

Page 30, starting on line 6, strike the comma after "Bureau of Land Management".

Page 31, strike lines 2 through 5 and insert the following:

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the relevant Secretary shall develop a comprehensive management plan for the long-term management of each National Conservation Area.".

Page 31, line 7, strike "The" and insert "In developing the management plans required under paragraph (1), the".

Page 31, starting on line 7, strike "prepare the management plan in consultation and coordination" and insert "consult and coordinate".

Page 31, line 9, before "local" insert "appropriate state,".

Page 31, line 9, strike "governments," and insert "government entities, members of".

Strike the text beginning on page 31, line 22 through page 32, line 8, and insert the following:

"(a) WITHDRAWALS.—

(1) In General.—Subject to valid existing rights and paragraph (3), all Federal land in each National Conservation Area is withdrawn from—

(i) all forms of entry, appropriation, and disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) Additional Land.—If the relevant Secretary acquires additional land that is located within a National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(3) Exception.—This withdrawal shall not apply to the extraction and storage of mineral materials used for road maintenance within the National Conservation Areas established under section 201 of this Act.".

Page 34, line 24, insert "and Food" after "Agriculture".

Page 38, line 17, strike "204(d)(2)" and insert "205(d)(2)".

Page 41, beginning on line 12, strike "Secretary of the Interior and Secretary of Agriculture" and insert "relevant Secretary".

Page 41, beginning on line 21, strike "Secretary of the Interior and Secretary of Agriculture" and insert "relevant Secretary".

Page 42, beginning on line 8, strike "Secretary of the Interior and the Secretary of Agriculture" and insert "relevant Secretary".

Page 43, line 24, strike "shall effect", insert "precludes".

Page 44, line 4, strike "designated under section 201".

Page 44, strike lines 7 through 9 and insert: "In addition to those purposes provided in section 204 of this Act, a purpose for the Colorado River National Conservation

Area shall be to provide for the management, development, protection, and use of drinking water within the Colorado River National Conservation Area.".

Page 46, line 8, strike "of Agriculture".

Page 46, beginning on line 16, strike "and the Bureau of Indian Affairs".

Page 51, line 5, strike "relevant".

Page 56, line 23, strike "purpose" and insert "purposes".

Page 60, line 20, strike "relevant".

Page 62, line 14. Strike "ignations" and insert "ignation".

Page 62, line 19, insert "and Food" after "Agriculture".

Page 63, line 9, strike "areas" and insert "Area".

Page 66, beginning on line 19, strike "of Agriculture".

Page 67, line 12, insert "Secretary" after "the".

Page 69, line 10, strike "of the Interior".

Page 69, beginning on line 16, strike "Energy and Natural Resources" and insert "Agriculture, Nutrition, and Forestry".

Page 72, line 8, strike "Conservation Area" and insert "Little West Fork Blacks Fork Special Management Area".

Page 72, line 22, strike "area" and insert "Little West Fork Blacks Fork Special Management Area".

Page 73, line 20, strike "Area designated under section 405" and insert "Little West Fork Blacks Fork Special Management Area".

Page 74, line 2, strike "relevant".

Page 74, line 7, strike "areas designated by section 405" and insert "Little West Fork Blacks Fork Special Management Area".

Page 74, line 8, strike "an area" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 74, line 10, strike "areas designated by section 405" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 75, line 5, strike "areas designated by section 405" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 75, line 19, strike "ignations" and insert "ignation".

Page 75, line 24, insert "and Food" after "Agriculture".

Page 77, line 2, strike "areas" and insert "Little West Fork Blacks Special Management Area".

Page 77, line 21, line 21, strike "Areas" and insert "Area".

Page 78, line 12, strike "Areas" and insert "Area".

Page 80, line 3, insert a comma after "Area".

Page 80, line 6, strike "405" and insert "406".

Page 80, line 24, strike "8,770" and insert "9,578".

Page 81, beginning on line 6, strike "41,301 acres; 26,210 acres in Carbon County and 15,091 acres" and insert "38,293 acres (26,199 acres in Carbon County and 12,094 acres".

Page 81, line 8, strike "County" and insert "County)".

Page 81, beginning on line 9, strike "in Carbon County and Duchesne County".

Page 82, line 15, strike "maintains" and insert "maintain".

Page 82, line 18, strike "purpose" and insert "purposes".

Page 82, line 19, strike "hereinto" and insert "hereafter".

Page 82, line 20, strike "is" and insert 'are".

Page 83, line 7, strike "(hereinafter referred to as the "Secretary")".

Page 83, line 15, insert "of the Interior" before "may".

Page 84, line 5, insert "of the Interior" after "Secretary".

Page 84, line 9, insert "of the Interior" after "Secretary".

Page 84, line 12, strike "Committee" and insert "Council".

Page 84, like 25, strike "204" and insert "205".

Page 85, line 1, strike "204(a)" and insert "205(a)" .

Page 85, strike lines 2 through 4 and insert "shall not apply to the Areas.".

Page 85, line 6, insert "the Areas" after "resources in".

Page 85, line 25, strike "FLPMA (site)" and insert "the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)".

Page 86, line 7 strike "(hereinto referred to as the "Secretary")".

Page 86, beginning on line 13, strike "Advisory Council described in subsection (d) below" and insert "Book Cliffs Sportsmen's Special Management Area Advisory Committee established under section 413.".

Page 86, line 16, strike "Council" and insert "Committee ".

Page 86, line 22, strike "Council" and insert "Committee".

Page 86, line 24, strike "in accordance with section 408(c)" and insert "to support the purposes outlined in section 408(c)".

Page 87, line 1, insert "of the Interior" after "Secretary".

Page 87, line 5, insert "of the Interior" after "Secretary".

Page 87, line 10, strike "the" and insert "The".

Page 87, line 10, insert "of the Interior" after "Secretary".

Page 87, line 23, insert "of the Interior" after "Secretary".

Page 88, line 9, strike "maintain".

Page 90, line 9, strike "or one designee" and insert "or his designee".

Page 90, line 25, strike "under section 402" and insert "on the Book Cliffs Sportsmen's Special Management Area Advisory Committee".

Page 91, line 2, insert ", except for the State Division of Wildlife Resources Director" after "Government".

Page 91, beginning on line 4, strike "from the two categories in section 402, the Secretary of the Interior" and insert ", the Secretary of the Interior".

Page 91, line 7, strike "from within each category".

Page 91, line 19, strike "Agriculture, Nutrition, and Forestry" and insert "Energy and Natural Resources".

Page 92, line 24, strike "1 time a year. A majority"" and insert "once a year. A majority of the members".

Page 93, line 1, insert "a quorum for" after "constitute".

Page 94, line 8, strike "the" after "generations".

Page 94, line 14, strike "BOUNDARIES" and insert "ESTABLISHMENT".

Page 94, line 18, after "Monument" insert "and to be managed by the Bureau of Land Management" before the period.

Strike the text beginning on page 94, line 20 through page 95, line 2, and insert the following:

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of the Monument.".

Page 96, line 5, before "land within the Monument" insert "Federal".

Page 96, strike lines 9 through 10 and insert the following:

"(1) all forms of entry, appropriation, and disposal under the public land laws;".

Page 96, strike lines 16 through 22 and insert the following:

"(1) PLAN REQUIRED.—As soon as practicable after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term management of the Monument, including consideration of enhanced transportation routes, outdoor recreation planning, and promotion of scientific research.".

Strike the text beginning on page 96, line 24 through page 97, line 1, and insert "In developing the management plan required under paragraph (1), the Secretary shall consult with appropriate state, local, and tribal government entities, members of the public, and the Public Lands".

Page 97, line 12, strike "State and" and insert "State,".

Page 97, strike lines 13 through 15 and insert the following:

"(3) USES.—The Secretary shall only allow such uses of the Monument that the Secretary determines would further the purposes described in section 601(a) of this title.".

Page 97, strike lines 18 through 19 and insert the following:

"(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(2) this title;

(3) any other applicable law (including regulations).".

Page 100, line 2, strike "as a" the first time it appears.

Page 100, line 19, after "County", insert ", Utah, to be administered by the Secretary of the Interior,".

Page 100, line 23, after "County", insert ", Utah, to be administered by the Secretary of the Interior,".

Page 101, line 15, strike "or transfer from another agency" and insert "transfer from another agency, or purchase from a willing seller".

Page 103, line 21, insert "in this title" after "hereinafter".

Page 103, beginning on line 23, strike "(hereinafter referred to as the "Area"".

Page 104, beginning on line 1, strike "Energy and Natural Resources" and insert "Agriculture, Nutrition, and Forestry".

Page 105, line 5, strike "Committee" and insert "Council".

Page 105, beginning on line 11, strike "Energy and Natural Resources" and insert Agriculture, Nutrition, and Forestry".

Page 106, line 24, strike "County" and insert "county".

Page 107, line 19, strike "Conservation".

Page 107, line 23, insert "dated September 19, 2016" after "Map".

Page 108, line 10, strike "area" and insert "Area".

Page 108, line 14, insert comma after "feasible".

Page 108, line 14, insert "Secretary" before "may".

Page 109, line 20, strike "relevant".

Page 109, line 25, strike "areas" and insert "Area".

Page 110, line 1, strike "an area" and insert "the Area".

Page 110, line 4, strike "in areas" and insert "in the Area".

Page 110, line 15, strike "an area" and insert "the Area".

Page 110, line 24, strike "in areas" and insert "the Area".

Page 111, strike line 14 and insert "ignation made under section 801.".

Page 111, line 19, insert "and Food" after "Agriculture".

Page 112, line 15, strike "the areas" and insert "the Area".

Page 115, line 7, insert a comma after "Act".

Page 115, line 16, strike "United States Forest Service" and insert "Secretary".

Page 117, line 15, insert ", except such term does not include land the title to which is held in trust by the United States for the benefit of a tribe or an individual or is held in fee by a tribe or individual subject to restriction by the United States against alienation" after "Utah".

Page 117, beginning on line 16, strike "following".

Page 117, line 19, strike "July 12" and re insert "September 21".

Page 125, line 14, strike "Maps" and insert "Map".

Page 127, line 15, strike "title" and insert "Act".

Page 128, line 9, strike "Maps" and insert "Map".

Page 152, line 15, strike "Bluff Service Area" and insert "San Juan County, Utah".

Page 152, line 24, strike the underscore and insert "3.71".

Page 153, after line 3, insert the following:

"(21) ALLEN CANYON CEMETERY.- - The approximately 1.2 acres depicted on the map entitled Utah PLI Land Conveyances Map and dated September 16, 2016, as 'Ute Cemetery', to the Ute Mountain Ute Tribe to

use as a cemetery. The Bureau of Land Management shall designate as an easement the existing two-track road that runs between County Road B227 and the Allen Canyon Cemetery to provide public access to the cemetery.".

Page 153, line 8, insert before the period at the end "of the U.S. House of Representatives, and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the U.S. Senate".

Page 170, line 10, strike the underscore and insert "210,116".

Page 170, line 12, insert "and Utah Rims" after "Dee Pass".

Page 172, beginning on line 13, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 172, line 16, strike "is" and insert "are".

Page 174, line 15, strike "is" and insert "are".

Page 176, line 6, strike "is" and insert "are".

Page 176, beginning on line 11, strike "of the Interior".

Page 177, line 11, strike "of the Interior".

Page 178, beginning on line 1, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 178, line 4, strike "is" and insert "are".

Page 178, beginning on line 9, strike "of the Interior".

Page 179, line 10, strike "of the Interior".

Page 180, beginning on line 1, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 180, line 4, strike "is" and insert "are".

Page 180, beginning on line 9, strike "of the Interior".

Page 181, line 8, strike "of the Interior".

Page 181, beginning on line 22, strike Section 815 and redesignate the subsequent sections accordingly.

Page 183, line 22, insert "The application of" before "San Juan".

Page 183, line 23, strike "Utah's application for a Title V"" and inset "Utah, for a Title V of the Federal Land Policy and Management Act of 1976".

Page 184, line 4, insert "of the Federal Land Policy and Management Act of 1976" after "Title V".

Page 184, line 6, strike "canyon" and insert "Recapture Canyon".

Page 184, beginning on line 9, strike "In granting the application, compliance with section" and insert "Section".

Page 184, line 15, strike "proposed".

Page 184, line 16, insert "Utah," after "Area,".

Page 184, line 19, strike "2016" and insert "2015".

Page 185, line 18, strike "trail" and insert "Trail".

Page 185, strike line 19 and insert "the Secretary shall give priority consideration to a long distance route".

Page 185, line 11, strike the underscore and insert "June 30, 2016".

Page 185, line 21, strike "and".

Page 187, line 15, strike "subparagraph (C)" and insert "subsection (c)".

Page 188, beginning on line 19, strike "Red Rock County Off-Highway Vehicle".

Page 189, line 21, strike "McCraken" and insert "McCracken".

Page 189, line 23, strike "McCraken" and insert "McCracken".

Page 190, beginning on line 9, strike "a Federal agency owns or" and insert "the United States".

Page 190, beginning on line 11, strike "owned or managed by the Federal agency" and insert "managed by the United States".

Page 190, line 24, strike "133-133" and insert "113-133".

Page 192, line 15, strike "subtitle" and insert "title".

Page 193, line 16, insert "permitting" before "process".

Page 194, line 5, strike "completed" and insert "approved".

Page 195, strike lines 13 through 16 and insert:

"The recommendations of the Grand County Council for Hey Joe Canyon, Tenmile Canyon, and Mineral Canyon roads, as depicted on the map entitled 'Grand County PLI Final Map 4-17-2015' and dated April 17, 2015, shall".

Page 195, line 24, strike "title V" and insert "Title V of the Federal Land Policy and Management Act of 1976".

Page 196, line 9, strike "title" and insert "Act".

Page 197, line 5, insert "in Utah" after "areas".

Strike the text beginning on page 197, line 16 through page 198, line 11, and insert:

"**SEC. 101. DEFINITIONS.—**

(a) Advisory Council.—The term "Advisory Council" means the Public Lands Initiative Planning and Implementation Advisory Council established under section 102(a) of this title.

SEC. 102. PUBLIC LANDS INITIATIVE PLANNING AND IMPLEMENTATION ADVISORY COUNCIL.

(a) Establishment.—The Secretary of the Interior and the Secretary of Agriculture shall jointly establish an Advisory Council, to be known as the 'Public Lands Initiative Planning and Implementation Advisory Council', to advise the Secretary concerned with respect to the

development and implementation of the management plans required by this Act and with respect to policies or programs that encourage coordination among the public, local elected officials, and public lands stakeholders, and the State, tribes, and the Federal Government.

(1) Applicable Law.—The Advisory Council shall be subject to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).".

Page 198, line 15, strike "Committee' and insert "Council".

Page 198, line 22, strike "Committee" and insert "Council".

Page 199, line 1, strike "Committee" and insert "Council".

Page 199, line 6, strike "Committee" and insert "Council".

Page 199, line 9, strike "Committee" and insert "Council".

Page 199, line 10, strike "COMMITTEE" and insert "COUNCIL".

Page 199, line 11, strike "Committee" and insert "Council".

Page 199, line 14, strike "Committee" and insert "Council".

Page 200, after line 2, insert the following and redesignate the following clauses accordingly:

"(v) A representative of the National Park Service Intermountain Region".

Page 201, after line 21 insert the following :

(2) TERMS.—

(A) INITIAL APPOINTMENTS.—The Secretaries of the Interior and Agriculture shall make initial appointments to the Advisory Council not later than 180 days after the date of the enactment of this Act.

(B) TERM LENGTH.—Members of the Advisory Council shall be jointly appointed by the Secretaries of the Interior and Agriculture for a term of 5 years.

(C) REAPPOINTMENT.—A member may be reappointed to serve on the Advisory Council for not more than 3 terms.

(D) VACANCIES.—The Secretaries of the Interior and Agriculture shall fill vacancies on the Advisory Committee as soon as practicable after the vacancy has occurred.

(3) CHAIRPERSON.—The Secretaries of the Interior and Agriculture shall jointly select the chairperson of the Advisory Council for a term of 5 years.

(4) SERVICE WITHOUT COMPENSATION.—Members of the Advisory Council shall serve without pay.

(5) PRESERVATION OF PUBLIC ADVISORY STATUS.—No member of the Advisory Council appointed to represent the interests outlined in subparagraph (c)(2)(B) may be an officer or employee of the Federal Government or State of Utah.

(6) REPRESENTATION.—The Secretaries of the Interior and Agriculture shall ensure that membership of the Advisory Council is fairly balanced in terms of the points of view represented and the functions to be performed by the Advisory Council.".

Page 201, strike lines 22 through 25.

Page 202, strike lines 1 through 9.

Page 202, line 10, strike "COMMITTEE" and insert "COUNCIL".

Page 202, beginning on line 11, strike "Committee" and insert "Council".

Page 202, line 18, strike "Committee" and insert "Council".

Page 203, beginning on line 1, strike "Committee" and insert "Council".

Page 203, line 4, strike "Committee" and insert "Council".

Page 203, strike lines 10 through 11.

Page 203, line 12, strike "(1)" and insert "(f)".

Page 203, beginning on line 12, strike "Committee" and insert "Council".

Page 203, line 17, strike "(2)" and insert "(g)".

Page 203, line 18, strike "(A)" and insert (1).

Page 203, starting on line 18, strike "Committee" and insert "Council".

Page 203, line 22, insert "of the members of the Council" after "members".

Page 203, line 24, strike "Committee" and insert "Council".

Page 204, line 1, strike "(B)" and insert "(2)".

Page 204, line 5, strike "(3)" and insert "(h)".

Page 205, line 14, strike "U.S. Forest Service in San Juan County" and insert "United States Forest Service in San Juan County, Utah,".

Page 205, line 16, strike "to be known" and insert "shall be designated ".

Page 205, strike lines 19 through 25 and insert the following:

"(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, as appropriate, shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate a map and legal description of the National Conservation Area established in section 102 of this title.".

Page 206, line 1, strike "Each" and insert "The".

Page 206, line 21, strike "established by section 102".

Page 207, line 1, strike "maintains and enhances", insert "encourages".

Page 207, starting on line 18, strike "Native American archaeological sites" and insert "covered sites and properties" .

Page 208, strike lines 1 through 5 and insert the following:

"(b) MANAGEMENT PLAN.--

"(1) PLAN REQUIRED.—As soon as practicable after the date of enactment of this Act, the Secretaries shall develop a joint comprehensive plan for the long-term management of the Bears Ears National Conservation Area.".

Page 208, strike lines 7 through 9 and insert "In developing the management plan required under paragraph (1), the Secretaries shall consult with appropriate state, local, and tribal government entities, members of the public, and the".

Page 208, line 11, strike "Committee" and insert "Council".

Page 208, line 12, strike "relevant Secretary does" and insert "Secretaries do".

Page 208, line 15, strike "relevant Secretary" and insert "Secretaries".

Page 208, line 18, strike "and".

Page 208, line 19, insert ", and Senate Committee on Agriculture, Nutrition and Forestry," after "Natural Resources".

Page 208, strike lines 22 through 23 and insert "The general provisions of section 205 of Division A of this Act shall apply to this title.".

Page 209, line 2, insert "and the Secretary of Agriculture" after "Interior".

Page 209, line 5, strike "National Conservation Area".

Page 209, strike lines 9 through 20 and insert the following:

"(a) CREATION OF COMMISSION.—In preparing the management plan under section 104(b) for the Bears Ears, the Secretaries of the Interior and Agriculture shall create a Commission consisting of tribal representatives and federal agency staff, in recognition of the importance of tribal participation to the care and management of the Bear Ears' natural and cultural resources.

(1) APPOINTMENT AND TERM.—The Secretaries of the Interior and Agriculture shall appoint for a term of five years beginning on the date of appointment:

(A) Three federal members, one each from the Bureau of Land Management, the National Park Service and the United States Forest Service; and

(B) No more than seven elected officers of tribal governments or their designated employees.

(2) REQUIREMENTS.—The Secretaries of the Interior and Agriculture shall select tribal members of the Commission who demonstrate:
   (A) A historical or geographical connection to the objects and lands of the Bears Ears;
   (B) Relevant traditional knowledge; and
   (C) The ability to contribute to the management of the Bears Ears.

(3) DUTIES.—The Commission shall provide information and proposals as needed to integrate the tribes' traditional knowledge and special expertise where relevant to the care and management of the Bears Ears' natural and cultural resources, including in the development of the management plans developed under section 104(b) of this title. The Secretaries shall carefully consider these proposals, and may use all applicable federal authorities to ensure that these management plans and management decisions incorporate, as appropriate, the information and proposals provided from the Commission. Such input from the Commission may include, but need not be limited to:
   (A) Protections for and use of sacred sites;
   (B) Cultural and educational programming;
   (C) Plants, animals, and special resources;
   (D) Traditional uses, such as gathering firewood;
   (E) Historical and archaeological resources;
   (F) Impacts of off-road use and off-road vehicles on cultural and environmental resources;
   (G) Recreational uses, such as climbing; and
   (H) Resource uses, such as grazing, timber production, and mining.".

Page 209, line 24, strike "the Bears Ears National Conservation Area" and insert "Bears Ears".

Page 209, line 25, insert "and the Secretary of Agriculture" after "Interior".

Page 210, line 4, insert "and the Secretary of Agriculture" after "Interior".

Page 210, beginning on line 8, strike "the Bears Ears National Conservation Area" and insert "Bear Ears".

Page 210, line 14, insert "and the Secretary of Agriculture" after "terior".

Page 210, line 18, strike "Secretary" and insert "Secretaries".

Page 210, line 22, insert "and the Secretary of Agriculture" after "Interior".

Page 211, line 5, insert "and the Secretary of Agriculture" after "Interior".

Page 211, line 8, strike "Secretary of the Interior" and insert "Secretaries".

Page 211, line 11, insert "and the Secretary of Agriculture" after "Interior".

Page 211, beginning on line 14, strike "Secretary of the Interior" and insert "Secretaries".

Page 211, line 18, strike "Secretary of the Interior" and insert "Secretaries".

Page 213, beginning on line 10, strike "from the two categories in section 2, the Secretary of the Interior" and insert ", the Secretaries".

Page 213, line 13, strike "from within each category".

Page 213, line 15, insert "and the Secretary of Agriculture" after "rior".

Page 213, line 23, insert "the Secretary of Agriculture," after "Interior,".

Page 213, line 24, strike "and".

Page 213, line 25, insert "and the Committee on Energy and Natural Resources of the Senate" before the period.

Page 214, line 3, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 13, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 16, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 22, insert "and the Secretary of Agriculture" after "Interior".

Page 214, strike line 24 and insert "retaries.".

Page 215, line 3, insert "the Secretary of Agriculture," after "Interior,".

Amendment #1********

Amendment to H.R. 5780
Offered by Mr. Bishop of Utah

At each place it appears, strike "Utah PLI Special Management Area Map dated June 30, 2016" and insert "Utah PLI Special Management Area Map dated September 19, 2016".

At each place it appears, strike "Utah PLI Land Conveyances Map dated June 30, 2016" and insert "Utah PLI Land Conveyances Map dated September 20, 2016".

At each place it appears, strike "Utah PLI National Conservation Area Map dated June 30, 2016" and insert "Utah PLI National Conservation Area Map dated September 16, 2016".

At each place it appears, strike "Utah PLI Wilderness Map dated June 30, 2016" and insert "Utah PLI Wilderness Map dated September 19, 2016".

Page 6, line 9 insert "(a) DESIGNATIONS. — " before "In furtherance".

Page 6, line 24, strike "458,413" and insert "452,204".

Page 8, line 6, after "Management" insert "and the National Park Service".

Page 8, line 25, after "Management" insert "and the National Park Service".

Page 12, line 18, after "Management" insert "and the United States Forest Service".

Page 14, line 23, after "Management" insert "and the United States Forest Service".

Page 16, line 11, strike "and the United States Forest Service".

Page 16, starting on line 17, strike "United States Forest Service", and insert "Bureau of Land Management and the National Park Service".

Page 16, after line 21, insert the following:

"(b) PREVIOUS LAND USE.--The previous land use classifications of the Grand Gulch Primitive Area and the Dark Canyon Primitive Area are hereby superseded." .

Strike the text beginning on page 16, line 23 through page 17, line 4 and insert:

"(a) IN GENERAL. – As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture as appropriate shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each wilderness area designated by this title.".

Page 17, beginning on line 16, strike "the Bureau of Indian Affairs".

Page 19, line 14 insert "and Food" after "Agriculture".

Page 19, line 22, "and other wilderness" before "purposes".

Page 24, strike line 4.

Page 24, line 5, strike "(1)" and insert "(a)".

Page 24, line 13, strike "(A)" and insert "(1)".

Page 24, line 15, strike "(B)" and insert "(2)".

Page 24, line 17, strike "(C)" and insert "(3)".

Page 24, line 19, strike "(D) the 20,404-acre"" and insert "(4) the 38,242-acre".

Page 24, line 22, strike "this title" and insert "Title IV".

Page 24, line 24, strike "(E)" and insert "(5").

Page 25, line 1, strike "(F)" and insert "(6)".

Page 25, line 24, strike "(K), (AA), and (BB)" and insert "(27) and (28)".

Page 29, after line 10, insert the following and redesignate the following sections accordingly:

"**SEC. 202. DEFINITIONS.** –In this title:

(a) Management plan.—The term 'management plan' means the management plans for each National Conservation Area developed by the relevant Secretary under section 205.

(b) National Conservation Area.—The term 'National Conservation Area' means the National Conservation Areas established under section 201 of this title.".

Page 29, strike lines 12 through 18 and insert the following:

"(a) IN GENERAL. – As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture as appropriate shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each National Conservation Area designated by this title.".

Page 30, starting on line 5, strike "the Bureau of Indian Affairs,".

Page 30, starting on line 6, strike the comma after "Bureau of Land Management".

Page 31, strike lines 2 through 5 and insert the following:

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the relevant Secretary shall develop a comprehensive management plan for the long-term management of each National Conservation Area.".

Page 31, line 7, strike "The" and insert "In developing the management plans required under paragraph (1), the".

Page 31, starting on line 7, strike "prepare the management plan in consultation and coordination" and insert "consult and coordinate".

Page 31, line 9, before "local" insert "appropriate state,".

Page 31, line 9, strike "governments," and insert "government entities, members of".

Strike the text beginning on page 31, line 22 through page 32, line 8, and insert the following:

"(a) WITHDRAWALS.—

(1) In General.—Subject to valid existing rights and paragraph (3), all Federal land in each National Conservation Area is withdrawn from—

(i) all forms of entry, appropriation, and disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) Additional Land.—If the relevant Secretary acquires additional land that is located within a National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(3) Exception.—This withdrawal shall not apply to the extraction and storage of mineral materials used for road maintenance within the National Conservation Areas established under section 201 of this Act.".

Page 34, line 24, insert "and Food" after "Agriculture".

Page 38, line 17, strike "204(d)(2)" and insert "205(d)(2)".

Page 41, beginning on line 12, strike "Secretary of the Interior and Secretary of Agriculture" and insert "relevant Secretary".

Page 41, beginning on line 21, strike "Secretary of the Interior and Secretary of Agriculture" and insert "relevant Secretary".

Page 42, beginning on line 8, strike "Secretary of the Interior and the Secretary of Agriculture" and insert "relevant Secretary".

Page 43, line 24, strike "shall effect", insert "precludes".

Page 44, line 4, strike "designated under section 201".

Page 44, strike lines 7 through 9 and insert: "In addition to those purposes provided in section 204 of this Act, a purpose for the Colorado River National Conservation

Area shall be to provide for the management, development, protection, and use of drinking water within the Colorado River National Conservation Area.".

Page 46, line 8, strike "of Agriculture".

Page 46, beginning on line 16, strike "and the Bureau of Indian Affairs".

Page 51, line 5, strike "relevant".

Page 56, line 23, strike "purpose" and insert "purposes".

Page 60, line 20, strike "relevant".

Page 62, line 14. Strike "ignations" and insert "ignation".

Page 62, line 19, insert "and Food" after "Agriculture".

Page 63, line 9, strike "areas" and insert "Area".

Page 66, beginning on line 19, strike "of Agriculture".

Page 67, line 12, insert "Secretary" after "the".

Page 69, line 10, strike "of the Interior".

Page 69, beginning on line 16, strike "Energy and Natural Resources" and insert "Agriculture, Nutrition, and Forestry".

Page 72, line 8, strike "Conservation Area" and insert "Little West Fork Blacks Fork Special Management Area".

Page 72, line 22, strike "area" and insert "Little West Fork Blacks Fork Special Management Area".

Page 73, line 20, strike "Area designated under section 405" and insert "Little West Fork Blacks Fork Special Management Area".

Page 74, line 2, strike "relevant".

Page 74, line 7, strike "areas designated by section 405" and insert "Little West Fork Blacks Fork Special Management Area".

Page 74, line 8, strike "an area" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 74, line 10, strike "areas designated by section 405" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 75, line 5, strike "areas designated by section 405" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 75, line 19, strike "ignations" and insert "ignation".

Page 75, line 24, insert "and Food" after "Agriculture".

Page 77, line 2, strike "areas" and insert "Little West Fork Blacks Special Management Area".

Page 77, line 21, line 21, strike "Areas" and insert "Area".

Page 78, line 12, strike "Areas" and insert "Area".

Page 80, line 3, insert a comma after "Area".

Page 80, line 6, strike "405" and insert "406".

Page 80, line 24, strike "8,770" and insert "9,578".

Page 81, beginning on line 6, strike "41,301 acres; 26,210 acres in Carbon County and 15,091 acres" and insert "38,293 acres (26,199 acres in Carbon County and 12,094 acres".

Page 81, line 8, strike "County" and insert "County)".

Page 81, beginning on line 9, strike "in Carbon County and Duchesne County".

Page 82, line 15, strike "maintains" and insert "maintain".

Page 82, line 18, strike "purpose" and insert "purposes".

Page 82, line 19, strike "hereinto" and insert "hereafter".

Page 82, line 20, strike "is" and insert 'are".

Page 83, line 7, strike "(hereinafter referred to as the "Secretary")".

Page 83, line 15, insert "of the Interior" before "may".

Page 84, line 5, insert "of the Interior" after "Secretary".

Page 84, line 9, insert "of the Interior" after "Secretary".

Page 84, line 12, strike "Committee" and insert "Council".

Page 84, like 25, strike "204" and insert "205".

Page 85, line 1, strike "204(a)" and insert "205(a)" .

Page 85, strike lines 2 through 4 and insert "shall not apply to the Areas.".

Page 85, line 6, insert "the Areas" after "resources in".

Page 85, line 25, strike "FLPMA (site)" and insert "the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)".

Page 86, line 7 strike "(hereinto referred to as the "Secretary")".

Page 86, beginning on line 13, strike "Advisory Council described in subsection (d) below" and insert "Book Cliffs Sportsmen's Special Management Area Advisory Committee established under section 413.".

Page 86, line 16, strike "Council" and insert "Committee ".

Page 86, line 22, strike "Council" and insert "Committee".

Page 86, line 24, strike "in accordance with section 408(c)" and insert "to support the purposes outlined in section 408(c)".

Page 87, line 1, insert "of the Interior" after "Secretary".

Page 87, line 5, insert "of the Interior" after "Secretary".

Page 87, line 10, strike "the" and insert "The".

Page 87, line 10, insert "of the Interior" after "Secretary".

Page 87, line 23, insert "of the Interior" after "Secretary".

Page 88, line 9, strike "maintain".

Page 90, line 9, strike "or one designee" and insert "or his designee".

Page 90, line 25, strike "under section 402" and insert "on the Book Cliffs Sportsmen's Special Management Area Advisory Committee".

Page 91, line 2, insert ", except for the State Division of Wildlife Resources Director" after "Government".

Page 91, beginning on line 4, strike "from the two categories in section 402, the Secretary of the Interior" and insert ", the Secretary of the Interior".

Page 91, line 7, strike "from within each category".

Page 91, line 19, strike "Agriculture, Nutrition, and Forestry" and insert "Energy and Natural Resources".

Page 92, line 24, strike "1 time a year. A majority"" and insert "once a year. A majority of the members".

Page 93, line 1, insert "a quorum for" after "constitute".

Page 94, line 8, strike "the" after "generations".

Page 94, line 14, strike "BOUNDARIES" and insert "ESTABLISHMENT".

Page 94, line 18, after "Monument" insert "and to be managed by the Bureau of Land Management" before the period.

Strike the text beginning on page 94, line 20 through page 95, line 2, and insert the following:

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of the Monument.".

Page 96, line 5, before "land within the Monument" insert "Federal".

Page 96, strike lines 9 through 10 and insert the following:

"(1) all forms of entry, appropriation, and disposal under the public land laws;".

Page 96, strike lines 16 through 22 and insert the following:

"(1) PLAN REQUIRED.—As soon as practicable after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term management of the Monument, including consideration of enhanced transportation routes, outdoor recreation planning, and promotion of scientific research.".

Strike the text beginning on page 96, line 24 through page 97, line 1, and insert "In developing the management plan required under paragraph (1), the Secretary shall consult with appropriate state, local, and tribal government entities, members of the public, and the Public Lands".

Page 97, line 12, strike "State and" and insert "State,".

Page 97, strike lines 13 through 15 and insert the following:

"(3) USES.—The Secretary shall only allow such uses of the Monument that the Secretary determines would further the purposes described in section 601(a) of this title.".

Page 97, strike lines 18 through 19 and insert the following:

"(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(2) this title;

(3) any other applicable law (including regulations).".

Page 100, line 2, strike "as a" the first time it appears.

Page 100, line 19, after "County", insert ", Utah, to be administered by the Secretary of the Interior,".

Page 100, line 23, after "County", insert ", Utah, to be administered by the Secretary of the Interior,".

Page 101, line 15, strike "or transfer from another agency" and insert "transfer from another agency, or purchase from a willing seller".

Page 103, line 21, insert "in this title" after "hereinafter".

Page 103, beginning on line 23, strike "(hereinafter referred to as the "Area"".

Page 104, beginning on line 1, strike "Energy and Natural Resources" and insert "Agriculture, Nutrition, and Forestry".

Page 105, line 5, strike "Committee" and insert "Council".

Page 105, beginning on line 11, strike "Energy and Natural Resources" and insert Agriculture, Nutrition, and Forestry".

Page 106, line 24, strike "County" and insert "county".

Page 107, line 19, strike "Conservation".

Page 107, line 23, insert "dated September 19, 2016" after "Map".

Page 108, line 10, strike "area" and insert "Area".

Page 108, line 14, insert comma after "feasible".

Page 108, line 14, insert "Secretary" before "may".

Page 109, line 20, strike "relevant".

Page 109, line 25, strike "areas" and insert "Area".

Page 110, line 1, strike "an area" and insert "the Area".

Page 110, line 4, strike "in areas" and insert "in the Area".

Page 110, line 15, strike "an area" and insert "the Area".

Page 110, line 24, strike "in areas" and insert "the Area".

Page 111, strike line 14 and insert "ignation made under section 801.".

Page 111, line 19, insert "and Food" after "Agriculture".

Page 112, line 15, strike "the areas" and insert "the Area".

Page 115, line 7, insert a comma after "Act".

Page 115, line 16, strike "United States Forest Service" and insert "Secretary".

Page 117, line 15, insert ", except such term does not include land the title to which is held in trust by the United States for the benefit of a tribe or an individual or is held in fee by a tribe or individual subject to restriction by the United States against alienation" after "Utah".

Page 117, beginning on line 16, strike "following".

Page 117, line 19, strike "July 12" and re insert "September 21".

Page 125, line 14, strike "Maps" and insert "Map".

Page 127, line 15, strike "title" and insert "Act".

Page 128, line 9, strike "Maps" and insert "Map".

Page 152, line 15, strike "Bluff Service Area" and insert "San Juan County, Utah".

Page 152, line 24, strike the underscore and insert "3.71".

Page 153, after line 3, insert the following:

"(21) ALLEN CANYON CEMETERY.- - The approximately 1.2 acres depicted on the map entitled Utah PLI Land Conveyances Map and dated September 16, 2016, as 'Ute Cemetery', to the Ute Mountain Ute Tribe to

use as a cemetery. The Bureau of Land Management shall designate as an easement the existing two-track road that runs between County Road B227 and the Allen Canyon Cemetery to provide public access to the cemetery.".

Page 153, line 8, insert before the period at the end "of the U.S. House of Representatives, and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the U.S. Senate".

Page 170, line 10, strike the underscore and insert "210,116".

Page 170, line 12, insert "and Utah Rims" after "Dee Pass".

Page 172, beginning on line 13, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 172, line 16, strike "is" and insert "are".

Page 174, line 15, strike "is" and insert "are".

Page 176, line 6, strike "is" and insert "are".

Page 176, beginning on line 11, strike "of the Interior".

Page 177, line 11, strike "of the Interior".

Page 178, beginning on line 1, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 178, line 4, strike "is" and insert "are".

Page 178, beginning on line 9, strike "of the Interior".

Page 179, line 10, strike "of the Interior".

Page 180, beginning on line 1, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 180, line 4, strike "is" and insert "are".

Page 180, beginning on line 9, strike "of the Interior".

Page 181, line 8, strike "of the Interior".

Page 181, beginning on line 22, strike Section 815 and redesignate the subsequent sections accordingly.

Page 183, line 22, insert "The application of" before "San Juan".

Page 183, line 23, strike "Utah's application for a Title V"" and inset "Utah, for a Title V of the Federal Land Policy and Management Act of 1976".

Page 184, line 4, insert "of the Federal Land Policy and Management Act of 1976" after "Title V".

Page 184, line 6, strike "canyon" and insert "Recapture Canyon".

Page 184, beginning on line 9, strike "In granting the application, compliance with section" and insert "Section".

Page 184, line 15, strike "proposed".

Page 184, line 16, insert "Utah," after "Area,".

Page 184, line 19, strike "2016" and insert "2015".

Page 185, line 18, strike "trail" and insert "Trail".

Page 185, strike line 19 and insert "the Secretary shall give priority consideration to a long distance route".

Page 185, line 11, strike the underscore and insert "June 30, 2016".

Page 185, line 21, strike "and".

Page 187, line 15, strike "subparagraph (C)" and insert "subsection (c)".

Page 188, beginning on line 19, strike "Red Rock County Off-Highway Vehicle".

Page 189, line 21, strike "McCraken" and insert "McCracken".

Page 189, line 23, strike "McCraken" and insert "McCracken".

Page 190, beginning on line 9, strike "a Federal agency owns or" and insert "the United States".

Page 190, beginning on line 11, strike "owned or managed by the Federal agency" and insert "managed by the United States".

Page 190, line 24, strike "133-133" and insert "113-133".

Page 192, line 15, strike "subtitle" and insert "title".

Page 193, line 16, insert "permitting" before "process".

Page 194, line 5, strike "completed" and insert "approved".

Page 195, strike lines 13 through 16 and insert:

"The recommendations of the Grand County Council for Hey Joe Canyon, Tenmile Canyon, and Mineral Canyon roads, as depicted on the map entitled 'Grand County PLI Final Map 4-17-2015' and dated April 17, 2015, shall".

Page 195, line 24, strike "title V" and insert "Title V of the Federal Land Policy and Management Act of 1976".

Page 196, line 9, strike "title" and insert "Act".

Page 197, line 5, insert "in Utah" after "areas".

Strike the text beginning on page 197, line 16 through page 198, line 11, and insert:

"**SEC. 101. DEFINITIONS.—**

(a) Advisory Council.—The term "Advisory Council" means the Public Lands Initiative Planning and Implementation Advisory Council established under section 102(a) of this title.

SEC. 102. PUBLIC LANDS INITIATIVE PLANNING AND IMPLEMENTATION ADVISORY COUNCIL.

(a) Establishment.—The Secretary of the Interior and the Secretary of Agriculture shall jointly establish an Advisory Council, to be known as the 'Public Lands Initiative Planning and Implementation Advisory Council', to advise the Secretary concerned with respect to the

development and implementation of the management plans required by this Act and with respect to policies or programs that encourage coordination among the public, local elected officials, and public lands stakeholders, and the State, tribes, and the Federal Government.

(1) Applicable Law.—The Advisory Council shall be subject to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).".

Page 198, line 15, strike "Committee' and insert "Council".

Page 198, line 22, strike "Committee" and insert "Council".

Page 199, line 1, strike "Committee" and insert "Council".

Page 199, line 6, strike "Committee" and insert "Council".

Page 199, line 9, strike "Committee" and insert "Council".

Page 199, line 10, strike "COMMITTEE" and insert "COUNCIL".

Page 199, line 11, strike "Committee" and insert "Council".

Page 199, line 14, strike "Committee" and insert "Council".

Page 200, after line 2, insert the following and redesignate the following clauses accordingly:

"(v) A representative of the National Park Service Intermountain Region".

Page 201, after line 21 insert the following :

(2) TERMS.—

(A) INITIAL APPOINTMENTS.—The Secretaries of the Interior and Agriculture shall make initial appointments to the Advisory Council not later than 180 days after the date of the enactment of this Act.

(B) TERM LENGTH.—Members of the Advisory Council shall be jointly appointed by the Secretaries of the Interior and Agriculture for a term of 5 years.

(C) REAPPOINTMENT.—A member may be reappointed to serve on the Advisory Council for not more than 3 terms.

(D) VACANCIES.—The Secretaries of the Interior and Agriculture shall fill vacancies on the Advisory Committee as soon as practicable after the vacancy has occurred.

(3) CHAIRPERSON.—The Secretaries of the Interior and Agriculture shall jointly select the chairperson of the Advisory Council for a term of 5 years.

(4) SERVICE WITHOUT COMPENSATION.—Members of the Advisory Council shall serve without pay.

(5) PRESERVATION OF PUBLIC ADVISORY STATUS.—No member of the Advisory Council appointed to represent the interests outlined in subparagraph (c)(2)(B) may be an officer or employee of the Federal Government or State of Utah.

(6) REPRESENTATION.—The Secretaries of the Interior and Agriculture shall ensure that membership of the Advisory Council is fairly balanced in terms of the points of view represented and the functions to be performed by the Advisory Council.".

Page 201, strike lines 22 through 25.

Page 202, strike lines 1 through 9.

Page 202, line 10, strike "COMMITTEE" and insert "COUNCIL".

Page 202, beginning on line 11, strike "Committee" and insert "Council".

Page 202, line 18, strike "Committee" and insert "Council".

Page 203, beginning on line 1, strike "Committee" and insert "Council".

Page 203, line 4, strike "Committee" and insert "Council".

Page 203, strike lines 10 through 11.

Page 203, line 12, strike "(1)" and insert "(f)".

Page 203, beginning on line 12, strike "Committee" and insert "Council".

Page 203, line 17, strike "(2)" and insert "(g)".

Page 203, line 18, strike "(A)" and insert (1).

Page 203, starting on line 18, strike "Committee" and insert "Council".

Page 203, line 22, insert "of the members of the Council" after "members".

Page 203, line 24, strike "Committee" and insert "Council".

Page 204, line 1, strike "(B)" and insert "(2)".

Page 204, line 5, strike "(3)" and insert "(h)".

Page 205, line 14, strike "U.S. Forest Service in San Juan County" and insert "United States Forest Service in San Juan County, Utah,".

Page 205, line 16, strike "to be known" and insert "shall be designated ".

Page 205, strike lines 19 through 25 and insert the following:

"(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, as appropriate, shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate a map and legal description of the National Conservation Area established in section 102 of this title.".

Page 206, line 1, strike "Each" and insert "The".

Page 206, line 21, strike "established by section 102".

Page 207, line 1, strike "maintains and enhances", insert "encourages".

Page 207, starting on line 18, strike "Native American archaeological sites" and insert "covered sites and properties" .

Page 208, strike lines 1 through 5 and insert the following:

"(b) MANAGEMENT PLAN.--

"(1) PLAN REQUIRED.—As soon as practicable after the date of enactment of this Act, the Secretaries shall develop a joint comprehensive plan for the long-term management of the Bears Ears National Conservation Area.".

Page 208, strike lines 7 through 9 and insert "In developing the management plan required under paragraph (1), the Secretaries shall consult with appropriate state, local, and tribal government entities, members of the public, and the".

Page 208, line 11, strike "Committee" and insert "Council".

Page 208, line 12, strike "relevant Secretary does" and insert "Secretaries do".

Page 208, line 15, strike "relevant Secretary" and insert "Secretaries".

Page 208, line 18, strike "and".

Page 208, line 19, insert ", and Senate Committee on Agriculture, Nutrition and Forestry," after "Natural Resources".

Page 208, strike lines 22 through 23 and insert "The general provisions of section 205 of Division A of this Act shall apply to this title.".

Page 209, line 2, insert "and the Secretary of Agriculture" after "Interior".

Page 209, line 5, strike "National Conservation Area".

Page 209, strike lines 9 through 20 and insert the following:

"(a) CREATION OF COMMISSION.—In preparing the management plan under section 104(b) for the Bears Ears, the Secretaries of the Interior and Agriculture shall create a Commission consisting of tribal representatives and federal agency staff, in recognition of the importance of tribal participation to the care and management of the Bear Ears' natural and cultural resources.

(1) APPOINTMENT AND TERM.—The Secretaries of the Interior and Agriculture shall appoint for a term of five years beginning on the date of appointment:

(A) Three federal members, one each from the Bureau of Land Management, the National Park Service and the United States Forest Service; and

(B) No more than seven elected officers of tribal governments or their designated employees.

(2) REQUIREMENTS.—The Secretaries of the Interior and Agriculture shall select tribal members of the Commission who demonstrate:
   (A) A historical or geographical connection to the objects and lands of the Bears Ears;
   (B) Relevant traditional knowledge; and
   (C) The ability to contribute to the management of the Bears Ears.

(3) DUTIES.—The Commission shall provide information and proposals as needed to integrate the tribes' traditional knowledge and special expertise where relevant to the care and management of the Bears Ears' natural and cultural resources, including in the development of the management plans developed under section 104(b) of this title. The Secretaries shall carefully consider these proposals, and may use all applicable federal authorities to ensure that these management plans and management decisions incorporate, as appropriate, the information and proposals provided from the Commission. Such input from the Commission may include, but need not be limited to:
   (A) Protections for and use of sacred sites;
   (B) Cultural and educational programming;
   (C) Plants, animals, and special resources;
   (D) Traditional uses, such as gathering firewood;
   (E) Historical and archaeological resources;
   (F) Impacts of off-road use and off-road vehicles on cultural and environmental resources;
   (G) Recreational uses, such as climbing; and
   (H) Resource uses, such as grazing, timber production, and mining.".

Page 209, line 24, strike "the Bears Ears National Conservation Area" and insert "Bears Ears".

Page 209, line 25, insert "and the Secretary of Agriculture" after "Interior".

Page 210, line 4, insert "and the Secretary of Agriculture" after "Interior".

Page 210, beginning on line 8, strike "the Bears Ears National Conservation Area" and insert "Bear Ears".

Page 210, line 14, insert "and the Secretary of Agriculture" after "terior".

Page 210, line 18, strike "Secretary" and insert "Secretaries".

Page 210, line 22, insert "and the Secretary of Agriculture" after "Interior".

Page 211, line 5, insert "and the Secretary of Agriculture" after "Interior".

Page 211, line 8, strike "Secretary of the Interior" and insert "Secretaries".

Page 211, line 11, insert "and the Secretary of Agriculture" after "Interior".

Page 211, beginning on line 14, strike "Secretary of the Interior" and insert "Secretaries".

Page 211, line 18, strike "Secretary of the Interior" and insert "Secretaries".

Page 213, beginning on line 10, strike "from the two categories in section 2, the Secretary of the Interior" and insert ", the Secretaries".

Page 213, line 13, strike "from within each category".

Page 213, line 15, insert "and the Secretary of Agriculture" after "rior".

Page 213, line 23, insert "the Secretary of Agriculture," after "Interior,".

Page 213, line 24, strike "and".

Page 213, line 25, insert "and the Committee on Energy and Natural Resources of the Senate" before the period.

Page 214, line 3, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 13, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 16, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 22, insert "and the Secretary of Agriculture" after "Interior".

Page 214, strike line 24 and insert "retaries.".

Page 215, line 3, insert "the Secretary of Agriculture," after "Interior,".

Amendment #1********

Amendment to H.R. 5780
Offered by Mr. Bishop of Utah

At each place it appears, strike "Utah PLI Special Management Area Map dated June 30, 2016" and insert "Utah PLI Special Management Area Map dated September 19, 2016".

At each place it appears, strike "Utah PLI Land Conveyances Map dated June 30, 2016" and insert "Utah PLI Land Conveyances Map dated September 20, 2016".

At each place it appears, strike "Utah PLI National Conservation Area Map dated June 30, 2016" and insert "Utah PLI National Conservation Area Map dated September 16, 2016".

At each place it appears, strike "Utah PLI Wilderness Map dated June 30, 2016" and insert "Utah PLI Wilderness Map dated September 19, 2016".

Page 6, line 9 insert "(a) DESIGNATIONS. — " before "In furtherance".

Page 6, line 24, strike "458,413" and insert "452,204".

Page 8, line 6, after "Management" insert "and the National Park Service".

Page 8, line 25, after "Management" insert "and the National Park Service".

Page 12, line 18, after "Management" insert "and the United States Forest Service".

Page 14, line 23, after "Management" insert "and the United States Forest Service".

Page 16, line 11, strike "and the United States Forest Service".

Page 16, starting on line 17, strike "United States Forest Service", and insert "Bureau of Land Management and the National Park Service".

Page 16, after line 21, insert the following:

"(b) PREVIOUS LAND USE.--The previous land use classifications of the Grand Gulch Primitive Area and the Dark Canyon Primitive Area are hereby superseded." .

Strike the text beginning on page 16, line 23 through page 17, line 4 and insert:

"(a) IN GENERAL. – As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture as appropriate shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each wilderness area designated by this title.".

Page 17, beginning on line 16, strike "the Bureau of Indian Affairs".

Page 19, line 14 insert "and Food" after "Agriculture".

Page 19, line 22, "and other wilderness" before "purposes".

Page 24, strike line 4.

Page 24, line 5, strike "(1)" and insert "(a)".

Page 24, line 13, strike "(A)" and insert "(1)".

Page 24, line 15, strike "(B)" and insert "(2)".

Page 24, line 17, strike "(C)" and insert "(3)".

Page 24, line 19, strike "(D) the 20,404-acre"" and insert "(4) the 38,242-acre".

Page 24, line 22, strike "this title" and insert "Title IV".

Page 24, line 24, strike "(E)" and insert "(5").

Page 25, line 1, strike "(F)" and insert "(6)".

Page 25, line 24, strike "(K), (AA), and (BB)" and insert "(27) and (28)".

Page 29, after line 10, insert the following and redesignate the following sections accordingly:

"**SEC. 202. DEFINITIONS.** –In this title:

(a) Management plan.—The term 'management plan' means the management plans for each National Conservation Area developed by the relevant Secretary under section 205.

(b) National Conservation Area.—The term 'National Conservation Area' means the National Conservation Areas established under section 201 of this title.".

Page 29, strike lines 12 through 18 and insert the following:

"(a) IN GENERAL. – As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture as appropriate shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each National Conservation Area designated by this title.".

Page 30, starting on line 5, strike "the Bureau of Indian Affairs,".

Page 30, starting on line 6, strike the comma after "Bureau of Land Management".

Page 31, strike lines 2 through 5 and insert the following:

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the relevant Secretary shall develop a comprehensive management plan for the long-term management of each National Conservation Area.".

Page 31, line 7, strike "The" and insert "In developing the management plans required under paragraph (1), the".

Page 31, starting on line 7, strike "prepare the management plan in consultation and coordination" and insert "consult and coordinate".

Page 31, line 9, before "local" insert "appropriate state,".

Page 31, line 9, strike "governments," and insert "government entities, members of".

Strike the text beginning on page 31, line 22 through page 32, line 8, and insert the following:

"(a) WITHDRAWALS.—

(1) In General.—Subject to valid existing rights and paragraph (3), all Federal land in each National Conservation Area is withdrawn from—

(i) all forms of entry, appropriation, and disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) Additional Land.—If the relevant Secretary acquires additional land that is located within a National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(3) Exception.—This withdrawal shall not apply to the extraction and storage of mineral materials used for road maintenance within the National Conservation Areas established under section 201 of this Act.".

Page 34, line 24, insert "and Food" after "Agriculture".

Page 38, line 17, strike "204(d)(2)" and insert "205(d)(2)".

Page 41, beginning on line 12, strike "Secretary of the Interior and Secretary of Agriculture" and insert "relevant Secretary".

Page 41, beginning on line 21, strike "Secretary of the Interior and Secretary of Agriculture" and insert "relevant Secretary".

Page 42, beginning on line 8, strike "Secretary of the Interior and the Secretary of Agriculture" and insert "relevant Secretary".

Page 43, line 24, strike "shall effect", insert "precludes".

Page 44, line 4, strike "designated under section 201".

Page 44, strike lines 7 through 9 and insert: "In addition to those purposes provided in section 204 of this Act, a purpose for the Colorado River National Conservation

Area shall be to provide for the management, development, protection, and use of drinking water within the Colorado River National Conservation Area.".

Page 46, line 8, strike "of Agriculture".

Page 46, beginning on line 16, strike "and the Bureau of Indian Affairs".

Page 51, line 5, strike "relevant".

Page 56, line 23, strike "purpose" and insert "purposes".

Page 60, line 20, strike "relevant".

Page 62, line 14. Strike "ignations" and insert "ignation".

Page 62, line 19, insert "and Food" after "Agriculture".

Page 63, line 9, strike "areas" and insert "Area".

Page 66, beginning on line 19, strike "of Agriculture".

Page 67, line 12, insert "Secretary" after "the".

Page 69, line 10, strike "of the Interior".

Page 69, beginning on line 16, strike "Energy and Natural Resources" and insert "Agriculture, Nutrition, and Forestry".

Page 72, line 8, strike "Conservation Area" and insert "Little West Fork Blacks Fork Special Management Area".

Page 72, line 22, strike "area" and insert "Little West Fork Blacks Fork Special Management Area".

Page 73, line 20, strike "Area designated under section 405" and insert "Little West Fork Blacks Fork Special Management Area".

Page 74, line 2, strike "relevant".

Page 74, line 7, strike "areas designated by section 405" and insert "Little West Fork Blacks Fork Special Management Area".

Page 74, line 8, strike "an area" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 74, line 10, strike "areas designated by section 405" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 75, line 5, strike "areas designated by section 405" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 75, line 19, strike "ignations" and insert "ignation".

Page 75, line 24, insert "and Food" after "Agriculture".

Page 77, line 2, strike "areas" and insert "Little West Fork Blacks Special Management Area".

Page 77, line 21, line 21, strike "Areas" and insert "Area".

Page 78, line 12, strike "Areas" and insert "Area".

Page 80, line 3, insert a comma after "Area".

Page 80, line 6, strike "405" and insert "406".

Page 80, line 24, strike "8,770" and insert "9,578".

Page 81, beginning on line 6, strike "41,301 acres; 26,210 acres in Carbon County and 15,091 acres" and insert "38,293 acres (26,199 acres in Carbon County and 12,094 acres".

Page 81, line 8, strike "County" and insert "County)".

Page 81, beginning on line 9, strike "in Carbon County and Duchesne County".

Page 82, line 15, strike "maintains" and insert "maintain".

Page 82, line 18, strike "purpose" and insert "purposes".

Page 82, line 19, strike "hereinto" and insert "hereafter".

Page 82, line 20, strike "is" and insert 'are".

Page 83, line 7, strike "(hereinafter referred to as the "Secretary")".

Page 83, line 15, insert "of the Interior" before "may".

Page 84, line 5, insert "of the Interior" after "Secretary".

Page 84, line 9, insert "of the Interior" after "Secretary".

Page 84, line 12, strike "Committee" and insert "Council".

Page 84, like 25, strike "204" and insert "205".

Page 85, line 1, strike "204(a)" and insert "205(a)" .

Page 85, strike lines 2 through 4 and insert "shall not apply to the Areas.".

Page 85, line 6, insert "the Areas" after "resources in".

Page 85, line 25, strike "FLPMA (site)" and insert "the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)".

Page 86, line 7 strike "(hereinto referred to as the "Secretary")".

Page 86, beginning on line 13, strike "Advisory Council described in subsection (d) below" and insert "Book Cliffs Sportsmen's Special Management Area Advisory Committee established under section 413.".

Page 86, line 16, strike "Council" and insert "Committee ".

Page 86, line 22, strike "Council" and insert "Committee".

Page 86, line 24, strike "in accordance with section 408(c)" and insert "to support the purposes outlined in section 408(c)".

Page 87, line 1, insert "of the Interior" after "Secretary".

Page 87, line 5, insert "of the Interior" after "Secretary".

Page 87, line 10, strike "the" and insert "The".

Page 87, line 10, insert "of the Interior" after "Secretary".

Page 87, line 23, insert "of the Interior" after "Secretary".

Page 88, line 9, strike "maintain".

Page 90, line 9, strike "or one designee" and insert "or his designee".

Page 90, line 25, strike "under section 402" and insert "on the Book Cliffs Sportsmen's Special Management Area Advisory Committee".

Page 91, line 2, insert ", except for the State Division of Wildlife Resources Director" after "Government".

Page 91, beginning on line 4, strike "from the two categories in section 402, the Secretary of the Interior" and insert ", the Secretary of the Interior".

Page 91, line 7, strike "from within each category".

Page 91, line 19, strike "Agriculture, Nutrition, and Forestry" and insert "Energy and Natural Resources".

Page 92, line 24, strike "1 time a year. A majority"" and insert "once a year. A majority of the members".

Page 93, line 1, insert "a quorum for" after "constitute".

Page 94, line 8, strike "the" after "generations".

Page 94, line 14, strike "BOUNDARIES" and insert "ESTABLISHMENT".

Page 94, line 18, after "Monument" insert "and to be managed by the Bureau of Land Management" before the period.

Strike the text beginning on page 94, line 20 through page 95, line 2, and insert the following:

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of the Monument.".

Page 96, line 5, before "land within the Monument" insert "Federal".

Page 96, strike lines 9 through 10 and insert the following:

"(1) all forms of entry, appropriation, and disposal under the public land laws;".

Page 96, strike lines 16 through 22 and insert the following:

"(1) PLAN REQUIRED.—As soon as practicable after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term management of the Monument, including consideration of enhanced transportation routes, outdoor recreation planning, and promotion of scientific research.".

Strike the text beginning on page 96, line 24 through page 97, line 1, and insert "In developing the management plan required under paragraph (1), the Secretary shall consult with appropriate state, local, and tribal government entities, members of the public, and the Public Lands".

Page 97, line 12, strike "State and" and insert "State,".

Page 97, strike lines 13 through 15 and insert the following:

"(3) USES.—The Secretary shall only allow such uses of the Monument that the Secretary determines would further the purposes described in section 601(a) of this title.".

Page 97, strike lines 18 through 19 and insert the following:

"(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(2) this title;

(3) any other applicable law (including regulations).".

Page 100, line 2, strike "as a" the first time it appears.

Page 100, line 19, after "County", insert ", Utah, to be administered by the Secretary of the Interior,".

Page 100, line 23, after "County", insert ", Utah, to be administered by the Secretary of the Interior,".

Page 101, line 15, strike "or transfer from another agency" and insert "transfer from another agency, or purchase from a willing seller".

Page 103, line 21, insert "in this title" after "hereinafter".

Page 103, beginning on line 23, strike "(hereinafter referred to as the "Area"".

Page 104, beginning on line 1, strike "Energy and Natural Resources" and insert "Agriculture, Nutrition, and Forestry".

Page 105, line 5, strike "Committee" and insert "Council".

Page 105, beginning on line 11, strike "Energy and Natural Resources" and insert Agriculture, Nutrition, and Forestry".

Page 106, line 24, strike "County" and insert "county".

Page 107, line 19, strike "Conservation".

Page 107, line 23, insert "dated September 19, 2016" after "Map".

Page 108, line 10, strike "area" and insert "Area".

Page 108, line 14, insert comma after "feasible".

Page 108, line 14, insert "Secretary" before "may".

Page 109, line 20, strike "relevant".

Page 109, line 25, strike "areas" and insert "Area".

Page 110, line 1, strike "an area" and insert "the Area".

Page 110, line 4, strike "in areas" and insert "in the Area".

Page 110, line 15, strike "an area" and insert "the Area".

Page 110, line 24, strike "in areas" and insert "the Area".

Page 111, strike line 14 and insert "ignation made under section 801.".

Page 111, line 19, insert "and Food" after "Agriculture".

Page 112, line 15, strike "the areas" and insert "the Area".

Page 115, line 7, insert a comma after "Act".

Page 115, line 16, strike "United States Forest Service" and insert "Secretary".

Page 117, line 15, insert ", except such term does not include land the title to which is held in trust by the United States for the benefit of a tribe or an individual or is held in fee by a tribe or individual subject to restriction by the United States against alienation" after "Utah".

Page 117, beginning on line 16, strike "following".

Page 117, line 19, strike "July 12" and re insert "September 21".

Page 125, line 14, strike "Maps" and insert "Map".

Page 127, line 15, strike "title" and insert "Act".

Page 128, line 9, strike "Maps" and insert "Map".

Page 152, line 15, strike "Bluff Service Area" and insert "San Juan County, Utah".

Page 152, line 24, strike the underscore and insert "3.71".

Page 153, after line 3, insert the following:

"(21) ALLEN CANYON CEMETERY.- - The approximately 1.2 acres depicted on the map entitled Utah PLI Land Conveyances Map and dated September 16, 2016, as 'Ute Cemetery', to the Ute Mountain Ute Tribe to

use as a cemetery. The Bureau of Land Management shall designate as an easement the existing two-track road that runs between County Road B227 and the Allen Canyon Cemetery to provide public access to the cemetery.".

Page 153, line 8, insert before the period at the end "of the U.S. House of Representatives, and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the U.S. Senate".

Page 170, line 10, strike the underscore and insert "210,116".

Page 170, line 12, insert "and Utah Rims" after "Dee Pass".

Page 172, beginning on line 13, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 172, line 16, strike "is" and insert "are".

Page 174, line 15, strike "is" and insert "are".

Page 176, line 6, strike "is" and insert "are".

Page 176, beginning on line 11, strike "of the Interior".

Page 177, line 11, strike "of the Interior".

Page 178, beginning on line 1, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 178, line 4, strike "is" and insert "are".

Page 178, beginning on line 9, strike "of the Interior".

Page 179, line 10, strike "of the Interior".

Page 180, beginning on line 1, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 180, line 4, strike "is" and insert "are".

Page 180, beginning on line 9, strike "of the Interior".

Page 181, line 8, strike "of the Interior".

Page 181, beginning on line 22, strike Section 815 and redesignate the subsequent sections accordingly.

Page 183, line 22, insert "The application of" before "San Juan".

Page 183, line 23, strike "Utah's application for a Title V"" and inset "Utah, for a Title V of the Federal Land Policy and Management Act of 1976".

Page 184, line 4, insert "of the Federal Land Policy and Management Act of 1976" after "Title V".

Page 184, line 6, strike "canyon" and insert "Recapture Canyon".

Page 184, beginning on line 9, strike "In granting the application, compliance with section" and insert "Section".

Page 184, line 15, strike "proposed".

Page 184, line 16, insert "Utah," after "Area,".

Page 184, line 19, strike "2016" and insert "2015".

Page 185, line 18, strike "trail" and insert "Trail".

Page 185, strike line 19 and insert "the Secretary shall give priority consideration to a long distance route".

Page 185, line 11, strike the underscore and insert "June 30, 2016".

Page 185, line 21, strike "and".

Page 187, line 15, strike "subparagraph (C)" and insert "subsection (c)".

Page 188, beginning on line 19, strike "Red Rock County Off-Highway Vehicle".

Page 189, line 21, strike "McCraken" and insert "McCracken".

Page 189, line 23, strike "McCraken" and insert "McCracken".

Page 190, beginning on line 9, strike "a Federal agency owns or" and insert "the United States".

Page 190, beginning on line 11, strike "owned or managed by the Federal agency" and insert "managed by the United States".

Page 190, line 24, strike "133-133" and insert "113-133".

Page 192, line 15, strike "subtitle" and insert "title".

Page 193, line 16, insert "permitting" before "process".

Page 194, line 5, strike "completed" and insert "approved".

Page 195, strike lines 13 through 16 and insert:

"The recommendations of the Grand County Council for Hey Joe Canyon, Tenmile Canyon, and Mineral Canyon roads, as depicted on the map entitled 'Grand County PLI Final Map 4-17-2015' and dated April 17, 2015, shall".

Page 195, line 24, strike "title V" and insert "Title V of the Federal Land Policy and Management Act of 1976".

Page 196, line 9, strike "title" and insert "Act".

Page 197, line 5, insert "in Utah" after "areas".

Strike the text beginning on page 197, line 16 through page 198, line 11, and insert:

"**SEC. 101. DEFINITIONS.—**

(a) Advisory Council.—The term "Advisory Council" means the Public Lands Initiative Planning and Implementation Advisory Council established under section 102(a) of this title.

SEC. 102. PUBLIC LANDS INITIATIVE PLANNING AND IMPLEMENTATION ADVISORY COUNCIL.

(a) Establishment.—The Secretary of the Interior and the Secretary of Agriculture shall jointly establish an Advisory Council, to be known as the 'Public Lands Initiative Planning and Implementation Advisory Council', to advise the Secretary concerned with respect to the

development and implementation of the management plans required by this Act and with respect to policies or programs that encourage coordination among the public, local elected officials, and public lands stakeholders, and the State, tribes, and the Federal Government.

(1) Applicable Law.—The Advisory Council shall be subject to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).".

Page 198, line 15, strike "Committee' and insert "Council".

Page 198, line 22, strike "Committee" and insert "Council".

Page 199, line 1, strike "Committee" and insert "Council".

Page 199, line 6, strike "Committee" and insert "Council".

Page 199, line 9, strike "Committee" and insert "Council".

Page 199, line 10, strike "COMMITTEE" and insert "COUNCIL".

Page 199, line 11, strike "Committee" and insert "Council".

Page 199, line 14, strike "Committee" and insert "Council".

Page 200, after line 2, insert the following and redesignate the following clauses accordingly:

"(v) A representative of the National Park Service Intermountain Region".

Page 201, after line 21 insert the following :

(2) TERMS.—

(A) INITIAL APPOINTMENTS.—The Secretaries of the Interior and Agriculture shall make initial appointments to the Advisory Council not later than 180 days after the date of the enactment of this Act.

(B) TERM LENGTH.—Members of the Advisory Council shall be jointly appointed by the Secretaries of the Interior and Agriculture for a term of 5 years.

(C) REAPPOINTMENT.—A member may be reappointed to serve on the Advisory Council for not more than 3 terms.

(D) VACANCIES.—The Secretaries of the Interior and Agriculture shall fill vacancies on the Advisory Committee as soon as practicable after the vacancy has occurred.

(3) CHAIRPERSON.—The Secretaries of the Interior and Agriculture shall jointly select the chairperson of the Advisory Council for a term of 5 years.

(4) SERVICE WITHOUT COMPENSATION.—Members of the Advisory Council shall serve without pay.

(5) PRESERVATION OF PUBLIC ADVISORY STATUS.—No member of the Advisory Council appointed to represent the interests outlined in subparagraph (c)(2)(B) may be an officer or employee of the Federal Government or State of Utah.

(6) REPRESENTATION.—The Secretaries of the Interior and Agriculture shall ensure that membership of the Advisory Council is fairly balanced in terms of the points of view represented and the functions to be performed by the Advisory Council.".

Page 201, strike lines 22 through 25.

Page 202, strike lines 1 through 9.

Page 202, line 10, strike "COMMITTEE" and insert "COUNCIL".

Page 202, beginning on line 11, strike "Committee" and insert "Council".

Page 202, line 18, strike "Committee" and insert "Council".

Page 203, beginning on line 1, strike "Committee" and insert "Council".

Page 203, line 4, strike "Committee" and insert "Council".

Page 203, strike lines 10 through 11.

Page 203, line 12, strike "(1)" and insert "(f)".

Page 203, beginning on line 12, strike "Committee" and insert "Council".

Page 203, line 17, strike "(2)" and insert "(g)".

Page 203, line 18, strike "(A)" and insert (1).

Page 203, starting on line 18, strike "Committee" and insert "Council".

Page 203, line 22, insert "of the members of the Council" after "members".

Page 203, line 24, strike "Committee" and insert "Council".

Page 204, line 1, strike "(B)" and insert "(2)".

Page 204, line 5, strike "(3)" and insert "(h)".

Page 205, line 14, strike "U.S. Forest Service in San Juan County" and insert "United States Forest Service in San Juan County, Utah,".

Page 205, line 16, strike "to be known" and insert "shall be designated ".

Page 205, strike lines 19 through 25 and insert the following:

"(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, as appropriate, shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate a map and legal description of the National Conservation Area established in section 102 of this title.".

Page 206, line 1, strike "Each" and insert "The".

Page 206, line 21, strike "established by section 102".

Page 207, line 1, strike "maintains and enhances", insert "encourages".

Page 207, starting on line 18, strike "Native American archaeological sites" and insert "covered sites and properties" .

Page 208, strike lines 1 through 5 and insert the following:

"(b) MANAGEMENT PLAN.--

"(1) PLAN REQUIRED.—As soon as practicable after the date of enactment of this Act, the Secretaries shall develop a joint comprehensive plan for the long-term management of the Bears Ears National Conservation Area.".

Page 208, strike lines 7 through 9 and insert "In developing the management plan required under paragraph (1), the Secretaries shall consult with appropriate state, local, and tribal government entities, members of the public, and the".

Page 208, line 11, strike "Committee" and insert "Council".

Page 208, line 12, strike "relevant Secretary does" and insert "Secretaries do".

Page 208, line 15, strike "relevant Secretary" and insert "Secretaries".

Page 208, line 18, strike "and".

Page 208, line 19, insert ", and Senate Committee on Agriculture, Nutrition and Forestry," after "Natural Resources".

Page 208, strike lines 22 through 23 and insert "The general provisions of section 205 of Division A of this Act shall apply to this title.".

Page 209, line 2, insert "and the Secretary of Agriculture" after "Interior".

Page 209, line 5, strike "National Conservation Area".

Page 209, strike lines 9 through 20 and insert the following:

"(a) CREATION OF COMMISSION.—In preparing the management plan under section 104(b) for the Bears Ears, the Secretaries of the Interior and Agriculture shall create a Commission consisting of tribal representatives and federal agency staff, in recognition of the importance of tribal participation to the care and management of the Bear Ears' natural and cultural resources.

(1) APPOINTMENT AND TERM.—The Secretaries of the Interior and Agriculture shall appoint for a term of five years beginning on the date of appointment:

(A) Three federal members, one each from the Bureau of Land Management, the National Park Service and the United States Forest Service; and

(B) No more than seven elected officers of tribal governments or their designated employees.

(2) REQUIREMENTS.—The Secretaries of the Interior and Agriculture shall select tribal members of the Commission who demonstrate:
   (A) A historical or geographical connection to the objects and lands of the Bears Ears;
   (B) Relevant traditional knowledge; and
   (C) The ability to contribute to the management of the Bears Ears.

(3) DUTIES.—The Commission shall provide information and proposals as needed to integrate the tribes' traditional knowledge and special expertise where relevant to the care and management of the Bears Ears' natural and cultural resources, including in the development of the management plans developed under section 104(b) of this title. The Secretaries shall carefully consider these proposals, and may use all applicable federal authorities to ensure that these management plans and management decisions incorporate, as appropriate, the information and proposals provided from the Commission. Such input from the Commission may include, but need not be limited to:
   (A) Protections for and use of sacred sites;
   (B) Cultural and educational programming;
   (C) Plants, animals, and special resources;
   (D) Traditional uses, such as gathering firewood;
   (E) Historical and archaeological resources;
   (F) Impacts of off-road use and off-road vehicles on cultural and environmental resources;
   (G) Recreational uses, such as climbing; and
   (H) Resource uses, such as grazing, timber production, and mining.".

Page 209, line 24, strike "the Bears Ears National Conservation Area" and insert "Bears Ears".

Page 209, line 25, insert "and the Secretary of Agriculture" after "Interior".

Page 210, line 4, insert "and the Secretary of Agriculture" after "Interior".

Page 210, beginning on line 8, strike "the Bears Ears National Conservation Area" and insert "Bear Ears".

Page 210, line 14, insert "and the Secretary of Agriculture" after "terior".

Page 210, line 18, strike "Secretary" and insert "Secretaries".

Page 210, line 22, insert "and the Secretary of Agriculture" after "Interior".

Page 211, line 5, insert "and the Secretary of Agriculture" after "Interior".

Page 211, line 8, strike "Secretary of the Interior" and insert "Secretaries".

Page 211, line 11, insert "and the Secretary of Agriculture" after "Interior".

Page 211, beginning on line 14, strike "Secretary of the Interior" and insert "Secretaries".

Page 211, line 18, strike "Secretary of the Interior" and insert "Secretaries".

Page 213, beginning on line 10, strike "from the two categories in section 2, the Secretary of the Interior" and insert ", the Secretaries".

Page 213, line 13, strike "from within each category".

Page 213, line 15, insert "and the Secretary of Agriculture" after "rior".

Page 213, line 23, insert "the Secretary of Agriculture," after "Interior,".

Page 213, line 24, strike "and".

Page 213, line 25, insert "and the Committee on Energy and Natural Resources of the Senate" before the period.

Page 214, line 3, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 13, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 16, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 22, insert "and the Secretary of Agriculture" after "Interior".

Page 214, strike line 24 and insert "retaries.".

Page 215, line 3, insert "the Secretary of Agriculture," after "Interior,".

Amendment #1********

Amendment to H.R. 5780
Offered by Mr. Bishop of Utah

At each place it appears, strike "Utah PLI Special Management Area Map dated June 30, 2016" and insert "Utah PLI Special Management Area Map dated September 19, 2016".

At each place it appears, strike "Utah PLI Land Conveyances Map dated June 30, 2016" and insert "Utah PLI Land Conveyances Map dated September 20, 2016".

At each place it appears, strike "Utah PLI National Conservation Area Map dated June 30, 2016" and insert "Utah PLI National Conservation Area Map dated September 16, 2016".

At each place it appears, strike "Utah PLI Wilderness Map dated June 30, 2016" and insert "Utah PLI Wilderness Map dated September 19, 2016".

Page 6, line 9 insert "(a) DESIGNATIONS. — " before "In furtherance".

Page 6, line 24, strike "458,413" and insert "452,204".

Page 8, line 6, after "Management" insert "and the National Park Service".

Page 8, line 25, after "Management" insert "and the National Park Service".

Page 12, line 18, after "Management" insert "and the United States Forest Service".

Page 14, line 23, after "Management" insert "and the United States Forest Service".

Page 16, line 11, strike "and the United States Forest Service".

Page 16, starting on line 17, strike "United States Forest Service", and insert "Bureau of Land Management and the National Park Service".

Page 16, after line 21, insert the following:

"(b) PREVIOUS LAND USE.--The previous land use classifications of the Grand Gulch Primitive Area and the Dark Canyon Primitive Area are hereby superseded." .

Strike the text beginning on page 16, line 23 through page 17, line 4 and insert:

"(a) IN GENERAL. – As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture as appropriate shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each wilderness area designated by this title.".

Page 17, beginning on line 16, strike "the Bureau of Indian Affairs".

Page 19, line 14 insert "and Food" after "Agriculture".

Page 19, line 22, "and other wilderness" before "purposes".

Page 24, strike line 4.

Page 24, line 5, strike "(1)" and insert "(a)".

Page 24, line 13, strike "(A)" and insert "(1)".

Page 24, line 15, strike "(B)" and insert "(2)".

Page 24, line 17, strike "(C)" and insert "(3)".

Page 24, line 19, strike "(D) the 20,404-acre"" and insert "(4) the 38,242-acre".

Page 24, line 22, strike "this title" and insert "Title IV".

Page 24, line 24, strike "(E)" and insert "(5").

Page 25, line 1, strike "(F)" and insert "(6)".

Page 25, line 24, strike "(K), (AA), and (BB)" and insert "(27) and (28)".

Page 29, after line 10, insert the following and redesignate the following sections accordingly:

"**SEC. 202. DEFINITIONS.** –In this title:

(a) Management plan.—The term 'management plan' means the management plans for each National Conservation Area developed by the relevant Secretary under section 205.

(b) National Conservation Area.—The term 'National Conservation Area' means the National Conservation Areas established under section 201 of this title.".

Page 29, strike lines 12 through 18 and insert the following:

"(a) IN GENERAL. – As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture as appropriate shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of each National Conservation Area designated by this title.".

Page 30, starting on line 5, strike "the Bureau of Indian Affairs,".

Page 30, starting on line 6, strike the comma after "Bureau of Land Management".

Page 31, strike lines 2 through 5 and insert the following:

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the relevant Secretary shall develop a comprehensive management plan for the long-term management of each National Conservation Area.".

Page 31, line 7, strike "The" and insert "In developing the management plans required under paragraph (1), the".

Page 31, starting on line 7, strike "prepare the management plan in consultation and coordination" and insert "consult and coordinate".

Page 31, line 9, before "local" insert "appropriate state,".

Page 31, line 9, strike "governments," and insert "government entities, members of".

Strike the text beginning on page 31, line 22 through page 32, line 8, and insert the following:

"(a) WITHDRAWALS.—

(1) In General.—Subject to valid existing rights and paragraph (3), all Federal land in each National Conservation Area is withdrawn from—

(i) all forms of entry, appropriation, and disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) Additional Land.—If the relevant Secretary acquires additional land that is located within a National Conservation Area after the date of enactment of this Act, the land is withdrawn from operation of the laws referred to in paragraph (1) on the date of acquisition of the land.

(3) Exception.—This withdrawal shall not apply to the extraction and storage of mineral materials used for road maintenance within the National Conservation Areas established under section 201 of this Act.".

Page 34, line 24, insert "and Food" after "Agriculture".

Page 38, line 17, strike "204(d)(2)" and insert "205(d)(2)".

Page 41, beginning on line 12, strike "Secretary of the Interior and Secretary of Agriculture" and insert "relevant Secretary".

Page 41, beginning on line 21, strike "Secretary of the Interior and Secretary of Agriculture" and insert "relevant Secretary".

Page 42, beginning on line 8, strike "Secretary of the Interior and the Secretary of Agriculture" and insert "relevant Secretary".

Page 43, line 24, strike "shall effect", insert "precludes".

Page 44, line 4, strike "designated under section 201".

Page 44, strike lines 7 through 9 and insert: "In addition to those purposes provided in section 204 of this Act, a purpose for the Colorado River National Conservation

Area shall be to provide for the management, development, protection, and use of drinking water within the Colorado River National Conservation Area.".

Page 46, line 8, strike "of Agriculture".

Page 46, beginning on line 16, strike "and the Bureau of Indian Affairs".

Page 51, line 5, strike "relevant".

Page 56, line 23, strike "purpose" and insert "purposes".

Page 60, line 20, strike "relevant".

Page 62, line 14. Strike "ignations" and insert "ignation".

Page 62, line 19, insert "and Food" after "Agriculture".

Page 63, line 9, strike "areas" and insert "Area".

Page 66, beginning on line 19, strike "of Agriculture".

Page 67, line 12, insert "Secretary" after "the".

Page 69, line 10, strike "of the Interior".

Page 69, beginning on line 16, strike "Energy and Natural Resources" and insert "Agriculture, Nutrition, and Forestry".

Page 72, line 8, strike "Conservation Area" and insert "Little West Fork Blacks Fork Special Management Area".

Page 72, line 22, strike "area" and insert "Little West Fork Blacks Fork Special Management Area".

Page 73, line 20, strike "Area designated under section 405" and insert "Little West Fork Blacks Fork Special Management Area".

Page 74, line 2, strike "relevant".

Page 74, line 7, strike "areas designated by section 405" and insert "Little West Fork Blacks Fork Special Management Area".

Page 74, line 8, strike "an area" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 74, line 10, strike "areas designated by section 405" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 75, line 5, strike "areas designated by section 405" and insert "the Little West Fork Blacks Fork Special Management Area".

Page 75, line 19, strike "ignations" and insert "ignation".

Page 75, line 24, insert "and Food" after "Agriculture".

Page 77, line 2, strike "areas" and insert "Little West Fork Blacks Special Management Area".

Page 77, line 21, line 21, strike "Areas" and insert "Area".

Page 78, line 12, strike "Areas" and insert "Area".

Page 80, line 3, insert a comma after "Area".

Page 80, line 6, strike "405" and insert "406".

Page 80, line 24, strike "8,770" and insert "9,578".

Page 81, beginning on line 6, strike "41,301 acres; 26,210 acres in Carbon County and 15,091 acres" and insert "38,293 acres (26,199 acres in Carbon County and 12,094 acres".

Page 81, line 8, strike "County" and insert "County)".

Page 81, beginning on line 9, strike "in Carbon County and Duchesne County".

Page 82, line 15, strike "maintains" and insert "maintain".

Page 82, line 18, strike "purpose" and insert "purposes".

Page 82, line 19, strike "hereinto" and insert "hereafter".

Page 82, line 20, strike "is" and insert 'are".

Page 83, line 7, strike "(hereinafter referred to as the "Secretary")".

Page 83, line 15, insert "of the Interior" before "may".

Page 84, line 5, insert "of the Interior" after "Secretary".

Page 84, line 9, insert "of the Interior" after "Secretary".

Page 84, line 12, strike "Committee" and insert "Council".

Page 84, like 25, strike "204" and insert "205".

Page 85, line 1, strike "204(a)" and insert "205(a)" .

Page 85, strike lines 2 through 4 and insert "shall not apply to the Areas.".

Page 85, line 6, insert "the Areas" after "resources in".

Page 85, line 25, strike "FLPMA (site)" and insert "the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)".

Page 86, line 7 strike "(hereinto referred to as the "Secretary")".

Page 86, beginning on line 13, strike "Advisory Council described in subsection (d) below" and insert "Book Cliffs Sportsmen's Special Management Area Advisory Committee established under section 413.".

Page 86, line 16, strike "Council" and insert "Committee ".

Page 86, line 22, strike "Council" and insert "Committee".

Page 86, line 24, strike "in accordance with section 408(c)" and insert "to support the purposes outlined in section 408(c)".

Page 87, line 1, insert "of the Interior" after "Secretary".

Page 87, line 5, insert "of the Interior" after "Secretary".

Page 87, line 10, strike "the" and insert "The".

Page 87, line 10, insert "of the Interior" after "Secretary".

Page 87, line 23, insert "of the Interior" after "Secretary".

Page 88, line 9, strike "maintain".

Page 90, line 9, strike "or one designee" and insert "or his designee".

Page 90, line 25, strike "under section 402" and insert "on the Book Cliffs Sportsmen's Special Management Area Advisory Committee".

Page 91, line 2, insert ", except for the State Division of Wildlife Resources Director" after "Government".

Page 91, beginning on line 4, strike "from the two categories in section 402, the Secretary of the Interior" and insert ", the Secretary of the Interior".

Page 91, line 7, strike "from within each category".

Page 91, line 19, strike "Agriculture, Nutrition, and Forestry" and insert "Energy and Natural Resources".

Page 92, line 24, strike "1 time a year. A majority"" and insert "once a year. A majority of the members".

Page 93, line 1, insert "a quorum for" after "constitute".

Page 94, line 8, strike "the" after "generations".

Page 94, line 14, strike "BOUNDARIES" and insert "ESTABLISHMENT".

Page 94, line 18, after "Monument" insert "and to be managed by the Bureau of Land Management" before the period.

Strike the text beginning on page 94, line 20 through page 95, line 2, and insert the following:

"(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior (hereinafter in this title referred to as the "Secretary") shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and legal description of the Monument.".

Page 96, line 5, before "land within the Monument" insert "Federal".

Page 96, strike lines 9 through 10 and insert the following:

"(1) all forms of entry, appropriation, and disposal under the public land laws;".

Page 96, strike lines 16 through 22 and insert the following:

"(1) PLAN REQUIRED.—As soon as practicable after the date of enactment of this Act, the Secretary shall develop a comprehensive management plan for the long-term management of the Monument, including consideration of enhanced transportation routes, outdoor recreation planning, and promotion of scientific research.".

Strike the text beginning on page 96, line 24 through page 97, line 1, and insert "In developing the management plan required under paragraph (1), the Secretary shall consult with appropriate state, local, and tribal government entities, members of the public, and the Public Lands".

Page 97, line 12, strike "State and" and insert "State,".

Page 97, strike lines 13 through 15 and insert the following:

"(3) USES.—The Secretary shall only allow such uses of the Monument that the Secretary determines would further the purposes described in section 601(a) of this title.".

Page 97, strike lines 18 through 19 and insert the following:

"(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(2) this title;

(3) any other applicable law (including regulations).".

Page 100, line 2, strike "as a" the first time it appears.

Page 100, line 19, after "County", insert ", Utah, to be administered by the Secretary of the Interior,".

Page 100, line 23, after "County", insert ", Utah, to be administered by the Secretary of the Interior,".

Page 101, line 15, strike "or transfer from another agency" and insert "transfer from another agency, or purchase from a willing seller".

Page 103, line 21, insert "in this title" after "hereinafter".

Page 103, beginning on line 23, strike "(hereinafter referred to as the "Area"".

Page 104, beginning on line 1, strike "Energy and Natural Resources" and insert "Agriculture, Nutrition, and Forestry".

Page 105, line 5, strike "Committee" and insert "Council".

Page 105, beginning on line 11, strike "Energy and Natural Resources" and insert Agriculture, Nutrition, and Forestry".

Page 106, line 24, strike "County" and insert "county".

Page 107, line 19, strike "Conservation".

Page 107, line 23, insert "dated September 19, 2016" after "Map".

Page 108, line 10, strike "area" and insert "Area".

Page 108, line 14, insert comma after "feasible".

Page 108, line 14, insert "Secretary" before "may".

Page 109, line 20, strike "relevant".

Page 109, line 25, strike "areas" and insert "Area".

Page 110, line 1, strike "an area" and insert "the Area".

Page 110, line 4, strike "in areas" and insert "in the Area".

Page 110, line 15, strike "an area" and insert "the Area".

Page 110, line 24, strike "in areas" and insert "the Area".

Page 111, strike line 14 and insert "ignation made under section 801.".

Page 111, line 19, insert "and Food" after "Agriculture".

Page 112, line 15, strike "the areas" and insert "the Area".

Page 115, line 7, insert a comma after "Act".

Page 115, line 16, strike "United States Forest Service" and insert "Secretary".

Page 117, line 15, insert ", except such term does not include land the title to which is held in trust by the United States for the benefit of a tribe or an individual or is held in fee by a tribe or individual subject to restriction by the United States against alienation" after "Utah".

Page 117, beginning on line 16, strike "following".

Page 117, line 19, strike "July 12" and re insert "September 21".

Page 125, line 14, strike "Maps" and insert "Map".

Page 127, line 15, strike "title" and insert "Act".

Page 128, line 9, strike "Maps" and insert "Map".

Page 152, line 15, strike "Bluff Service Area" and insert "San Juan County, Utah".

Page 152, line 24, strike the underscore and insert "3.71".

Page 153, after line 3, insert the following:

"(21) ALLEN CANYON CEMETERY.- - The approximately 1.2 acres depicted on the map entitled Utah PLI Land Conveyances Map and dated September 16, 2016, as 'Ute Cemetery', to the Ute Mountain Ute Tribe to

use as a cemetery. The Bureau of Land Management shall designate as an easement the existing two-track road that runs between County Road B227 and the Allen Canyon Cemetery to provide public access to the cemetery.".

Page 153, line 8, insert before the period at the end "of the U.S. House of Representatives, and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the U.S. Senate".

Page 170, line 10, strike the underscore and insert "210,116".

Page 170, line 12, insert "and Utah Rims" after "Dee Pass".

Page 172, beginning on line 13, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 172, line 16, strike "is" and insert "are".

Page 174, line 15, strike "is" and insert "are".

Page 176, line 6, strike "is" and insert "are".

Page 176, beginning on line 11, strike "of the Interior".

Page 177, line 11, strike "of the Interior".

Page 178, beginning on line 1, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 178, line 4, strike "is" and insert "are".

Page 178, beginning on line 9, strike "of the Interior".

Page 179, line 10, strike "of the Interior".

Page 180, beginning on line 1, strike "**ADDITIONAL PROVISIONS**" and insert "**MANAGEMENT**".

Page 180, line 4, strike "is" and insert "are".

Page 180, beginning on line 9, strike "of the Interior".

Page 181, line 8, strike "of the Interior".

Page 181, beginning on line 22, strike Section 815 and redesignate the subsequent sections accordingly.

Page 183, line 22, insert "The application of" before "San Juan".

Page 183, line 23, strike "Utah's application for a Title V"" and inset "Utah, for a Title V of the Federal Land Policy and Management Act of 1976".

Page 184, line 4, insert "of the Federal Land Policy and Management Act of 1976" after "Title V".

Page 184, line 6, strike "canyon" and insert "Recapture Canyon".

Page 184, beginning on line 9, strike "In granting the application, compliance with section" and insert "Section".

Page 184, line 15, strike "proposed".

Page 184, line 16, insert "Utah," after "Area,".

Page 184, line 19, strike "2016" and insert "2015".

Page 185, line 18, strike "trail" and insert "Trail".

Page 185, strike line 19 and insert "the Secretary shall give priority consideration to a long distance route".

Page 185, line 11, strike the underscore and insert "June 30, 2016".

Page 185, line 21, strike "and".

Page 187, line 15, strike "subparagraph (C)" and insert "subsection (c)".

Page 188, beginning on line 19, strike "Red Rock County Off-Highway Vehicle".

Page 189, line 21, strike "McCraken" and insert "McCracken".

Page 189, line 23, strike "McCraken" and insert "McCracken".

Page 190, beginning on line 9, strike "a Federal agency owns or" and insert "the United States".

Page 190, beginning on line 11, strike "owned or managed by the Federal agency" and insert "managed by the United States".

Page 190, line 24, strike "133-133" and insert "113-133".

Page 192, line 15, strike "subtitle" and insert "title".

Page 193, line 16, insert "permitting" before "process".

Page 194, line 5, strike "completed" and insert "approved".

Page 195, strike lines 13 through 16 and insert:

"The recommendations of the Grand County Council for Hey Joe Canyon, Tenmile Canyon, and Mineral Canyon roads, as depicted on the map entitled 'Grand County PLI Final Map 4-17-2015' and dated April 17, 2015, shall".

Page 195, line 24, strike "title V" and insert "Title V of the Federal Land Policy and Management Act of 1976".

Page 196, line 9, strike "title" and insert "Act".

Page 197, line 5, insert "in Utah" after "areas".

Strike the text beginning on page 197, line 16 through page 198, line 11, and insert:

"**SEC. 101. DEFINITIONS.—**

(a) Advisory Council.—The term "Advisory Council" means the Public Lands Initiative Planning and Implementation Advisory Council established under section 102(a) of this title.

SEC. 102. PUBLIC LANDS INITIATIVE PLANNING AND IMPLEMENTATION ADVISORY COUNCIL.

(a) Establishment.—The Secretary of the Interior and the Secretary of Agriculture shall jointly establish an Advisory Council, to be known as the 'Public Lands Initiative Planning and Implementation Advisory Council', to advise the Secretary concerned with respect to the

development and implementation of the management plans required by this Act and with respect to policies or programs that encourage coordination among the public, local elected officials, and public lands stakeholders, and the State, tribes, and the Federal Government.

(1) Applicable Law.—The Advisory Council shall be subject to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).".

Page 198, line 15, strike "Committee' and insert "Council".

Page 198, line 22, strike "Committee" and insert "Council".

Page 199, line 1, strike "Committee" and insert "Council".

Page 199, line 6, strike "Committee" and insert "Council".

Page 199, line 9, strike "Committee" and insert "Council".

Page 199, line 10, strike "COMMITTEE" and insert "COUNCIL".

Page 199, line 11, strike "Committee" and insert "Council".

Page 199, line 14, strike "Committee" and insert "Council".

Page 200, after line 2, insert the following and redesignate the following clauses accordingly:

"(v) A representative of the National Park Service Intermountain Region".

Page 201, after line 21 insert the following :

(2) TERMS.—

(A) INITIAL APPOINTMENTS.—The Secretaries of the Interior and Agriculture shall make initial appointments to the Advisory Council not later than 180 days after the date of the enactment of this Act.

(B) TERM LENGTH.—Members of the Advisory Council shall be jointly appointed by the Secretaries of the Interior and Agriculture for a term of 5 years.

(C) REAPPOINTMENT.—A member may be reappointed to serve on the Advisory Council for not more than 3 terms.

(D) VACANCIES.—The Secretaries of the Interior and Agriculture shall fill vacancies on the Advisory Committee as soon as practicable after the vacancy has occurred.

(3) CHAIRPERSON.—The Secretaries of the Interior and Agriculture shall jointly select the chairperson of the Advisory Council for a term of 5 years.

(4) SERVICE WITHOUT COMPENSATION.—Members of the Advisory Council shall serve without pay.

(5) PRESERVATION OF PUBLIC ADVISORY STATUS.—No member of the Advisory Council appointed to represent the interests outlined in subparagraph (c)(2)(B) may be an officer or employee of the Federal Government or State of Utah.

(6) REPRESENTATION.—The Secretaries of the Interior and Agriculture shall ensure that membership of the Advisory Council is fairly balanced in terms of the points of view represented and the functions to be performed by the Advisory Council.".

Page 201, strike lines 22 through 25.

Page 202, strike lines 1 through 9.

Page 202, line 10, strike "COMMITTEE" and insert "COUNCIL".

Page 202, beginning on line 11, strike "Committee" and insert "Council".

Page 202, line 18, strike "Committee" and insert "Council".

Page 203, beginning on line 1, strike "Committee" and insert "Council".

Page 203, line 4, strike "Committee" and insert "Council".

Page 203, strike lines 10 through 11.

Page 203, line 12, strike "(1)" and insert "(f)".

Page 203, beginning on line 12, strike "Committee" and insert "Council".

Page 203, line 17, strike "(2)" and insert "(g)".

Page 203, line 18, strike "(A)" and insert (1).

Page 203, starting on line 18, strike "Committee" and insert "Council".

Page 203, line 22, insert "of the members of the Council" after "members".

Page 203, line 24, strike "Committee" and insert "Council".

Page 204, line 1, strike "(B)" and insert "(2)".

Page 204, line 5, strike "(3)" and insert "(h)".

Page 205, line 14, strike "U.S. Forest Service in San Juan County" and insert "United States Forest Service in San Juan County, Utah,".

Page 205, line 16, strike "to be known" and insert "shall be designated ".

Page 205, strike lines 19 through 25 and insert the following:

"(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, as appropriate, shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate a map and legal description of the National Conservation Area established in section 102 of this title.".

Page 206, line 1, strike "Each" and insert "The".

Page 206, line 21, strike "established by section 102".

Page 207, line 1, strike "maintains and enhances", insert "encourages".

Page 207, starting on line 18, strike "Native American archaeological sites" and insert "covered sites and properties" .

Page 208, strike lines 1 through 5 and insert the following:

"(b) MANAGEMENT PLAN.--

"(1) PLAN REQUIRED.—As soon as practicable after the date of enactment of this Act, the Secretaries shall develop a joint comprehensive plan for the long-term management of the Bears Ears National Conservation Area.".

Page 208, strike lines 7 through 9 and insert "In developing the management plan required under paragraph (1), the Secretaries shall consult with appropriate state, local, and tribal government entities, members of the public, and the".

Page 208, line 11, strike "Committee" and insert "Council".

Page 208, line 12, strike "relevant Secretary does" and insert "Secretaries do".

Page 208, line 15, strike "relevant Secretary" and insert "Secretaries".

Page 208, line 18, strike "and".

Page 208, line 19, insert ", and Senate Committee on Agriculture, Nutrition and Forestry," after "Natural Resources".

Page 208, strike lines 22 through 23 and insert "The general provisions of section 205 of Division A of this Act shall apply to this title.".

Page 209, line 2, insert "and the Secretary of Agriculture" after "Interior".

Page 209, line 5, strike "National Conservation Area".

Page 209, strike lines 9 through 20 and insert the following:

"(a) CREATION OF COMMISSION.—In preparing the management plan under section 104(b) for the Bears Ears, the Secretaries of the Interior and Agriculture shall create a Commission consisting of tribal representatives and federal agency staff, in recognition of the importance of tribal participation to the care and management of the Bear Ears' natural and cultural resources.

(1) APPOINTMENT AND TERM.—The Secretaries of the Interior and Agriculture shall appoint for a term of five years beginning on the date of appointment:

(A) Three federal members, one each from the Bureau of Land Management, the National Park Service and the United States Forest Service; and

(B) No more than seven elected officers of tribal governments or their designated employees.

(2) REQUIREMENTS.—The Secretaries of the Interior and Agriculture shall select tribal members of the Commission who demonstrate:
   (A) A historical or geographical connection to the objects and lands of the Bears Ears;
   (B) Relevant traditional knowledge; and
   (C) The ability to contribute to the management of the Bears Ears.

(3) DUTIES.—The Commission shall provide information and proposals as needed to integrate the tribes' traditional knowledge and special expertise where relevant to the care and management of the Bears Ears' natural and cultural resources, including in the development of the management plans developed under section 104(b) of this title. The Secretaries shall carefully consider these proposals, and may use all applicable federal authorities to ensure that these management plans and management decisions incorporate, as appropriate, the information and proposals provided from the Commission. Such input from the Commission may include, but need not be limited to:
   (A) Protections for and use of sacred sites;
   (B) Cultural and educational programming;
   (C) Plants, animals, and special resources;
   (D) Traditional uses, such as gathering firewood;
   (E) Historical and archaeological resources;
   (F) Impacts of off-road use and off-road vehicles on cultural and environmental resources;
   (G) Recreational uses, such as climbing; and
   (H) Resource uses, such as grazing, timber production, and mining.".

Page 209, line 24, strike "the Bears Ears National Conservation Area" and insert "Bears Ears".

Page 209, line 25, insert "and the Secretary of Agriculture" after "Interior".

Page 210, line 4, insert "and the Secretary of Agriculture" after "Interior".

Page 210, beginning on line 8, strike "the Bears Ears National Conservation Area" and insert "Bear Ears".

Page 210, line 14, insert "and the Secretary of Agriculture" after "terior".

Page 210, line 18, strike "Secretary" and insert "Secretaries".

Page 210, line 22, insert "and the Secretary of Agriculture" after "Interior".

Page 211, line 5, insert "and the Secretary of Agriculture" after "Interior".

Page 211, line 8, strike "Secretary of the Interior" and insert "Secretaries".

Page 211, line 11, insert "and the Secretary of Agriculture" after "Interior".

Page 211, beginning on line 14, strike "Secretary of the Interior" and insert "Secretaries".

Page 211, line 18, strike "Secretary of the Interior" and insert "Secretaries".

Page 213, beginning on line 10, strike "from the two categories in section 2, the Secretary of the Interior" and insert ", the Secretaries".

Page 213, line 13, strike "from within each category".

Page 213, line 15, insert "and the Secretary of Agriculture" after "rior".

Page 213, line 23, insert "the Secretary of Agriculture," after "Interior,".

Page 213, line 24, strike "and".

Page 213, line 25, insert "and the Committee on Energy and Natural Resources of the Senate" before the period.

Page 214, line 3, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 13, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 16, insert "and the Secretary of Agriculture" after "Interior".

Page 214, line 22, insert "and the Secretary of Agriculture" after "Interior".

Page 214, strike line 24 and insert "retaries.".

Page 215, line 3, insert "the Secretary of Agriculture," after "Interior,".

Conversation Contents

Fwd: Draft Conceptual Documents for a Future Land Exchange

Attachments:

/44. Fwd: Draft Conceptual Documents for a Future Land Exchange/1.1 West Desert Exchange Agreement (1).pdf

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Mon Nov 07 2016 12:27:23 GMT-0700 (MST)
To:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject:	Fwd: Draft Conceptual Documents for a Future Land Exchange
Attachments:	West Desert Exchange Agreement (1).pdf

FYI. First draft from SITLA.

Begin forwarded message:

From: "Pidot, Justin" <justin.pidot@sol.doi.gov>
To: Nicole Buffa <nikki_buffa@ios.doi.gov>
Cc: "Moody, Aaron" <aaron.moody@sol.doi.gov>
Subject: Fwd: Draft Conceptual Documents for a Future Land Exchange

Hi Nikki,

I received this from John Andrews on Friday. Aaron and I will take a look at it and we can discuss.

Best,

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

FOR COMMITTEE USE ONLY

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

---------- Forwarded message ----------
From: **John Andrews** <jandrews@utah.gov>
Date: Fri, Nov 4, 2016 at 7:26 PM
Subject: Draft Conceptual Documents for a Future Land Exchange
To: Justin Pidot <justin.pidot@sol.doi.gov>
Cc: David Ure <dure@utah.gov>, Allen Freemyer <allen@adfpc.com>

Justin;

I have attached a couple of documents that represent how SITLA is thinking of a future land exchange in southeastern Utah were the President to move forward with a national monument. They are closely modeled on the West Desert land exchange agreed to by Secretary Babbitt and Governor Leavitt in 2000, and subsequently ratified through P.L. 106-301. I have attached copies of the West Desert exchange agreement and legislation for comparison.

There are two main differences. First, the West Desert exchange was in areas where there were no leaseable minerals, unlike southeast Utah. We have added provisions - based on what we have previously drafted - (a) for BLM to retain all existing oil and gas production, to avoid any CBO scoring issue; and (b) for revenue sharing of potash revenue, similar to our recent Hill Creek legislation, to simplify valuation of speculative potash resources.

The second difference is that we have drafted statutory language for a full Yellow Book appraisal of the exchange lands, to be included as a condition in the ratifying legislation. In the West Desert exchange, Congress required only a summary valuation review, while we understand that circumstances will require a full Yellow Book approach at this point in time. We have structured it as a look-back rather than pre-closing condition. Other than this valuation language, we see ratifying legislation looking pretty much identical to PL 106-301.

Please note that this hasn't been fully vetted with SITLA's Board or Governor Herbert. We thought it would be good, however, to get ideas on the table so we can work more quickly if events dictate.

Let me know if you or your team have any questions. We'd be happy to do a call at your convenience.

Thanks.

John

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Nov 16 2016 08:22:58 GMT-0700 (MST)
To:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject:	Re: Draft Conceptual Documents for a Future Land Exchange

We have a call with John today at 11am where Justin will give John our initial thoughts. Have you had a chance to look at these? We'll get on your calendar to get you up-to-speed this week.

On Mon, Nov 7, 2016 at 2:27 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> FYI. First draft from SITLA.
>
> Begin forwarded message:
>
> **From:** "Pidot, Justin" <justin.pidot@sol.doi.gov>
> **To:** Nicole Buffa <nikki_buffa@ios.doi.gov>
> **Cc:** "Moody, Aaron" <aaron.moody@sol.doi.gov>
> **Subject: Fwd: Draft Conceptual Documents for a Future Land Exchange**
>
> Hi Nikki,
>
> I received this from John Andrews on Friday. Aaron and I will take a look at it and we can discuss.

Best,

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

---------- Forwarded message ----------
From: **John Andrews** <jandrews@utah.gov>
Date: Fri, Nov 4, 2016 at 7:26 PM
Subject: Draft Conceptual Documents for a Future Land Exchange
To: Justin Pidot <justin.pidot@sol.doi.gov>
Cc: David Ure <dure@utah.gov>, Allen Freemyer <allen@adfpc.com>

Justin;

I have attached a couple of documents that represent how SITLA is thinking of a future land exchange in southeastern Utah were the President to move forward with a national monument. They are closely modeled on the West Desert land exchange agreed to by Secretary Babbitt and Governor Leavitt in 2000, and subsequently ratified through P.L. 106-301. I have attached copies of the West Desert exchange agreement and legislation for comparison.

There are two main differences. First, the West Desert exchange was in areas where there were no leaseable minerals, unlike southeast Utah. We have added provisions - based on what we have previously drafted - (a) for BLM to retain all existing oil and gas production, to avoid any CBO scoring issue; and (b) for revenue sharing of potash revenue, similar to our recent Hill Creek legislation, to simplify valuation of speculative potash resources.

The second difference is that we have drafted statutory language for a full Yellow Book appraisal of the exchange lands, to be included as a condition in the ratifying legislation. In the West Desert exchange, Congress required only a summary valuation review, while we understand that circumstances will require a full Yellow Book approach at this point in time. We have structured it as a look-back rather than pre-closing condition. Other than this valuation language, we see ratifying legislation looking pretty much identical to PL 106-301.

Please note that this hasn't been fully vetted with SITLA's Board or

Governor Herbert. We thought it would be good, however, to get ideas on the table so we can work more quickly if events dictate.

Let me know if you or your team have any questions. We'd be happy to do a call at your convenience.

Thanks.

John

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

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

FOR COMMITTEE USE ONLY

Conversation Contents

Greens Hollow Lease in the Federal Register

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent: Mon Nov 14 2016 14:38:08 GMT-0700 (MST)
To: Nikki Buffa <nicole_buffa@ios.doi.gov>
Subject: Greens Hollow Lease in the Federal Register

Do you know when the Greens Hollow Lease will be back in the Federal Register?

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

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent: Mon Nov 14 2016 15:03:56 GMT-0700 (MST)
To: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject: Re: Greens Hollow Lease in the Federal Register

Don't have a date yet. But, should happen within this month. Want me to call you later?

On Mon, Nov 14, 2016 at 4:38 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> Do you know when the Greens Hollow Lease will be back in the Federal Register?

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

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

FOR COMMITTEE USE ONLY

From: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent: Mon Nov 14 2016 15:05:38 GMT-0700 (MST)
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject: Re: Greens Hollow Lease in the Federal Register

Yes please

From: Nikki Buffa <nicole_buffa@ios.doi.gov>
Date: Monday, November 14, 2016 17:03 PM
To: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Subject: Re: Greens Hollow Lease in the Federal Register

Don't have a date yet. But, should happen within this month. Want me to call you later?

On Mon, Nov 14, 2016 at 4:38 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> Do you know when the Greens Hollow Lease will be back in the Federal Register?

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

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Tue Nov 15 2016 06:46:50 GMT-0700 (MST)
To: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject: Re: Greens Hollow Lease in the Federal Register

Called you last night but forgot to email you. Are you free at 9?

On Nov 14, 2016, at 5:05 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> Yes please
>
> ---
>
> **From:** Nikki Buffa <nicole_buffa@ios.doi.gov>
> **Date:** Monday, November 14, 2016 17:03 PM
> **To:** Fred Ferguson <Fred.Ferguson@mail.house.gov>
> **Subject:** Re: Greens Hollow Lease in the Federal Register
>
> Don't have a date yet. But, should happen within this month. Want me to call you later?

On Mon, Nov 14, 2016 at 4:38 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> Do you know when the Greens Hollow Lease will be back in the Federal Register?

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

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Tue Nov 15 2016 06:48:18 GMT-0700 (MST)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Greens Hollow Lease in the Federal Register

For you, yes. Save and use this cell #: 435-640-2623

From: Nikki Buffa <nicole_buffa@ios.doi.gov>
Date: Tuesday, November 15, 2016 08:46 AM
To: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Subject: Re: Greens Hollow Lease in the Federal Register

Called you last night but forgot to email you. Are you free at 9?

On Nov 14, 2016, at 5:05 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> Yes please

From: Nikki Buffa <nicole_buffa@ios.doi.gov>
Date: Monday, November 14, 2016 17:03 PM
To: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Subject: Re: Greens Hollow Lease in the Federal Register

Don't have a date yet. But, should happen within this month. Want me to call you later?

On Mon, Nov 14, 2016 at 4:38 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> Do you know when the Greens Hollow Lease will be back in the Federal Register?

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

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Tue Nov 15 2016 06:50:56 GMT-0700 (MST)
To:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject:	Re: Greens Hollow Lease in the Federal Register

:)

K

On Nov 15, 2016, at 8:48 AM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> For you, yes. Save and use this cell #: 435-640-2623
>
> ---
>
> **From:** Nikki Buffa <nicole_buffa@ios.doi.gov>
> **Date:** Tuesday, November 15, 2016 08:46 AM
> **To:** Fred Ferguson <Fred.Ferguson@mail.house.gov>
> **Subject:** Re: Greens Hollow Lease in the Federal Register
>
> Called you last night but forgot to email you. Are you free at 9?
>
> On Nov 14, 2016, at 5:05 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:
>
> > Yes please
> >
> > ---
> >
> > **From:** Nikki Buffa <nicole_buffa@ios.doi.gov>
> > **Date:** Monday, November 14, 2016 17:03 PM
> > **To:** Fred Ferguson <Fred.Ferguson@mail.house.gov>
> > **Subject:** Re: Greens Hollow Lease in the Federal Register
> >
> > Don't have a date yet. But, should happen within this month. Want me to call you later?
> >
> > On Mon, Nov 14, 2016 at 4:38 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:
> > > Do you know when the Greens Hollow Lease will be back in the Federal Register?

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

FOR COMMITTEE USE ONLY

Conversation Contents

very misleading headline

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Mon Nov 14 2016 14:15:06 GMT-0700 (MST)
To:	Nikki Buffa <nicole_buffa@ios.doi.gov>, Tommy Beaudreau <Tommy_Beaudreau@ios.doi.gov>
Subject:	very misleading headline

This article has a pretty good map that shows how far away the drill pads are from the actual bears ears and cedar mesa. You'll see that both locations are EAST of State Road 191 and ~5 miles east of the eastern edge of Comb Ridge.

http://www.sltrib.com/news/4554899-155/energy-company-looking-to-strike-oil

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Mon Nov 14 2016 14:29:38 GMT-0700 (MST)
To:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject:	Re: very misleading headline

Ha. Sally sent this to us a few hours ago too.

On Mon, Nov 14, 2016 at 4:15 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> This article has a pretty good map that shows how far away the drill pads are from the actual bears ears and cedar mesa. You'll see that both locations are EAST of State Road 191 and ~5 miles east of the eastern edge of Comb Ridge.
>
> http://www.sltrib.com/news/4554899-155/energy-company-looking-to-strike-oil

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

FOR COMMITTEE USE ONLY

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Mon Nov 14 2016 14:32:47 GMT-0700 (MST)
To:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject:	Re: very misleading headline

Supports of a NM are right to call foul on timing of drilling *near* the BE, but to suggest these sites are *within* the footprint is a pretty big stretch.

From: Nikki Buffa <nicole_buffa@ios.doi.gov>
Date: Monday, November 14, 2016 16:29 PM
To: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Subject: Re: very misleading headline

Ha. Sally sent this to us a few hours ago too.

On Mon, Nov 14, 2016 at 4:15 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> This article has a pretty good map that shows how far away the drill pads are from the actual bears ears and cedar mesa. You'll see that both locations are EAST of State Road 191 and ~5 miles east of the eastern edge of Comb Ridge.
>
> http://www.sltrib.com/news/4554899-155/energy-company-looking-to-strike-oil

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

Conversation Contents

Weekly UT Check-in Call

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Thu Nov 10 2016 06:40:33 GMT-0700 (MST)
To:	fred.ferguson@mail.house.gov, codystewart@utah.gov, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov
CC:	Gisella Ojeda-dodds <gisella_ojeda-dodds@ios.doi.gov>
Subject:	Weekly UT Check-in Call

Hi guys! Any chance you can do 1030? I'm sorry. I have a 9-1030 now.

Weekly UT Check-in Call
Scheduled: Thursday, Nov 10, 2016 from 10:30 AM to 11:00 AM
Location: Dial-in: (b) (5) and code: (b) (5)
Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>

From:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Sent:	Thu Nov 10 2016 06:41:14 GMT-0700 (MST)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Weekly UT Check-in Call

Yup - actually an improvement for me.

Sent from my iPhone

FOR COMMITTEE USE ONLY

On Nov 10, 2016, at 8:40 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

Hi guys! Any chance you can do 1030? I'm sorry. I have a 9-1030 now.

Weekly UT Check-in Call
Scheduled: Thursday, Nov 10, 2016 from 10:30 AM to 11:00 AM
Location: Dial-in: (b) (5) and code: (b) (5)
Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

Cody Stewart <codystewart@utah.gov>

From:	Cody Stewart <codystewart@utah.gov>
Sent:	Thu Nov 10 2016 06:41:51 GMT-0700 (MST)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Weekly UT Check-in Call

Works better for me, actually.

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert
801 513-8991

On Thu, Nov 10, 2016 at 8:40 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Hi guys! Any chance you can do 1030? I'm sorry. I have a 9-1030 now.
>
> **Weekly UT Check-in Call**
> Scheduled: Thursday, Nov 10, 2016 from 10:30 AM to 11:00 AM
> Location: Dial-in: (b) (5) and code: (b) (5)
> Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Thu Nov 10 2016 06:43:23 GMT-0700 (MST)
To: Cody Stewart <codystewart@utah.gov>
CC: "Ferguson, Fred" <fred.ferguson@mail.house.gov>, "Stewart, Adam" <adam.stewart@mail.house.gov>, "Wiser, Devin A." <devin.wiser@mail.house.gov>, "Snider, Casey" <casey.snider@mail.house.gov>, John Tanner <john_tanner@hatch.senate.gov>, "Prandoni, Chris (Lee)" <chris_prandoni@lee.senate.gov>, "Baig, Wendy (Lee)" <wendy_baig@lee.senate.gov>, Ryan Wilcox <ryan_wilcox@lee.senate.gov>, Gisella Ojeda-dodds <gisella_ojeda-dodds@ios.doi.gov>
Subject: Re: Weekly UT Check-in Call

Great!

On Nov 10, 2016, at 8:42 AM, Cody Stewart <codystewart@utah.gov> wrote:

> Works better for me, actually.
>
> **Cody Stewart**
> Director of Federal Affairs
> Governor Gary Herbert
> 801 513-8991
>
> On Thu, Nov 10, 2016 at 8:40 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> > Hi guys! Any chance you can do 1030? I'm sorry. I have a 9-1030 now.
> >
> > **Weekly UT Check-in Call**
> > Scheduled: Thursday, Nov 10, 2016 from 10:30 AM to 11:00 AM
> > Location: Dial-in (b) (5) and code: (b) (5)
> > Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

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

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

FOR COMMITTEE USE ONLY

Sent: Thu Nov 10 2016 06:53:07 GMT-0700 (MST)
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Re: Weekly UT Check-in Call

Talk at 10:30.

Sent from my iPhone

On Nov 10, 2016, at 8:43 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Great!
>
> On Nov 10, 2016, at 8:42 AM, Cody Stewart <codystewart@utah.gov> wrote:
>
> > Works better for me, actually.
> >
> > **Cody Stewart**
> > Director of Federal Affairs
> > Governor Gary Herbert
> > 801 513-8991
> >
> > On Thu, Nov 10, 2016 at 8:40 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
> > > Hi guys! Any chance you can do 1030? I'm sorry. I have a 9-1030 now.
> > >
> > > **Weekly UT Check-in Call**
> > > Scheduled: Thursday, Nov 10, 2016 from 10:30 AM to 11:00 AM
> > > Location: Dial-in (b) (5) and code: (b) (5)
> > > Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

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

From: "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Sent: Thu Nov 10 2016 08:39:30 GMT-0700 (MST)
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Re: Weekly UT Check-in Call

FOR COMMITTEE USE ONLY

Are we doing this call?

Sent from my iPhone

On Nov 10, 2016, at 8:43 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Great!
>
> On Nov 10, 2016, at 8:42 AM, Cody Stewart <codystewart@utah.gov> wrote:
>
> > Works better for me, actually.
> >
> > **Cody Stewart**
> > Director of Federal Affairs
> > Governor Gary Herbert
> > 801 513-8991
> >
> > On Thu, Nov 10, 2016 at 8:40 AM, Nicole Buffa
> > <nicole_buffa@ios.doi.gov> wrote:
> >
> > Hi guys! Any chance you can do 1030? I'm sorry. I have a 9-1030 now.
> >
> > **Weekly UT Check-in Call**
> > Scheduled: Thursday, Nov 10, 2016 from 10:30 AM to 11:00 AM
> > Location: Dial-in:(b) (5) and code:(b) (5)
> > Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

Conversation Contents

Weekly UT Check-in Call

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Thu Nov 10 2016 08:39:46 GMT-0700 (MST)
To:	fred.ferguson@mail.house.gov, codystewart@utah.gov, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov
Subject:	Weekly UT Check-in Call

Dialing in now!

Weekly UT Check-in Call
Scheduled: Thursday, Nov 10, 2016 from 10:30 AM to 11:00 AM
Location: Dial-in: (b) (5) and code (b) (5)
Invitees: fred.ferguson@mail.house.gov, Cody Stewart, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, ryan_wilcox@lee.senate.gov

Conversation Contents

Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Nov 10, 2016 10:30am - 11am (EST) (nicole_buffa@ios.doi.gov)

Attachments:

/49. Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Nov 10, 2016 10:30am - 11am (EST) (nicole_buffa@ios.doi.gov)/1.1 invite.ics

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

From:	"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Sent:	Thu Nov 10 2016 08:33:29 GMT-0700 (MST)
To:	"nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Subject:	Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Nov 10, 2016 10:30am - 11am (EST) (nicole_buffa@ios.doi.gov)
Attachments:	invite.ics

From: Tanner, John (Hatch)
To: nicole_buffa@ios.doi.gov; Tanner, John (Hatch)
Subject: Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Nov 10, 2016 10:30am - 11am (EST) (nicole_buffa@ios.doi.gov)

Conversation Contents

Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Nov 10, 2016 10:30am - 11am (EST) (nicole_buffa@ios.doi.gov)

Attachments:

/50. Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Nov 10, 2016 10:30am - 11am (EST) (nicole_buffa@ios.doi.gov)/1.1 invite.ics

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Thu Nov 10 2016 07:12:10 GMT-0700 (MST)
To:	"nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Subject:	Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Nov 10, 2016 10:30am - 11am (EST) (nicole_buffa@ios.doi.gov)
Attachments:	invite.ics

From: Ferguson, Fred <Fred.Ferguson@mail.house.gov>
Subject: Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Nov 10, 2016 10:30am - 11am (EST) (nicole_buffa@ios.doi.gov)

Conversation Contents

Fwd: Draft Conceptual Documents for a Future Land Exchange

Attachments:

/51. Fwd: Draft Conceptual Documents for a Future Land Exchange/1.1 West Desert Exchange Agreement (1).pdf
/51. Fwd: Draft Conceptual Documents for a Future Land Exchange/1.2 PLAW-106publ301 (2).pdf
/51. Fwd: Draft Conceptual Documents for a Future Land Exchange/1.3 Draft Exchange Agreement 2016-11-4.docx
/51. Fwd: Draft Conceptual Documents for a Future Land Exchange/1.4 Draft Valuation Language 2016-11-4.docx
/51. Fwd: Draft Conceptual Documents for a Future Land Exchange/3.1 West Desert Exchange Agreement (1).pdf
/51. Fwd: Draft Conceptual Documents for a Future Land Exchange/3.2 PLAW-106publ301 (2).pdf
/51. Fwd: Draft Conceptual Documents for a Future Land Exchange/3.3 Draft Exchange Agreement 2016-11-4.docx
/51. Fwd: Draft Conceptual Documents for a Future Land Exchange/3.4 Draft Valuation Language 2016-11-4.docx

"Pidot, Justin" <justin.pidot@sol.doi.gov>

From:	"Pidot, Justin" <justin.pidot@sol.doi.gov>
Sent:	Mon Nov 07 2016 07:17:04 GMT-0700 (MST)
To:	Nicole Buffa <nikki_buffa@ios.doi.gov>
CC:	"Moody, Aaron" <aaron.moody@sol.doi.gov>
Subject:	Fwd: Draft Conceptual Documents for a Future Land Exchange
Attachments:	West Desert Exchange Agreement (1).pdf PLAW-106publ301 (2).pdf Draft Exchange Agreement 2016-11-4.docx Draft Valuation Language 2016-11-4.docx

Hi Nikki,

I received this from John Andrews on Friday. Aaron and I will take a look at it and we can discuss.

Best,

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

---------- Forwarded message ----------
From: **John Andrews** <jandrews@utah.gov>
Date: Fri, Nov 4, 2016 at 7:26 PM
Subject: Draft Conceptual Documents for a Future Land Exchange
To: Justin Pidot <justin.pidot@sol.doi.gov>
Cc: David Ure <dure@utah.gov>, Allen Freemyer <allen@adfpc.com>

Justin;

I have attached a couple of documents that represent how SITLA is thinking of a future land exchange in southeastern Utah were the President to move forward with a national monument. They are closely modeled on the West Desert land exchange agreed to by Secretary Babbitt and Governor Leavitt in 2000, and subsequently ratified through P.L. 106-301. I have attached copies of the West Desert exchange agreement and legislation for comparison.

There are two main differences. First, the West Desert exchange was in areas where there were no leaseable minerals, unlike southeast Utah. We have added provisions - based on what we have previously drafted - (a) for BLM to retain all existing oil and gas production, to avoid any CBO scoring issue; and (b) for revenue sharing of potash revenue, similar to our recent Hill Creek legislation, to simplify valuation of speculative potash resources.

The second difference is that we have drafted statutory language for a full Yellow Book appraisal of the exchange lands, to be included as a condition in the ratifying legislation. In the West Desert exchange, Congress required only a summary valuation review, while we understand that circumstances will require a full Yellow Book approach at this point in time. We have structured it as a look-back rather than pre-closing condition. Other than this valuation language, we see ratifying legislation looking pretty much identical to PL 106-301.

Please note that this hasn't been fully vetted with SITLA's Board or Governor Herbert. We thought it would be good, however, to get ideas on the table so we can work more quickly if events dictate.

Let me know if you or your team have any questions. We'd be happy to do a call at your convenience.

FOR COMMITTEE USE ONLY

Thanks.

John

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Mon Nov 07 2016 12:27:09 GMT-0700 (MST)
To:	"Pidot, Justin" <justin.pidot@sol.doi.gov>
CC:	Nicole Buffa <nikki_buffa@ios.doi.gov>, "Moody, Aaron" <aaron.moody@sol.doi.gov>
Subject:	Re: Draft Conceptual Documents for a Future Land Exchange

Great! We have something on the calendar for Thursday I think! On Nov 7, 2016, at 9:17 AM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Dec 07 2016 08:06:01 GMT-0700 (MST)
To:	Drew McConville (b) (6) Michael Degnan (b) (6)
Subject:	Fwd: Draft Conceptual Documents for a Future Land Exchange
Attachments:	West Desert Exchange Agreement (1).pdf PLAW-106publ301 (2).pdf Draft Exchange Agreement 2016-11-4.docx Draft Valuation Language 2016-11-4.docx

---------- Forwarded message ----------
From: **Pidot, Justin** <justin.pidot@sol.doi.gov>
Date: Mon, Nov 7, 2016 at 9:17 AM
Subject: Fwd: Draft Conceptual Documents for a Future Land Exchange
To: Nicole Buffa <nikki_buffa@ios.doi.gov>
Cc: "Moody, Aaron" <aaron.moody@sol.doi.gov>

Hi Nikki,

I received this from John Andrews on Friday. Aaron and I will take a look at it and we can discuss.

Best,

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

---------- Forwarded message ----------
From: **John Andrews** <jandrews@utah.gov>
Date: Fri, Nov 4, 2016 at 7:26 PM
Subject: Draft Conceptual Documents for a Future Land Exchange
To: Justin Pidot <justin.pidot@sol.doi.gov>
Cc: David Ure <dure@utah.gov>, Allen Freemyer <allen@adfpc.com>

Justin;

I have attached a couple of documents that represent how SITLA is thinking of a future land exchange in southeastern Utah were the President to move forward with a national monument. They are closely modeled on the West Desert land exchange agreed to by Secretary Babbitt and Governor Leavitt in 2000, and subsequently ratified through P.L. 106-301. I have attached copies of the West Desert exchange agreement and legislation for comparison.

There are two main differences. First, the West Desert exchange was in areas where there were no leaseable minerals, unlike southeast Utah. We have added provisions - based on what we have previously drafted - (a) for BLM to retain all existing oil and gas production, to avoid any CBO scoring issue; and (b) for revenue sharing of potash

revenue, similar to our recent Hill Creek legislation, to simplify valuation of speculative potash resources.

The second difference is that we have drafted statutory language for a full Yellow Book appraisal of the exchange lands, to be included as a condition in the ratifying legislation. In the West Desert exchange, Congress required only a summary valuation review, while we understand that circumstances will require a full Yellow Book approach at this point in time. We have structured it as a look-back rather than pre-closing condition. Other than this valuation language, we see ratifying legislation looking pretty much identical to PL 106-301.

Please note that this hasn't been fully vetted with SITLA's Board or Governor Herbert. We thought it would be good, however, to get ideas on the table so we can work more quickly if events dictate.

Let me know if you or your team have any questions. We'd be happy to do a call at your convenience.

Thanks.

John

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

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

FOR COMMITTEE USE ONLY

Michael O. Leavitt
Governor

AGREEMENT FOR EXCHANGE OF LANDS
WEST DESERT STATE-FEDERAL LAND CONSOLIDATION

THIS AGREEMENT FOR EXCHANGE OF LANDS is entered this 30th day of May, 2000 by and between the State of Utah and the United States of America, Department of the Interior.

PURPOSE: The purpose of this instrument is to document an agreement, subject to ratification by the Congress of the United States, to exchange federal and state lands and interests therein, of approximately equal value, located in the West Desert area of the State of Utah.

SECTION 1: DEFINITIONS

As used in this Agreement:

(A) BLM means the Bureau of Land Management of the Department of the Interior.

(B) Department means the Department of the Interior and its subsidiary agencies, including the BLM.

(C) FLPMA means the Federal Land Policy and Management Act, Act of October 21, 1976, Pub. L. 94-579, 90 Stat. 2743, as amended.

(D) Mineral Interest means all right, title and interest in the mineral estate, including but not limited to metals, ores, oil and gas, carbon dioxide, helium, coal, lignite, peat, gas contained in or taken from coal seams (coalbed methane), geothermal steam and heat, rock, stone, gravel, sand and quartz, subject to valid existing rights in third parties as of the date of this Agreement.

(E) State means the State of Utah and its subsidiary agencies, including the Utah School and Institutional Trust Lands Administration.

(F) Secretary means the Secretary of the Interior.

(G) Trust Lands means all right, title and interest of the State on the date this

Agreement is executed in lands granted by the United States pursuant to sections 6, 7, 8 and 12 of the Utah Enabling Act, ch. 138, 28 Stat. 107 (1894) to the State in trust, and in other lands owned by the State on the date of this Agreement which under State law must be managed for the benefit of the public school system or the institutions of the State which are designated by the Utah Enabling Act.

(H) Trust Lands Administration means the Utah School and Institutional Trust Lands Administration.

(I) Wilderness Act means the Wilderness Act of 1964, 16 U.S.C. § 1131 *et seq.*

SECTION 2: STATE LANDS AND MINERAL INTERESTS TO BE CONVEYED TO THE UNITED STATES

Subject to the terms and conditions of this Agreement, the State shall convey to the United States all right, title and interest of the State in the Trust Lands and Mineral Interests generally depicted on the map entitled "West Desert Exchange -- Utah Trust Lands" dated May 19, 2000, and more specifically described in Exhibit "A" to this Agreement, which lands include the following Trust Lands and Mineral Interests:

(A) Approximately 5760.84 acres of Trust Lands in the Silver Island Mountains area in Box Elder and Tooele Counties, Utah.

(B) Approximately 7827.60 acres of Mineral Interests in the Cedar Mountains area in Tooele County, Utah.

(C) Approximately 12,325.46 acres of Trust Lands and 2560 acres of additional Mineral Interests in the Deep Creek Mountains in Tooele and Juab Counties, Utah.

(D) Approximately 7680.80 acres of Trust Lands in the Fish Springs Mountains in Juab County, Utah.

(E) Approximately 3879.92 acres of Trust Lands in the Pilot Peak Range in Box Elder County, Utah.

(F) Approximately 11,612.74 acres of Trust Lands in the Swasey Mountain area in Juab and Millard Counties, Utah.

(G) Approximately 8241.07 acres of Trust Lands in the Notch Peak area in Millard County, Utah.

(H) Approximately 3839.28 acres of Trust Lands in the Howell Peak area in Millard County, Utah.

(I) Approximately 9906.64 acres of Trust Lands in the King Top area in Millard County, Utah.

(J) Approximately 7959.04 acres of Trust Lands in the North Wah Wah Mountains in Millard and Beaver Counties, Utah.

(K) Approximately 6910.61 acres of Trust Lands in the Central Wah Wah Mountains in Beaver County, Utah.

(L) Approximately acres of 3933.16 Trust Lands in the Granite Peak area in Beaver County, Utah.

(M) Approximately 2162.64 acres of Trust Lands in the Red Mountain area in Washington County, Utah.

(N) Approximately 80 acres of Trust Lands and an additional 240 acres of Mineral Interests in the Deep Creek area in Washington County, Utah.

(O) Approximately 1920 acres of Trust Lands in the Black Ridge area in Washington County, Utah.

(P) Approximately 5608.50 acres of Trust Lands and an additional 560 acres of Mineral Interests in the Canaan Mountain area in Kane and Washington Counties, Utah.

(Q) Approximately 960 acres of Trust Lands in the Cottonwood Canyon area in Washington County, Utah.

(R) Approximately 640 acres of Trust Lands in the Red Butte area in Washington County, Utah.

(S) Approximately 483.28 acres of Trust Lands within the Red Cliffs Desert Reserve in Washington County, Utah.

(T) Approximately 1191.21 acres of Trust Lands wholly or partially within the exterior boundary of the Beaver Dam Wash Wilderness, in Washington County, Utah.

SECTION 3. FEDERAL LANDS AND MINERAL INTERESTS TO BE CONVEYED TO THE STATE

Subject to the terms and conditions of this Agreement, the Department shall convey to the State or its nominee all right, title and interest of the United States in the BLM lands and Mineral Interests generally depicted on the map entitled "West Desert Exchange - BLM Lands" dated May 19, 2000, and more specifically described in Exhibit "B" to this Agreement, which lands include the following BLM lands and Mineral Interests:

(A) I-80 Corridor tracts, comprising approximately 11,854.53 Acres of BLM land in Tooele County, Utah.

(B) St. John tract, comprising approximately 8678.14 acres of BLM land in Tooele County, Utah.

(C) Tooele Army Depot No. 1 tract, comprising approximately 6880.63 acres of BLM land in Tooele County, Utah.

(D) Tintic Valley tract, comprising approximately 14,253.51 acres of BLM land in Juab County, Utah.

(E) Brush Wellman tracts, comprising approximately 6173.70 acres of BLM land in Juab County, Utah.

(F) Intermountain Power Plant tract, comprising approximately 17,625.97 acres of BLM land and an additional 940.61 acres of BLM Mineral Interests in Millard County, Utah.

(G) Continental Lime tract, comprising approximately 1849.21 acres of BLM land in Millard County, Utah.

(H) Oak City tracts, comprising approximately 13,625.36 acres of BLM land in Millard County, Utah.

(I) Milford tract, comprising approximately 22,123.32 acres of BLM land in Beaver County, Utah.

(J) Beaver tract, comprising approximately 720 acres of BLM land in Beaver

County, Utah.

(K) Cedar City GC tract, comprising approximately 137.12 acres of BLM land in Iron County, Utah.

(L) Cross Hollow Hills tract, comprising approximately 357.50 acres of BLM land in Iron County, Utah.

(M) Quichapa Creek tract, comprising approximately 743.76 acres of BLM land in Iron County, Utah.

(N) La Verkin tract, comprising approximately 315 acres of BLM land in Washington County, Utah.

(O) Warner Valley tract, comprising approximately 600 acres of BLM land in Washington County, Utah.

(P) Anderson Junction tract, comprising approximately 80 acres of BLM land in Washington County, Utah.

(Q) Ivins tract, comprising approximately 40 acres of BLM land in Washington County, Utah.

SECTION 4: LEGISLATION

This agreement shall not be terminated before January 1, 2001. Beginning on January 1, 2001, either party may, but is not obligated to, terminate this Agreement unless legislation shall have been enacted by the United States authorizing and ratifying this Agreement.

SECTION 5: CLOSING AND TRANSFER OF TITLE

The following provisions shall govern conveyances of lands to be exchanged pursuant to this Agreement:

(A) All conveyances by the United States and the State shall be subject to valid existing rights and interests outstanding in third parties; provided, however, that all conveyances by the State to the United States shall be subject only to those valid existing surface and mineral leases, grazing permits and leases, easements, rights of way, and other interests outstanding in third parties found acceptable under the Attorney General's title regulations.

(B) All conveyances by the State shall be in a form acceptable to the Secretary and in conformity with applicable title standards of the Attorney General of the United States.

SECTION 6: MANAGEMENT OF LANDS ACQUIRED BY THE UNITED STATES

All lands or interests therein acquired by the United States pursuant to section 2 of this Agreement shall be administered by the BLM and shall be subject to all applicable laws and regulations, subject to valid existing rights. Notwithstanding the foregoing, if any portion of the transferred lands are wholly or partially encompassed within a wilderness study area created pursuant to Section 603 of FLPMA or other authority if applicable, or within a wilderness area created by Congress under authority of the Wilderness Act, then those lands shall be administered, subject to valid existing rights, pursuant to applicable statutes and regulations governing wilderness study areas or wilderness areas, respectively.

SECTION 7: MANAGEMENT OF LANDS ACQUIRED BY THE STATE

All lands or interests therein acquired by the State pursuant to section 3 of this Agreement shall be managed by the Trust Lands Administration as Trust Lands pursuant to Title 53C of the Utah Code.

SECTION 8: WATER RIGHTS

All water rights, if any, held by the transferor that are appurtenant to the lands exchanged pursuant to this Agreement shall be conveyed with the land. Nothing contained in this Agreement shall impair valid existing water rights owned by private parties. Nothing in this Agreement shall expand or diminish Federal or State jurisdiction, responsibilities, interests, or rights, in water resource adjudication, allocation, development, or control.

SECTION 9: GRAZING PERMITS

(A) On all lands acquired by the United States under section 2, the Secretary shall honor, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Trust Lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Upon expiration of any lease or permit, the holder shall be entitled to a preference right to renew such lease or permit to the extent provided by Federal law.

(B) In any instance where lands conveyed by the State under section 2 are used by a grazing permittee or lessee to meet the base property requirements for a federal grazing permit or lease, such lands shall continue to qualify as base properties for the remaining term of the lease or permit and any renewal or extensions thereof.

(C) Title to, or any interest in, any range improvement held by the United States or the State on any lands exchanges under this Agreement shall be transferred with such lands. Nothing in this Agreement shall operate to divest title to, or any interest in, any range improvement held by any person on such lands.

(D) On all lands acquired by the State under section 3, the State shall continue, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Federal lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Such leases, permits and contracts shall be subject to compliance with terms and conditions of the leases, permits or contracts, together with such reasonable regulations as the State may prescribe concerning range conditions. Upon expiration of any lease or permit, the holder shall be entitled to a right of first refusal for the renewal of such lease or permit under state law. Nothing in this Agreement shall prevent the State from canceling any grazing permit when the underlying land is sold or leased for non-grazing purposes by the State.

SECTION 10: SURFACE AGREEMENTS AND PERMITS

(A) The United States shall assume all rights and duties of the State under all State rights-of-way and special use agreements on lands conveyed to the United States pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way and agreements shall be managed and enforced by the United States. The rents, fees and other payments formerly due to the State under the terms of such rights-of-way and agreements shall be payable by the holder to the United States.

(B) The State shall assume all rights and duties of the United States under all Federal rights-of-way, surface use permits and agreements on lands conveyed to the State pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way,

permits and agreements shall be managed and enforced by the State. The rents, fees, and other payments formerly due to the United States under the terms of such rights-of-way, permits and agreements shall be payable by the holder to the State.

(C) Nothing in this Act shall expand or diminish the rights of any person or entity in any pre-existing rights-of-way established under State or Federal law, and the conveyances to be made under this Agreement shall be subject to such pre-existing rights-of-way, if any, as valid existing rights.

SECTION 11: MINERAL LEASES AND LANDS

In connection with mineral lands and interests conveyed pursuant to this Agreement:

(A) The State shall succeed the United States as lessor of all federal mineral leases on lands conveyed to the State pursuant to this Agreement. All rights, terms, and agreements under such leases (including authorizations for easements, facilities, operations, or other appurtenances on such lands) shall remain in effect after such conveyance except that such rights, terms, and agreements shall be managed and enforced by the State. The rents, royalties, fees and other payments formerly due the United States under such terms shall be payable by the Lessee to the State. The Leaseholder shall be entitled to Lease extension and renewal to the extent provided under Federal law, regulations, and the Lease Agreement.

(B) The Secretary shall succeed the State as lessor of all State mineral leases on lands conveyed to the Secretary pursuant to this Agreement. All rights, terms and agreements under such Lease (including authorizations for easements, facilities, operations, or other appurtenances on such lands) shall remain in effect after such conveyance, except that such rights, terms and agreements shall be managed and enforced by the Secretary. The rents, royalties, fees, and other payments formerly due to the State under such terms shall be payable by the Lessee to the United States.

(C) If any of the lands conveyed to the State under this Agreement are encumbered by mining claims, mill sites or tunnel sites located under the Mining Law of 1872, 30 U.S.C. § 22 *et seq*, the State will recognize the mining claimants' and site holders' interests in all valid mining claims and site locations and allow them to develop those minerals or use the sites so long as they comply with applicable laws and regulations, including without limitation applicable state filing and claim maintenance requirements; provided, however, that nothing herein shall preclude the State and any claimant or siteholder from agreeing to the relinquishment of any claim or site on mutually acceptable terms. The State shall further adjudicate any mining claim or site validity issues in the appropriate state or Federal court according to the Mining Law of 1872, as amended, and case law and administrative guidance interpreting that law. The BLM will provide notice to each mining claimant and site holder that its mining claims or site locations: (1) will be administered by the Trust Lands Administration and that compliance with state filing and claim maintenance requirements contained in Utah Code Ann. §53C-2-104 will be required to avoid abandonment of such claim under state law; (2) will no longer be administered by the United States; (3) will no longer be subject to Federal filing or fee requirements or BLM surface management requirements; and (4) that the Secretary no longer has jurisdiction to adjudicate the validity of any mining claim or site.

SECTION 12: HAZARDOUS WASTE

(A) Notwithstanding the transfer to the United States of the lands and interests therein described in section 2, the State shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

(B) Notwithstanding the transfer to the State of the lands and interests therein described in section 3, the United States shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from the ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

SECTION 13: GENERAL PROVISIONS

In addition to the foregoing, the Department and the State agree as follows:

(A) Nothing in this Agreement shall prevent the parties from mutually agreeing to the correction of technical errors and omissions in maps and legal descriptions contained or incorporated herein.

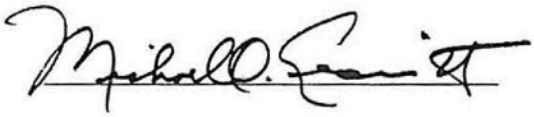
(B) The parties agree to use reasonable diligence and efforts to fulfill their respective obligations under this Agreement, at all times that this Agreement is in effect.

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused to be affixed the Great Seal of the State of Utah on the date first above written.

UNITED STATES DEPARTMENT
OF THE INTERIOR

Bruce Babbitt
Secretary of the Interior

STATE OF UTAH



Michael O. Leavitt
Governor

FOR COMMITTEE USE ONLY

Public Law 106–301
106th Congress

An Act

To provide for the exchange of certain lands within the State of Utah.

Oct. 13, 2000
[H.R. 4579]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Utah West Desert Land Exchange Act of 2000.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Utah West Desert Land Exchange Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The State of Utah owns approximately 95,095.19 acres of land, as well as approximately 11,187.60 acres of mineral interests, located in the West Desert region of Utah and contained wholly or partially within certain wilderness study areas created pursuant to section 603 of the Federal Lands Policy and Management Act of 1976, or proposed by the Bureau of Land Management for wilderness study area status pursuant to section 202 of that Act. These lands were granted by the Congress to the State of Utah pursuant to the Utah Enabling Act of 1894 (chapter 138; 23 Stat. 107), to be held in trust for the benefit of the State's public school system and other public institutions. The lands are largely scattered in checkerboard fashion amidst the Federal lands comprising the remainder of such existing and proposed wilderness study areas.

(2) Development of surface and mineral resources on State trust lands within existing or proposed wilderness study areas, or the sale of such lands into private ownership, could be incompatible with management of such lands for nonimpairment of their wilderness characteristics pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976 or with future congressional designation of the lands as wilderness.

(3) The United States owns lands and interests in lands outside of existing and proposed wilderness study areas that can be transferred to the State of Utah in exchange for the West Desert wilderness inholdings without jeopardizing Federal management objectives or needs.

(4) The large presence of State trust land inholdings in existing and proposed wilderness study areas in the West Desert region makes land and resource management in these areas difficult, costly, and controversial for both the State of Utah and the United States.

FOR COMMITTEE USE ONLY

(5) It is in the public interest to reach agreement on exchange of such inholdings, on terms fair to both the State of Utah and the United States. Such an agreement, subject to ratification by the Congress, would save much time and delay in meeting the legitimate expectations of the State school and institutional trusts, in simplifying management of Federal lands, and in avoiding the significant time and expense associated with administrative land exchanges.

(6) The State of Utah and the United States have reached an agreement under which the State would exchange certain State trust lands within specified wilderness study areas and areas identified as having wilderness characteristics in the West Desert region for various Federal lands and interests in lands outside of those areas but in the same region of Utah. The agreement also provides for the State to convey to the United States approximately 483 acres of land in Washington County, Utah, that has been designated as critical habitat for the Desert Tortoise, a threatened species, for inclusion in the Red Cliffs Desert Reserve.

(7) Because the inholdings to be acquired by the Federal Government include properties within some of the most spectacular wild areas in the western United States, and because a mission of the Utah School and Institutional Trust Lands Administration is to produce economic benefits for Utah's public schools and other beneficiary institutions, the exchange of lands called for in this agreement will resolve longstanding environmental conflicts with respect to the existing and proposed wilderness study areas, place important natural lands into public ownership, and further the interests of the State trust lands, the school children of Utah, and these conservation resources.

(8) Under this agreement taken as a whole, the State interests to be conveyed to the United States by the State of Utah, and the Federal interests to be conveyed to the State of Utah by the United States, will be approximately equal in value.

(b) PURPOSE.—The purpose of this Act is to enact into law and direct prompt implementation of this agreement, and thereby to further the public interest by consolidating State and Federal lands into manageable units while facilitating the protection of lands with significant scientific, cultural, and natural resources.

SEC. 3. RATIFICATION OF THE AGREED EXCHANGE BETWEEN THE STATE OF UTAH AND THE DEPARTMENT OF THE INTERIOR.

(a) AGREEMENT.—The State of Utah and the Department of the Interior have agreed to exchange certain Federal lands and mineral interests in the State of Utah for lands and mineral interests of approximately equal value managed by the Utah School and Institutional Trust Lands Administration wholly or partially within certain existing and proposed wilderness study areas in the West Desert region of Utah.

(b) RATIFICATION.—All terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled "Agreement for Exchange of Lands—West Desert State-Federal Land Consolidation", dated May 30, 2000 (in this Act referred to as "the Agreement"), are hereby incorporated in this Act, are

FOR COMMITTEE USE ONLY

ratified and confirmed, and set forth the obligations of the United States, the State of Utah, and the Utah School and Institutional Trust Lands Administration, as a matter of Federal law.

(c) CONDITION.—Before exchanging any lands under this Act, the Secretary of the Interior and the State of Utah shall each document in a statement of value how the determination of approximately equal value was made in accordance with section 206(h) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(h)), provided that the provisions of paragraph (1)(A) of section 206(h) of such Act shall not apply. In addition, the Secretary and the State shall select an independent qualified appraiser who shall review the statements of value as prepared by the Secretary and the State of Utah and all documentation and determine if the lands are of approximately equal value. If there is a finding of a difference in value, then the Secretary and the State shall adjust the exchange to achieve approximately equal value.

SEC. 4. CONVEYANCES.

(a) CONVEYANCES.—All conveyances under sections 2 and 3 of the Agreement shall be completed within 70 days after the date on which the condition set forth in section 3(c) is met. Deadline.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—The maps and legal descriptions referred to in the Agreement depict the lands subject to the conveyances under the Agreement.

(2) PUBLIC AVAILABILITY.—The maps and descriptions referred to in the Agreement shall be on file and available for public inspection in the offices of the Secretary of the Interior and the Utah State Director of the Bureau of Land Management.

(3) CONFLICT.—In case of any conflict between the maps and the legal descriptions in the Agreement, the legal descriptions shall control.

SEC. 5. COSTS.

The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this Act.

Approved October 13, 2000.

LEGISLATIVE HISTORY—H.R. 4579:

SENATE REPORTS: No. 106–463 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 146 (2000):
July 11, considered and passed House.
Oct. 3, considered and passed Senate.

AGREEMENT FOR EXCHANGE OF LANDS
BEARS EARS NATIONAL MONUMENT

THIS AGREEMENT FOR EXCHANGE OF LANDS is entered this ___ day of December, 2016, by and between the State of Utah and the United States of America, Department of the Interior.

Purpose

The purpose of this instrument is to document an agreement, subject to ratification by the Congress of the United States and the Legislature of the State of Utah, to exchange federal and state lands and interests therein, of equal value, located in the State of Utah.

Agreement

1. Definitions. As used in this Agreement:

   a. BLM means the Bureau of Land Management of the Department of the Interior.

   b. Department means the Department of the Interior and its subsidiary agencies, including the BLM.

   c. FLPMA means the Federal Land Policy and Management Act, Act of October 21, 1976, Pub. L. 94-579, 90 Stat. 2743, as amended.

   d. Mineral Interests means all right, title and interest in the mineral estate, including but not limited to metals, ores, oil and gas, carbon dioxide, helium, coal, lignite, peat, gas contained in or taken from coal seams (coalbed methane), geothermal steam and heat, rock, stone, gravel, sand and quartz, subject to valid existing rights held by third parties as of the date of this Agreement, except as specifically reserved by this Agreement.

   e. Monument means the Bears Ears National Monument, established by presidential proclamation dated [_____].

   f. State means the State of Utah and its subsidiary agencies, including the Utah School and Institutional Trust Lands Administration.

   g. Secretary means the Secretary of the Interior.

   h. Trust Lands means lands granted by the United States to the State pursuant to sections 6, 7, 8 and 12 of the Utah Enabling Act, ch. 138, 28 Stat. 107 (1894), and other lands owned by the State managed under Title 53C of the Utah Code.

DRAFT

i. SITLA means the Utah School and Institutional Trust Lands Administration.

2. State Lands and Mineral Interests to be Conveyed to the United States. Subject to the terms and conditions of this Agreement, the State shall convey to the United States all right, title and interest of the State in the Trust Lands and Mineral Interests generally depicted on the map entitled "Bears Ears National Monument -- Utah Trust Lands" dated [_____], and more specifically described in Exhibit "A" to this Agreement.

3. Federal Lands and Mineral Interests to Be Conveyed to the State. Subject to the terms and conditions of this Agreement, the Department shall convey to the State or its nominee all right, title and interest of the United States in the BLM lands and Mineral Interests generally depicted on the map entitled "Bears Ears National Monument Land Exchange - BLM Lands" dated [_____], and more specifically described in Exhibit "B" to this Agreement.

4. Reservation of Federal Mineral Interests - Potash. The Secretary shall reserve an interest in all potash resources in the Federal Lands conveyed to the State as follows: (a) 50 percent of any bonus bid or other payment received by the State as consideration for securing any lease or authorization to develop potash resources; (b) 50 percent of the amount that would have been received by the Federal Government under the minimum royalty rate established by 43 C.F.R. §3504.21 (2016) if the potash resources had been retained in Federal ownership; and (c) 50 percent of any other payment received by the State pursuant to any lease or authorization to develop the potash resources. Upon receipt of any funds from potash leasing and development on lands in which the Secretary has reserved an interest, the State shall pay the Secretary amounts attributable to the reserved interest of the United States not less than quarterly. The State may deduct an administrative fee of three per cent from all payments due to the United States under this paragraph. The State shall not be obligated to lease or otherwise develop potash resources in which the United States retains an interest under this subsection.

5. Reservation of Federal Mineral Interests – Oil and Gas. The Secretary shall reserve a wellbore interest in each oil and gas well on Federal land that has been determined by the Secretary to be capable of production in paying quantities as of the date of conveyance. The wellbore interest reserved to the United States under paragraph (1) shall consist of all royalties attributable to any zones or horizons that are being produced from an oil and gas well located on Federal land as of the date of conveyance. Upon receipt of any funds attributable to the reserve wellbore interest of the United States, the State shall pay the Secretary all such amounts not less than quarterly. The State may deduct an administrative fee of three per cent from all payments due to the United States under this paragraph. The reserved wellbore interests of the United States in oil and gas shall automatically terminate on the date that is thirty years after the enactment of this Act. The United States shall share all revenue received with respect to its reserved wellbore mineral interest in oil and gas with the State of Utah in accordance with 30 U.S.C. 191(a).

6. Valuation. The Secretary and the State contemplate that ratifying legislation enacted by Congress will include a condition that all lands to be conveyed under this Agreement will be appraised in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and other applicable law, and that any imbalance in land value will be equalized as follows: (a) if the imbalance favors the United States, SITLA will convey Trust Lands located in the Red Cliffs National Conservation Area or any federal Wilderness or wilderness study area in Utah to the United States having an appraised value equal to the amount of the imbalance; and (b) if the imbalance favors the State, the United States will give SITLA a credit in the amount of the imbalance in the existing ledger account maintained by the BLM for state indemnity selections available under section 6 of the Utah Enabling Act.

7. Term. This agreement is not subject to termination before January 1, 2019. Beginning on January 1, 2019, either party may, but is not obligated to, terminate this Agreement unless legislation shall have been enacted by the United States and the State of Utah authorizing and ratifying this Agreement.

8. Closing; Transfer of Title. The following provisions shall govern conveyances of lands to be exchanged pursuant to this Agreement:

   a. All conveyances by the United States and the State shall be subject to valid existing rights and interests outstanding in third parties; provided, however, that all conveyances by the State to the United States shall be subject only to those valid existing surface and mineral leases, grazing permits and leases, easements, rights of way, and other interests outstanding in third parties found acceptable under the Attorney General's title regulations.

   b. All conveyances by the State shall be in a form acceptable to the Secretary and in conformity with applicable title standards of the Attorney General of the United States.

9. Management of Lands Acquired by the United States. All lands or interests therein acquired by the United States pursuant to section 2 of this Agreement within the exterior boundaries of the Monument shall become a part of the Monument and shall be subject to all laws and regulations applicable to the Monument, subject to valid existing rights. Notwithstanding the foregoing, if any portion of the transferred lands are wholly or partially encompassed within a wilderness study area created pursuant to Section 603 of FLPMA or other authority if applicable, or within a wilderness area created by Congress under authority of the Wilderness Act, then those lands shall be administered, subject to valid existing rights, pursuant to applicable statutes and regulations governing wilderness study areas or wilderness areas, respectively.

10. Management of Lands Acquired by the State. All lands or interests therein acquired by the

State pursuant to section 3 of this Agreement shall be managed by SITLA as Trust Lands pursuant to Title 53C of the Utah Code.

11. Water Rights. All water rights, if any, held by the transferor that are appurtenant to the lands exchanged pursuant to this Agreement shall be conveyed with the land. Nothing contained in this Agreement shall impair valid existing water rights owned by private parties. Nothing in this Agreement shall expand or diminish Federal or State jurisdiction, responsibilities, interests, or rights, in water resource adjudication, allocation, development, or control.

12. Grazing Permits.

a. On all lands acquired by the United States under section 2, the Secretary shall honor, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Trust Lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Upon expiration of any lease or permit, the holder shall be entitled to a preference right to renew such lease or permit to the extent provided by law.

b. In any instance where lands conveyed by the State under section 2 are used by a grazing permittee or lessee to meet the base property requirements for a federal grazing permit or lease, such lands shall continue to qualify as base properties for the remaining term of the lease or permit and any renewal or extensions thereof.

c. Title to, or any interest in, any range improvement held by the United States or the State on any lands exchanges under this Agreement shall be transferred with such lands. Nothing in this Agreement shall operate to divest title to, or any interest in, any range improvement held by any person on such lands.

d. On all lands acquired by the State under section 3, the State shall continue, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Federal lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Such leases, permits and contracts shall be subject to compliance with terms and conditions of the leases, permits or contracts, together with such reasonable regulations as the State may prescribe concerning range conditions. Upon expiration of any lease or permit, the holder shall be entitled to a right of first refusal for the renewal of such lease or permit under state law. Nothing in this Agreement shall prevent the State from canceling any grazing permit when the underlying land is sold or leased for non-grazing purposes by the State.

13. Surface Agreements and Permits.

a. The United States shall assume all rights and duties of the State under all State rights-of-way and special use agreements on lands conveyed to the United States pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way and agreements shall be managed and enforced by the United States. The rents, fees and other payments formerly due to the State under the terms of such rights-of-way and agreements shall be payable by the holder to the United States.

b. The State shall assume all rights and duties of the United States under all Federal rights-of-way, surface use permits and agreements on lands conveyed to the State pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way, permits and agreements shall be managed and enforced by the State. The rents, fees, and other payments formerly due to the United States under the terms of such rights-of-way, permits and agreements shall be payable by the holder to the State.

c. Nothing in this Act shall expand or diminish the rights of any person or entity in any pre-existing rights-of-way established under State or Federal law, and the conveyances to be made under this Agreement shall be subject to such pre-existing rights-of-way, if any, as valid existing rights.

14. Mineral Leases and Lands. In connection with mineral lands and interests conveyed pursuant to this Agreement:

a. The State shall succeed the United States as lessor of all federal mineral leases on lands conveyed to the State pursuant to this Agreement. All rights, terms, and agreements under such leases (including authorizations for easements, facilities, operations, or other appurtenances on such lands) shall remain in effect after such conveyance except that such rights, terms, and agreements shall be managed and enforced by the State. The rents, royalties, fees and other payments formerly due the United States under such terms shall be payable by the Lessee to the State. The Leaseholder shall be entitled to Lease extension and renewal to the extent provided under Federal law, regulations, and the Lease Agreement.

b. The Secretary shall succeed the State as lessor of all State mineral leases on lands conveyed to the Secretary pursuant to this Agreement. All rights, terms and agreements under such Lease (including authorizations for easements, facilities, operations, or other appurtenances on such lands) shall remain in effect after such conveyance, except that such rights, terms and agreements shall be managed and enforced by the Secretary. The rents, royalties, fees, and other payments formerly due

to the State under such terms shall be payable by the Lessee to the United States.

c. If any of the lands conveyed to the State under this Agreement are encumbered by mining claims, mill sites or tunnel sites located under the Mining Law of 1872, 30 U.S.C. § 22 *et seq*, the State will recognize the mining claimants' and siteholders' interests in all valid mining claims and site locations and allow them to develop those minerals or use the sites so long as they comply with applicable laws and regulations, including without limitation applicable state filing and claim maintenance requirements; provided, however, that nothing herein shall preclude the State and any claimant or siteholder from agreeing to the relinquishment of any claim or site on mutually acceptable terms. The State shall further adjudicate any mining claim or site validity issues in the appropriate state or Federal court according to the Mining Law of 1872, as amended, and case law and administrative guidance interpreting that law. The BLM will provide notice to each mining claimant and site holder that its mining claims or site locations: (1) will be administered by the Trust Lands Administration and that compliance with state filing and claim maintenance requirements contained in Utah Code Ann. §53C-2-104 will be required to avoid abandonment of such claim under state law; (2) will no longer be administered by the United States; (3) will no longer be subject to Federal filing or fee requirements or BLM surface management requirements; and (4) that the Secretary no longer has jurisdiction to adjudicate the validity of any mining claim or site.

15. Hazardous Waste.

a. Notwithstanding the transfer to the United States of the lands and interests therein described in section 2, the State shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

b. Notwithstanding the transfer to the State of the lands and interests therein described in section 3, the United States shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from the ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

16. General Provisions. In addition to the foregoing, the Department and the State agree as follows:

a. Nothing in this Agreement shall prevent the parties from mutually agreeing to the

correction of technical errors and omissions in maps and legal descriptions contained or incorporated herein.

b. The parties agree to use reasonable diligence and efforts to fulfill their respective obligations under this Agreement, at all times that this Agreement is in effect.

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused to be affixed the Great Seal of the State of Utah on the date first above written.

UNITED STATES DEPARTMENT OF THE INTERIOR

DRAFT

_____

Secretary of the Interior

STATE OF UTAH

_____

Governor

(c) CONDITION. –

(1) Appraisals. --Within eighteen months of completion of conveyances under this Act, the Secretary of the Interior and the State of Utah shall jointly conduct appraisals of the lands exchanged under the Agreement as of the date of conveyance.

(2) Applicable law.--The appraisals conducted under paragraph (1) ---

(A) shall be conducted in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(b) shall utilize nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions.

(3) Approval.--The appraisals conducted under paragraph (1) shall be submitted to the Secretary and the State for approval.

(4) Adjustment.--

(A) In general.--If value is attributed to any parcel of Federal land because of the presence of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 181 et seq.), the value of the parcel (as otherwise established under this subsection) shall be reduced by the estimated value of the payments that would have been made to the State of Utah from bonuses, rentals, and royalties that the United States would have received if such minerals were leased pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(B) Limitation.--An adjustment under subparagraph (A) shall not be considered as a property right of the State.

(5) Valuation of Lands with Reserved Minerals.--Federal land in which the Secretary reserves an interest under sections 4 and 5 of the Agreement shall be appraised—

(1) without regard to the presence of potash; and

(2) taking into account the reserved wellbore interest of the United States, if any.

(6) Dispute resolution.—If, by the date that is 90 days after the date of submission of an appraisal for review and approval under this subsection, the Secretary or State do not agree to accept the findings of the appraisals with respect to any parcel of Federal land or non-Federal land, the dispute shall be resolved in accordance with section 206(d)(2) of FLPMA (43 U.S.C. 1716(d)(2)).

(7) Equalization of Values. – Imbalances in values between the United States and the State will be equalized in accordance with Section 6 of the Agreement.

FOR COMMITTEE USE ONLY

Michael O. Leavitt
Governor

AGREEMENT FOR EXCHANGE OF LANDS
WEST DESERT STATE-FEDERAL LAND CONSOLIDATION

THIS AGREEMENT FOR EXCHANGE OF LANDS is entered this 30th day of May, 2000 by and between the State of Utah and the United States of America, Department of the Interior.

PURPOSE: The purpose of this instrument is to document an agreement, subject to ratification by the Congress of the United States, to exchange federal and state lands and interests therein, of approximately equal value, located in the West Desert area of the State of Utah.

SECTION 1: DEFINITIONS

As used in this Agreement:

(A) BLM means the Bureau of Land Management of the Department of the Interior.

(B) Department means the Department of the Interior and its subsidiary agencies, including the BLM.

(C) FLPMA means the Federal Land Policy and Management Act, Act of October 21, 1976, Pub. L. 94-579, 90 Stat. 2743, as amended.

(D) Mineral Interest means all right, title and interest in the mineral estate, including but not limited to metals, ores, oil and gas, carbon dioxide, helium, coal, lignite, peat, gas contained in or taken from coal seams (coalbed methane), geothermal steam and heat, rock, stone, gravel, sand and quartz, subject to valid existing rights in third parties as of the date of this Agreement.

(E) State means the State of Utah and its subsidiary agencies, including the Utah School and Institutional Trust Lands Administration.

(F) Secretary means the Secretary of the Interior.

(G) Trust Lands means all right, title and interest of the State on the date this

Agreement is executed in lands granted by the United States pursuant to sections 6, 7, 8 and 12 of the Utah Enabling Act, ch. 138, 28 Stat. 107 (1894) to the State in trust, and in other lands owned by the State on the date of this Agreement which under State law must be managed for the benefit of the public school system or the institutions of the State which are designated by the Utah Enabling Act.

(H) Trust Lands Administration means the Utah School and Institutional Trust Lands Administration.

(I) Wilderness Act means the Wilderness Act of 1964, 16 U.S.C. § 1131 *et seq.*

SECTION 2: STATE LANDS AND MINERAL INTERESTS TO BE CONVEYED TO THE UNITED STATES

Subject to the terms and conditions of this Agreement, the State shall convey to the United States all right, title and interest of the State in the Trust Lands and Mineral Interests generally depicted on the map entitled "West Desert Exchange -- Utah Trust Lands" dated May 19, 2000, and more specifically described in Exhibit "A" to this Agreement, which lands include the following Trust Lands and Mineral Interests:

(A) Approximately 5760.84 acres of Trust Lands in the Silver Island Mountains area in Box Elder and Tooele Counties, Utah.

(B) Approximately 7827.60 acres of Mineral Interests in the Cedar Mountains area in Tooele County, Utah.

(C) Approximately 12,325.46 acres of Trust Lands and 2560 acres of additional Mineral Interests in the Deep Creek Mountains in Tooele and Juab Counties, Utah.

(D) Approximately 7680.80 acres of Trust Lands in the Fish Springs Mountains in Juab County, Utah.

(E) Approximately 3879.92 acres of Trust Lands in the Pilot Peak Range in Box Elder County, Utah.

(F) Approximately 11,612.74 acres of Trust Lands in the Swasey Mountain area in Juab and Millard Counties, Utah.

(G) Approximately 8241.07 acres of Trust Lands in the Notch Peak area in Millard County, Utah.

(H) Approximately 3839.28 acres of Trust Lands in the Howell Peak area in Millard County, Utah.

(I) Approximately 9906.64 acres of Trust Lands in the King Top area in Millard County, Utah.

(J) Approximately 7959.04 acres of Trust Lands in the North Wah Wah Mountains in Millard and Beaver Counties, Utah.

(K) Approximately 6910.61 acres of Trust Lands in the Central Wah Wah Mountains in Beaver County, Utah.

(L) Approximately acres of 3933.16 Trust Lands in the Granite Peak area in Beaver County, Utah.

(M) Approximately 2162.64 acres of Trust Lands in the Red Mountain area in Washington County, Utah.

(N) Approximately 80 acres of Trust Lands and an additional 240 acres of Mineral Interests in the Deep Creek area in Washington County, Utah.

(O) Approximately 1920 acres of Trust Lands in the Black Ridge area in Washington County, Utah.

(P) Approximately 5608.50 acres of Trust Lands and an additional 560 acres of Mineral Interests in the Canaan Mountain area in Kane and Washington Counties, Utah.

(Q) Approximately 960 acres of Trust Lands in the Cottonwood Canyon area in Washington County, Utah.

(R) Approximately 640 acres of Trust Lands in the Red Butte area in Washington County, Utah.

(S) Approximately 483.28 acres of Trust Lands within the Red Cliffs Desert Reserve in Washington County, Utah.

(T) Approximately 1191.21 acres of Trust Lands wholly or partially within the exterior boundary of the Beaver Dam Wash Wilderness, in Washington County, Utah.

SECTION 3. FEDERAL LANDS AND MINERAL INTERESTS TO BE CONVEYED TO THE STATE

Subject to the terms and conditions of this Agreement, the Department shall convey to the State or its nominee all right, title and interest of the United States in the BLM lands and Mineral Interests generally depicted on the map entitled "West Desert Exchange - BLM Lands" dated May 19, 2000, and more specifically described in Exhibit "B" to this Agreement, which lands include the following BLM lands and Mineral Interests:

(A) I-80 Corridor tracts, comprising approximately 11,854.53 Acres of BLM land in Tooele County, Utah.

(B) St. John tract, comprising approximately 8678.14 acres of BLM land in Tooele County, Utah.

(C) Tooele Army Depot No. 1 tract, comprising approximately 6880.63 acres of BLM land in Tooele County, Utah.

(D) Tintic Valley tract, comprising approximately 14,253.51 acres of BLM land in Juab County, Utah.

(E) Brush Wellman tracts, comprising approximately 6173.70 acres of BLM land in Juab County, Utah.

(F) Intermountain Power Plant tract, comprising approximately 17,625.97 acres of BLM land and an additional 940.61 acres of BLM Mineral Interests in Millard County, Utah.

(G) Continental Lime tract, comprising approximately 1849.21 acres of BLM land in Millard County, Utah.

(H) Oak City tracts, comprising approximately 13,625.36 acres of BLM land in Millard County, Utah.

(I) Milford tract, comprising approximately 22,123.32 acres of BLM land in Beaver County, Utah.

(J) Beaver tract, comprising approximately 720 acres of BLM land in Beaver

County, Utah.

(K) Cedar City GC tract, comprising approximately 137.12 acres of BLM land in Iron County, Utah.

(L) Cross Hollow Hills tract, comprising approximately 357.50 acres of BLM land in Iron County, Utah.

(M) Quichapa Creek tract, comprising approximately 743.76 acres of BLM land in Iron County, Utah.

(N) La Verkin tract, comprising approximately 315 acres of BLM land in Washington County, Utah.

(O) Warner Valley tract, comprising approximately 600 acres of BLM land in Washington County, Utah.

(P) Anderson Junction tract, comprising approximately 80 acres of BLM land in Washington County, Utah.

(Q) Ivins tract, comprising approximately 40 acres of BLM land in Washington County, Utah.

SECTION 4: LEGISLATION

This agreement shall not be terminated before January 1, 2001. Beginning on January 1, 2001, either party may, but is not obligated to, terminate this Agreement unless legislation shall have been enacted by the United States authorizing and ratifying this Agreement.

SECTION 5: CLOSING AND TRANSFER OF TITLE

The following provisions shall govern conveyances of lands to be exchanged pursuant to this Agreement:

(A) All conveyances by the United States and the State shall be subject to valid existing rights and interests outstanding in third parties; provided, however, that all conveyances by the State to the United States shall be subject only to those valid existing surface and mineral leases, grazing permits and leases, easements, rights of way, and other interests outstanding in third parties found acceptable under the Attorney General's title regulations.

(B) All conveyances by the State shall be in a form acceptable to the Secretary and in conformity with applicable title standards of the Attorney General of the United States.

SECTION 6: MANAGEMENT OF LANDS ACQUIRED BY THE UNITED STATES

All lands or interests therein acquired by the United States pursuant to section 2 of this Agreement shall be administered by the BLM and shall be subject to all applicable laws and regulations, subject to valid existing rights. Notwithstanding the foregoing, if any portion of the transferred lands are wholly or partially encompassed within a wilderness study area created pursuant to Section 603 of FLPMA or other authority if applicable, or within a wilderness area created by Congress under authority of the Wilderness Act, then those lands shall be administered, subject to valid existing rights, pursuant to applicable statutes and regulations governing wilderness study areas or wilderness areas, respectively.

SECTION 7: MANAGEMENT OF LANDS ACQUIRED BY THE STATE

All lands or interests therein acquired by the State pursuant to section 3 of this Agreement shall be managed by the Trust Lands Administration as Trust Lands pursuant to Title 53C of the Utah Code.

SECTION 8: WATER RIGHTS

All water rights, if any, held by the transferor that are appurtenant to the lands exchanged pursuant to this Agreement shall be conveyed with the land. Nothing contained in this Agreement shall impair valid existing water rights owned by private parties. Nothing in this Agreement shall expand or diminish Federal or State jurisdiction, responsibilities, interests, or rights, in water resource adjudication, allocation, development, or control.

SECTION 9: GRAZING PERMITS

(A) On all lands acquired by the United States under section 2, the Secretary shall honor, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Trust Lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Upon expiration of any lease or permit, the holder shall be entitled to a preference right to renew such lease or permit to the extent provided by Federal law.

(B) In any instance where lands conveyed by the State under section 2 are used by a grazing permittee or lessee to meet the base property requirements for a federal grazing permit or lease, such lands shall continue to qualify as base properties for the remaining term of the lease or permit and any renewal or extensions thereof.

(C) Title to, or any interest in, any range improvement held by the United States or the State on any lands exchanges under this Agreement shall be transferred with such lands. Nothing in this Agreement shall operate to divest title to, or any interest in, any range improvement held by any person on such lands.

(D) On all lands acquired by the State under section 3, the State shall continue, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Federal lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Such leases, permits and contracts shall be subject to compliance with terms and conditions of the leases, permits or contracts, together with such reasonable regulations as the State may prescribe concerning range conditions. Upon expiration of any lease or permit, the holder shall be entitled to a right of first refusal for the renewal of such lease or permit under state law. Nothing in this Agreement shall prevent the State from canceling any grazing permit when the underlying land is sold or leased for non-grazing purposes by the State.

SECTION 10: SURFACE AGREEMENTS AND PERMITS

(A) The United States shall assume all rights and duties of the State under all State rights-of-way and special use agreements on lands conveyed to the United States pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way and agreements shall be managed and enforced by the United States. The rents, fees and other payments formerly due to the State under the terms of such rights-of-way and agreements shall be payable by the holder to the United States.

(B) The State shall assume all rights and duties of the United States under all Federal rights-of-way, surface use permits and agreements on lands conveyed to the State pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way,

permits and agreements shall be managed and enforced by the State. The rents, fees, and other payments formerly due to the United States under the terms of such rights-of-way, permits and agreements shall be payable by the holder to the State.

(C) Nothing in this Act shall expand or diminish the rights of any person or entity in any pre-existing rights-of-way established under State or Federal law, and the conveyances to be made under this Agreement shall be subject to such pre-existing rights-of-way, if any, as valid existing rights.

SECTION 11: MINERAL LEASES AND LANDS

In connection with mineral lands and interests conveyed pursuant to this Agreement:

(A) The State shall succeed the United States as lessor of all federal mineral leases on lands conveyed to the State pursuant to this Agreement. All rights, terms, and agreements under such leases (including authorizations for easements, facilities, operations, or other appurtenances on such lands) shall remain in effect after such conveyance except that such rights, terms, and agreements shall be managed and enforced by the State. The rents, royalties, fees and other payments formerly due the United States under such terms shall be payable by the Lessee to the State. The Leaseholder shall be entitled to Lease extension and renewal to the extent provided under Federal law, regulations, and the Lease Agreement.

(B) The Secretary shall succeed the State as lessor of all State mineral leases on lands conveyed to the Secretary pursuant to this Agreement. All rights, terms and agreements under such Lease (including authorizations for easements, facilities, operations, or other appurtenances on such lands) shall remain in effect after such conveyance, except that such rights, terms and agreements shall be managed and enforced by the Secretary. The rents, royalties, fees, and other payments formerly due to the State under such terms shall be payable by the Lessee to the United States.

(C) If any of the lands conveyed to the State under this Agreement are encumbered by mining claims, mill sites or tunnel sites located under the Mining Law of 1872, 30 U.S.C. § 22 *et seq*, the State will recognize the mining claimants' and site holders' interests in all valid mining claims and site locations and allow them to develop those minerals or use the sites so long as they comply with applicable laws and regulations, including without limitation applicable state filing and claim maintenance requirements; provided, however, that nothing herein shall preclude the State and any claimant or siteholder from agreeing to the relinquishment of any claim or site on mutually acceptable terms. The State shall further adjudicate any mining claim or site validity issues in the appropriate state or Federal court according to the Mining Law of 1872, as amended, and case law and administrative guidance interpreting that law. The BLM will provide notice to each mining claimant and site holder that its mining claims or site locations: (1) will be administered by the Trust Lands Administration and that compliance with state filing and claim maintenance requirements contained in Utah Code Ann. §53C-2-104 will be required to avoid abandonment of such claim under state law; (2) will no longer be administered by the United States; (3) will no longer be subject to Federal filing or fee requirements or BLM surface management requirements; and (4) that the Secretary no longer has jurisdiction to adjudicate the validity of any mining claim or site.

SECTION 12: HAZARDOUS WASTE

(A) Notwithstanding the transfer to the United States of the lands and interests therein described in section 2, the State shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

(B) Notwithstanding the transfer to the State of the lands and interests therein described in section 3, the United States shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from the ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

SECTION 13: GENERAL PROVISIONS

In addition to the foregoing, the Department and the State agree as follows:

(A) Nothing in this Agreement shall prevent the parties from mutually agreeing to the correction of technical errors and omissions in maps and legal descriptions contained or incorporated herein.

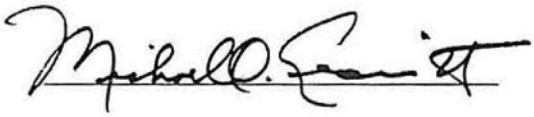
(B) The parties agree to use reasonable diligence and efforts to fulfill their respective obligations under this Agreement, at all times that this Agreement is in effect.

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused to be affixed the Great Seal of the State of Utah on the date first above written.

UNITED STATES DEPARTMENT
OF THE INTERIOR

Bruce Babbitt
Secretary of the Interior

STATE OF UTAH



Michael O. Leavitt
Governor

FOR COMMITTEE USE ONLY

Public Law 106–301
106th Congress

An Act

To provide for the exchange of certain lands within the State of Utah.

Oct. 13, 2000
[H.R. 4579]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Utah West Desert Land Exchange Act of 2000.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Utah West Desert Land Exchange Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The State of Utah owns approximately 95,095.19 acres of land, as well as approximately 11,187.60 acres of mineral interests, located in the West Desert region of Utah and contained wholly or partially within certain wilderness study areas created pursuant to section 603 of the Federal Lands Policy and Management Act of 1976, or proposed by the Bureau of Land Management for wilderness study area status pursuant to section 202 of that Act. These lands were granted by the Congress to the State of Utah pursuant to the Utah Enabling Act of 1894 (chapter 138; 23 Stat. 107), to be held in trust for the benefit of the State's public school system and other public institutions. The lands are largely scattered in checkerboard fashion amidst the Federal lands comprising the remainder of such existing and proposed wilderness study areas.

(2) Development of surface and mineral resources on State trust lands within existing or proposed wilderness study areas, or the sale of such lands into private ownership, could be incompatible with management of such lands for nonimpairment of their wilderness characteristics pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976 or with future congressional designation of the lands as wilderness.

(3) The United States owns lands and interests in lands outside of existing and proposed wilderness study areas that can be transferred to the State of Utah in exchange for the West Desert wilderness inholdings without jeopardizing Federal management objectives or needs.

(4) The large presence of State trust land inholdings in existing and proposed wilderness study areas in the West Desert region makes land and resource management in these areas difficult, costly, and controversial for both the State of Utah and the United States.

FOR COMMITTEE USE ONLY

(5) It is in the public interest to reach agreement on exchange of such inholdings, on terms fair to both the State of Utah and the United States. Such an agreement, subject to ratification by the Congress, would save much time and delay in meeting the legitimate expectations of the State school and institutional trusts, in simplifying management of Federal lands, and in avoiding the significant time and expense associated with administrative land exchanges.

(6) The State of Utah and the United States have reached an agreement under which the State would exchange certain State trust lands within specified wilderness study areas and areas identified as having wilderness characteristics in the West Desert region for various Federal lands and interests in lands outside of those areas but in the same region of Utah. The agreement also provides for the State to convey to the United States approximately 483 acres of land in Washington County, Utah, that has been designated as critical habitat for the Desert Tortoise, a threatened species, for inclusion in the Red Cliffs Desert Reserve.

(7) Because the inholdings to be acquired by the Federal Government include properties within some of the most spectacular wild areas in the western United States, and because a mission of the Utah School and Institutional Trust Lands Administration is to produce economic benefits for Utah's public schools and other beneficiary institutions, the exchange of lands called for in this agreement will resolve longstanding environmental conflicts with respect to the existing and proposed wilderness study areas, place important natural lands into public ownership, and further the interests of the State trust lands, the school children of Utah, and these conservation resources.

(8) Under this agreement taken as a whole, the State interests to be conveyed to the United States by the State of Utah, and the Federal interests to be conveyed to the State of Utah by the United States, will be approximately equal in value.

(b) PURPOSE.—The purpose of this Act is to enact into law and direct prompt implementation of this agreement, and thereby to further the public interest by consolidating State and Federal lands into manageable units while facilitating the protection of lands with significant scientific, cultural, and natural resources.

SEC. 3. RATIFICATION OF THE AGREED EXCHANGE BETWEEN THE STATE OF UTAH AND THE DEPARTMENT OF THE INTERIOR.

(a) AGREEMENT.—The State of Utah and the Department of the Interior have agreed to exchange certain Federal lands and mineral interests in the State of Utah for lands and mineral interests of approximately equal value managed by the Utah School and Institutional Trust Lands Administration wholly or partially within certain existing and proposed wilderness study areas in the West Desert region of Utah.

(b) RATIFICATION.—All terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled "Agreement for Exchange of Lands—West Desert State-Federal Land Consolidation", dated May 30, 2000 (in this Act referred to as "the Agreement"), are hereby incorporated in this Act, are

FOR COMMITTEE USE ONLY

ratified and confirmed, and set forth the obligations of the United States, the State of Utah, and the Utah School and Institutional Trust Lands Administration, as a matter of Federal law.

(c) CONDITION.—Before exchanging any lands under this Act, the Secretary of the Interior and the State of Utah shall each document in a statement of value how the determination of approximately equal value was made in accordance with section 206(h) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(h)), provided that the provisions of paragraph (1)(A) of section 206(h) of such Act shall not apply. In addition, the Secretary and the State shall select an independent qualified appraiser who shall review the statements of value as prepared by the Secretary and the State of Utah and all documentation and determine if the lands are of approximately equal value. If there is a finding of a difference in value, then the Secretary and the State shall adjust the exchange to achieve approximately equal value.

SEC. 4. CONVEYANCES.

(a) CONVEYANCES.—All conveyances under sections 2 and 3 of the Agreement shall be completed within 70 days after the date on which the condition set forth in section 3(c) is met. Deadline.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—The maps and legal descriptions referred to in the Agreement depict the lands subject to the conveyances under the Agreement.

(2) PUBLIC AVAILABILITY.—The maps and descriptions referred to in the Agreement shall be on file and available for public inspection in the offices of the Secretary of the Interior and the Utah State Director of the Bureau of Land Management.

(3) CONFLICT.—In case of any conflict between the maps and the legal descriptions in the Agreement, the legal descriptions shall control.

SEC. 5. COSTS.

The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this Act.

Approved October 13, 2000.

LEGISLATIVE HISTORY—H.R. 4579:

SENATE REPORTS: No. 106–463 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 146 (2000):
July 11, considered and passed House.
Oct. 3, considered and passed Senate.

AGREEMENT FOR EXCHANGE OF LANDS
BEARS EARS NATIONAL MONUMENT

THIS AGREEMENT FOR EXCHANGE OF LANDS is entered this ___ day of December, 2016, by and between the State of Utah and the United States of America, Department of the Interior.

Purpose

The purpose of this instrument is to document an agreement, subject to ratification by the Congress of the United States and the Legislature of the State of Utah, to exchange federal and state lands and interests therein, of equal value, located in the State of Utah.

Agreement

1. Definitions. As used in this Agreement:

   a. BLM means the Bureau of Land Management of the Department of the Interior.

   b. Department means the Department of the Interior and its subsidiary agencies, including the BLM.

   c. FLPMA means the Federal Land Policy and Management Act, Act of October 21, 1976, Pub. L. 94-579, 90 Stat. 2743, as amended.

   d. Mineral Interests means all right, title and interest in the mineral estate, including but not limited to metals, ores, oil and gas, carbon dioxide, helium, coal, lignite, peat, gas contained in or taken from coal seams (coalbed methane), geothermal steam and heat, rock, stone, gravel, sand and quartz, subject to valid existing rights held by third parties as of the date of this Agreement, except as specifically reserved by this Agreement.

   e. Monument means the Bears Ears National Monument, established by presidential proclamation dated [_____].

   f. State means the State of Utah and its subsidiary agencies, including the Utah School and Institutional Trust Lands Administration.

   g. Secretary means the Secretary of the Interior.

   h. Trust Lands means lands granted by the United States to the State pursuant to sections 6, 7, 8 and 12 of the Utah Enabling Act, ch. 138, 28 Stat. 107 (1894), and other lands owned by the State managed under Title 53C of the Utah Code.

i. SITLA means the Utah School and Institutional Trust Lands Administration.

2. State Lands and Mineral Interests to be Conveyed to the United States. Subject to the terms and conditions of this Agreement, the State shall convey to the United States all right, title and interest of the State in the Trust Lands and Mineral Interests generally depicted on the map entitled "Bears Ears National Monument -- Utah Trust Lands" dated [_____], and more specifically described in Exhibit "A" to this Agreement.

3. Federal Lands and Mineral Interests to Be Conveyed to the State. Subject to the terms and conditions of this Agreement, the Department shall convey to the State or its nominee all right, title and interest of the United States in the BLM lands and Mineral Interests generally depicted on the map entitled "Bears Ears National Monument Land Exchange - BLM Lands" dated [_____], and more specifically described in Exhibit "B" to this Agreement.

4. Reservation of Federal Mineral Interests - Potash. The Secretary shall reserve an interest in all potash resources in the Federal Lands conveyed to the State as follows: (a) 50 percent of any bonus bid or other payment received by the State as consideration for securing any lease or authorization to develop potash resources; (b) 50 percent of the amount that would have been received by the Federal Government under the minimum royalty rate established by 43 C.F.R. §3504.21 (2016) if the potash resources had been retained in Federal ownership; and (c) 50 percent of any other payment received by the State pursuant to any lease or authorization to develop the potash resources. Upon receipt of any funds from potash leasing and development on lands in which the Secretary has reserved an interest, the State shall pay the Secretary amounts attributable to the reserved interest of the United States not less than quarterly. The State may deduct an administrative fee of three per cent from all payments due to the United States under this paragraph. The State shall not be obligated to lease or otherwise develop potash resources in which the United States retains an interest under this subsection.

5. Reservation of Federal Mineral Interests – Oil and Gas. The Secretary shall reserve a wellbore interest in each oil and gas well on Federal land that has been determined by the Secretary to be capable of production in paying quantities as of the date of conveyance. The wellbore interest reserved to the United States under paragraph (1) shall consist of all royalties attributable to any zones or horizons that are being produced from an oil and gas well located on Federal land as of the date of conveyance. Upon receipt of any funds attributable to the reserve wellbore interest of the United States, the State shall pay the Secretary all such amounts not less than quarterly. The State may deduct an administrative fee of three per cent from all payments due to the United States under this paragraph. The reserved wellbore interests of the United States in oil and gas shall automatically terminate on the date that is thirty years after the enactment of this Act. The United States shall share all revenue received with respect to its reserved wellbore mineral interest in oil and gas with the State of Utah in accordance with 30 U.S.C. 191(a).

6. Valuation. The Secretary and the State contemplate that ratifying legislation enacted by Congress will include a condition that all lands to be conveyed under this Agreement will be appraised in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and other applicable law, and that any imbalance in land value will be equalized as follows: (a) if the imbalance favors the United States, SITLA will convey Trust Lands located in the Red Cliffs National Conservation Area or any federal Wilderness or wilderness study area in Utah to the United States having an appraised value equal to the amount of the imbalance; and (b) if the imbalance favors the State, the United States will give SITLA a credit in the amount of the imbalance in the existing ledger account maintained by the BLM for state indemnity selections available under section 6 of the Utah Enabling Act.

7. Term. This agreement is not subject to termination before January 1, 2019. Beginning on January 1, 2019, either party may, but is not obligated to, terminate this Agreement unless legislation shall have been enacted by the United States and the State of Utah authorizing and ratifying this Agreement.

8. Closing; Transfer of Title. The following provisions shall govern conveyances of lands to be exchanged pursuant to this Agreement:

   a. All conveyances by the United States and the State shall be subject to valid existing rights and interests outstanding in third parties; provided, however, that all conveyances by the State to the United States shall be subject only to those valid existing surface and mineral leases, grazing permits and leases, easements, rights of way, and other interests outstanding in third parties found acceptable under the Attorney General's title regulations.

   b. All conveyances by the State shall be in a form acceptable to the Secretary and in conformity with applicable title standards of the Attorney General of the United States.

9. Management of Lands Acquired by the United States. All lands or interests therein acquired by the United States pursuant to section 2 of this Agreement within the exterior boundaries of the Monument shall become a part of the Monument and shall be subject to all laws and regulations applicable to the Monument, subject to valid existing rights. Notwithstanding the foregoing, if any portion of the transferred lands are wholly or partially encompassed within a wilderness study area created pursuant to Section 603 of FLPMA or other authority if applicable, or within a wilderness area created by Congress under authority of the Wilderness Act, then those lands shall be administered, subject to valid existing rights, pursuant to applicable statutes and regulations governing wilderness study areas or wilderness areas, respectively.

10. Management of Lands Acquired by the State. All lands or interests therein acquired by the

State pursuant to section 3 of this Agreement shall be managed by SITLA as Trust Lands pursuant to Title 53C of the Utah Code.

11. Water Rights. All water rights, if any, held by the transferor that are appurtenant to the lands exchanged pursuant to this Agreement shall be conveyed with the land. Nothing contained in this Agreement shall impair valid existing water rights owned by private parties. Nothing in this Agreement shall expand or diminish Federal or State jurisdiction, responsibilities, interests, or rights, in water resource adjudication, allocation, development, or control.

12. Grazing Permits.

a. On all lands acquired by the United States under section 2, the Secretary shall honor, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Trust Lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Upon expiration of any lease or permit, the holder shall be entitled to a preference right to renew such lease or permit to the extent provided by law.

b. In any instance where lands conveyed by the State under section 2 are used by a grazing permittee or lessee to meet the base property requirements for a federal grazing permit or lease, such lands shall continue to qualify as base properties for the remaining term of the lease or permit and any renewal or extensions thereof.

c. Title to, or any interest in, any range improvement held by the United States or the State on any lands exchanges under this Agreement shall be transferred with such lands. Nothing in this Agreement shall operate to divest title to, or any interest in, any range improvement held by any person on such lands.

d. On all lands acquired by the State under section 3, the State shall continue, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Federal lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Such leases, permits and contracts shall be subject to compliance with terms and conditions of the leases, permits or contracts, together with such reasonable regulations as the State may prescribe concerning range conditions. Upon expiration of any lease or permit, the holder shall be entitled to a right of first refusal for the renewal of such lease or permit under state law. Nothing in this Agreement shall prevent the State from canceling any grazing permit when the underlying land is sold or leased for non-grazing purposes by the State.

13. Surface Agreements and Permits.

a. The United States shall assume all rights and duties of the State under all State rights-of-way and special use agreements on lands conveyed to the United States pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way and agreements shall be managed and enforced by the United States. The rents, fees and other payments formerly due to the State under the terms of such rights-of-way and agreements shall be payable by the holder to the United States.

b. The State shall assume all rights and duties of the United States under all Federal rights-of-way, surface use permits and agreements on lands conveyed to the State pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way, permits and agreements shall be managed and enforced by the State. The rents, fees, and other payments formerly due to the United States under the terms of such rights-of-way, permits and agreements shall be payable by the holder to the State.

c. Nothing in this Act shall expand or diminish the rights of any person or entity in any pre-existing rights-of-way established under State or Federal law, and the conveyances to be made under this Agreement shall be subject to such pre-existing rights-of-way, if any, as valid existing rights.

14. Mineral Leases and Lands. In connection with mineral lands and interests conveyed pursuant to this Agreement:

a. The State shall succeed the United States as lessor of all federal mineral leases on lands conveyed to the State pursuant to this Agreement. All rights, terms, and agreements under such leases (including authorizations for easements, facilities, operations, or other appurtenances on such lands) shall remain in effect after such conveyance except that such rights, terms, and agreements shall be managed and enforced by the State. The rents, royalties, fees and other payments formerly due the United States under such terms shall be payable by the Lessee to the State. The Leaseholder shall be entitled to Lease extension and renewal to the extent provided under Federal law, regulations, and the Lease Agreement.

b. The Secretary shall succeed the State as lessor of all State mineral leases on lands conveyed to the Secretary pursuant to this Agreement. All rights, terms and agreements under such Lease (including authorizations for easements, facilities, operations, or other appurtenances on such lands) shall remain in effect after such conveyance, except that such rights, terms and agreements shall be managed and enforced by the Secretary. The rents, royalties, fees, and other payments formerly due

to the State under such terms shall be payable by the Lessee to the United States.

c. If any of the lands conveyed to the State under this Agreement are encumbered by mining claims, mill sites or tunnel sites located under the Mining Law of 1872, 30 U.S.C. § 22 *et seq*, the State will recognize the mining claimants' and siteholders' interests in all valid mining claims and site locations and allow them to develop those minerals or use the sites so long as they comply with applicable laws and regulations, including without limitation applicable state filing and claim maintenance requirements; provided, however, that nothing herein shall preclude the State and any claimant or siteholder from agreeing to the relinquishment of any claim or site on mutually acceptable terms. The State shall further adjudicate any mining claim or site validity issues in the appropriate state or Federal court according to the Mining Law of 1872, as amended, and case law and administrative guidance interpreting that law. The BLM will provide notice to each mining claimant and site holder that its mining claims or site locations: (1) will be administered by the Trust Lands Administration and that compliance with state filing and claim maintenance requirements contained in Utah Code Ann. §53C-2-104 will be required to avoid abandonment of such claim under state law; (2) will no longer be administered by the United States; (3) will no longer be subject to Federal filing or fee requirements or BLM surface management requirements; and (4) that the Secretary no longer has jurisdiction to adjudicate the validity of any mining claim or site.

15. Hazardous Waste.

a. Notwithstanding the transfer to the United States of the lands and interests therein described in section 2, the State shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

b. Notwithstanding the transfer to the State of the lands and interests therein described in section 3, the United States shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from the ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

16. General Provisions. In addition to the foregoing, the Department and the State agree as follows:

a. Nothing in this Agreement shall prevent the parties from mutually agreeing to the

correction of technical errors and omissions in maps and legal descriptions contained or incorporated herein.

b. The parties agree to use reasonable diligence and efforts to fulfill their respective obligations under this Agreement, at all times that this Agreement is in effect.

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused to be affixed the Great Seal of the State of Utah on the date first above written.

UNITED STATES DEPARTMENT OF THE INTERIOR

DRAFT

_____

Secretary of the Interior

STATE OF UTAH

_____

Governor

(c) CONDITION. –

(1) Appraisals. --Within eighteen months of completion of conveyances under this Act, the Secretary of the Interior and the State of Utah shall jointly conduct appraisals of the lands exchanged under the Agreement as of the date of conveyance.
(2) Applicable law.--The appraisals conducted under paragraph (1) ---

(A) shall be conducted in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(b) shall utilize nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions.

(3) Approval.--The appraisals conducted under paragraph (1) shall be submitted to the Secretary and the State for approval.
(4) Adjustment.--

(A) In general.--If value is attributed to any parcel of Federal land because of the presence of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 181 et seq.), the value of the parcel (as otherwise established under this subsection) shall be reduced by the estimated value of the payments that would have been made to the State of Utah from bonuses, rentals, and royalties that the United States would have received if such minerals were leased pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(B) Limitation.--An adjustment under subparagraph (A) shall not be considered as a property right of the State.

(5) Valuation of Lands with Reserved Minerals.--Federal land in which the Secretary reserves an interest under sections 4 and 5 of the Agreement shall be appraised—

(1) without regard to the presence of potash; and

(2) taking into account the reserved wellbore interest of the United States, if any.

(6) Dispute resolution.—If, by the date that is 90 days after the date of submission of an appraisal for review and approval under this subsection, the Secretary or State do not agree to accept the findings of the appraisals with respect to any parcel of Federal land or non-Federal land, the dispute shall be resolved in accordance with section 206(d)(2) of FLPMA (43 U.S.C. 1716(d)(2)).
(7) Equalization of Values. – Imbalances in values between the United States and the State will be equalized in accordance with Section 6 of the Agreement.

Conversation Contents

On Annual Leave - Nikki's out of the office Re: Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Nov 10, 2016 9am - 9:30am (EST) (nicole_buffa@ios.doi.gov)

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Thu Nov 03 2016 14:02:32 GMT-0600 (MDT)
To:	fred.ferguson@mail.house.gov
Subject:	On Annual Leave - Nikki's out of the office Re: Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Nov 10, 2016 9am - 9:30am (EST) (nicole_buffa@ios.doi.gov)

I will be out of the office on personal leave until Wednesday, November 9th. If you need immediate assistance please contact Tommy Beaudreau (tommy_beaudreau@ios.doi.gov) or Benjamin Milakofsky (benjamin_milakofsky@ios.doi.gov).

Thank you,
Nikki

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

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

Conversation Contents

Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Nov 10, 2016 9am - 9:30am (EST) (nicole_buffa@ios.doi.gov)

Attachments:

/53. Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Nov 10, 2016 9am - 9:30am (EST) (nicole_buffa@ios.doi.gov)/1.1 invite.ics

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Thu Nov 03 2016 14:02:04 GMT-0600 (MDT)
To:	"nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Subject:	Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Nov 10, 2016 9am - 9:30am (EST) (nicole_buffa@ios.doi.gov)
Attachments:	invite.ics

FOR COMMITTEE USE ONLY

From: Ferguson, Fred
To: nicole_buffa@ios.doi.gov; Ferguson, Fred
Subject: Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Nov 10, 2016 9am - 9:30am (EST) (nicole_buffa@ios.doi.gov)

Conversation Contents

On Annual Leave - Nikki's out of the office Re: Today's meeting the Bears Ears Coalition

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Thu Nov 03 2016 09:19:36 GMT-0600 (MDT)
To:	chris_prandoni@lee.senate.gov
Subject:	On Annual Leave - Nikki's out of the office Re: Today's meeting the Bears Ears Coalition

I will be out of the office on personal leave until Wednesday, November 9th. If you need immediate assistance please contact Tommy Beaudreau (tommy_beaudreau@ios.doi.gov) or Benjamin Milakofsky (benjamin_milakofsky@ios.doi.gov).

Thank you,
Nikki

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

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

Conversation Contents

Today's meeting the Bears Ears Coalition

"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>

From:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Sent:	Wed Nov 02 2016 23:21:11 GMT-0600 (MDT)
To:	"nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Subject:	Today's meeting the Bears Ears Coalition

Today we met with Regina, Leland Begay of the Mountain Ute, and Zuni councilman Carleton Bowekaty. Lee, Hatch, Chaffetz, and Bishop staff were present. The conversation went well. Both sides were conciliatory and regretted the current state of affairs. Much of the meeting was necessarily spent atoning and promising to work towards our shared goal: protecting Bears Ears. To that end, we formally asked the tribes for co-management language. Their requests were more general in nature with a couple exceptions. The tribal leaders will report back to the rest of the coalition and let us know how best to work through their concerns. We didn't change the world today but we did rebuild a lot of trust. I know we are on the clock, but as long as both parties remain sincere, I think we still have a chance at a breakthrough. I'm sure we'll discuss more later but I wanted to shoot you a note tonight. Chris Sent from my iPad

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Thu Nov 03 2016 06:37:07 GMT-0600 (MDT)
To:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Subject:	Re: Today's meeting the Bears Ears Coalition

Thank you for this really good update, Chris. As long as you're breathing, there's hope. Or whatever that saying is. :) > On Nov 3, 2016, at 1:21 AM, Prandoni, Chris (Lee) <Chris_Prandoni@lee.senate.gov> wrote: > > Today we met with Regina, Leland Begay of the Mountain Ute, and Zuni councilman Carleton Bowekaty. > > Lee, Hatch, Chaffetz, and Bishop staff were present. > > The conversation went well. Both sides were conciliatory and regretted the current state of affairs. Much of the meeting was necessarily spent atoning and promising to work towards our shared goal: protecting Bears Ears. To that end, we formally asked the tribes for co-management language. Their requests were more general in nature with a couple exceptions. > > The tribal leaders will report back to the rest of the coalition and let us know how best to work through their concerns. > > We didn't change the world today but we did rebuild a lot of trust. I know we

are on the clock, but as long as both parties remain sincere, I think we still have a chance at a breakthrough. > > I'm sure we'll discuss more later but I wanted to shoot you a note tonight. > > Chris > > Sent from my iPad

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Thu Nov 03 2016 06:37:42 GMT-0600 (MDT)
To:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject:	Fwd: Today's meeting the Bears Ears Coalition

FYI only. Readout from the UT delegation meeting with the tribes.

Begin forwarded message:

From: "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Date: November 3, 2016 at 1:21:11 AM EDT
To: "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Subject: Today's meeting the Bears Ears Coalition

Today we met with Regina, Leland Begay of the Mountain Ute, and Zuni councilman Carleton Bowekaty.

Lee, Hatch, Chaffetz, and Bishop staff were present.

The conversation went well. Both sides were conciliatory and regretted the current state of affairs. Much of the meeting was necessarily spent atoning and promising to work towards our shared goal: protecting Bears Ears. To that end, we formally asked the tribes for co-management language. Their requests were more general in nature with a couple exceptions.

The tribal leaders will report back to the rest of the coalition and let us know how best to work through their concerns.

We didn't change the world today but we did rebuild a lot of trust. I know we are on the clock, but as long as both parties remain sincere, I think we still have a chance at a breakthrough.

I'm sure we'll discuss more later but I wanted to shoot you a note tonight.

Chris

Sent from my iPad

"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>

From:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Sent:	Thu Nov 03 2016 09:19:23 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Today's meeting the Bears Ears Coalition

If the Cubs can do it anything is possible. Sent from my iPhone > On Nov 3, 2016, at 6:37 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote: > > Thank you for this really good update, Chris. As long as you're > breathing, there's hope. Or whatever that saying is. :) > >> On Nov 3, 2016, at 1:21 AM, Prandoni, Chris (Lee) <Chris_Prandoni@lee.senate.gov> wrote: >> >> Today we met with Regina, Leland Begay of the Mountain Ute, and Zuni councilman Carleton Bowekaty. >> >> Lee, Hatch, Chaffetz, and Bishop staff were present. >> >> The conversation went well. Both sides were conciliatory and regretted the current state of affairs. Much of the meeting was necessarily spent atoning and promising to work towards our shared goal: protecting Bears Ears. To that end, we formally asked the tribes for co-management language. Their requests were more general in nature with a couple exceptions. >> >> The tribal leaders will report back to the rest of the coalition and let us know how best to work through their concerns. >> >> We didn't change the world today but we did rebuild a lot of trust. I know we are on the clock, but as long as both parties remain sincere, I think we still have a chance at a breakthrough. >> >> I'm sure we'll discuss more later but I wanted to shoot you a note tonight. >> >> Chris >> >> Sent from my iPad >

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Thu Nov 03 2016 13:41:41 GMT-0600 (MDT)
To:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Subject:	Re: Today's meeting the Bears Ears Coalition

Ha! So true!! > On Nov 3, 2016, at 11:19 AM, Prandoni, Chris (Lee) <Chris_Prandoni@lee.senate.gov> wrote: > > If the Cubs can do it anything is possible. > > Sent from my iPhone > >> On Nov 3, 2016, at 6:37 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote: >> >> Thank you for this really good update, Chris. As long as you're >> breathing, there's hope. Or whatever that saying is. :) >> >>> On Nov 3, 2016, at 1:21 AM, Prandoni, Chris (Lee) <Chris_Prandoni@lee.senate.gov> wrote: >>> >>> Today we met with Regina, Leland Begay of the Mountain Ute, and Zuni councilman Carleton Bowekaty. >>> >>> Lee, Hatch, Chaffetz, and Bishop staff were present. >>> >>> The conversation went well. Both sides were conciliatory and regretted the current state of affairs. Much of the meeting was necessarily spent atoning and promising to work towards our shared goal: protecting Bears Ears. To that end, we formally asked the tribes for co-management language. Their requests were more general in nature with a couple exceptions. >>> >>> The tribal leaders will report back to the rest of the coalition and let us know how best to work through their concerns. >>> >>> We didn't change the world today but we did rebuild a lot of trust. I know we are on the clock, but as long as both

parties remain sincere, I think we still have a chance at a breakthrough. >>> >>> I'm sure we'll discuss more later but I wanted to shoot you a note tonight. >>> >>> Chris >>> >>> Sent from my iPad >

Conversation Contents

Nikki's out of the office Re: Today's meeting the Bears Ears Coalition

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Nov 02 2016 23:21:24 GMT-0600 (MDT)
To:	chris_prandoni@lee.senate.gov
Subject:	Nikki's out of the office Re: Today's meeting the Bears Ears Coalition

I will be out of the office until Wednesday, September 9th. If you need immediate assistance please contact Tommy Beaudreau (tommy_beaudreau@ios.doi.gov) or Benjamin Milakofsky (benjamin_milakofsky@ios.doi.gov).

Thank you,
Nikki

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

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

FOR COMMITTEE USE ONLY

Conversation Contents

[Update] Weekly UT Check-in Call

gisella_ojeda-dodds@ios.doi.gov

From: gisella_ojeda-dodds@ios.doi.gov

Sent: Wed Oct 26 2016 05:56:58 GMT-0600 (MDT)

To: casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, chris_prandoni@lee.senate.gov, gisella_ojeda-dodds@ios.doi.gov, wendy_baig@lee.senate.gov, nicole_buffa@ios.doi.gov, codystewart@utah.gov, fred.ferguson@mail.house.gov

Subject: [Update] Weekly UT Check-in Call

Good Morning,

Sorry for the late notice, hoping we can move this to 9AM or 11AM this morning instead?

Gisella

Weekly UT Check-in Call

When: Wed Oct 26, 2016 9:30am – 10am Eastern Time

Where: Dial-in: (b) (5) and code: (b) (5) (map)

Video call: (b) (5)

Who:
- nicole_buffa@ios.doi.gov - organizer
- gisella_ojeda-dodds@ios.doi.gov - creator
- fred.ferguson@mail.house.gov
- Cody Stewart
- devin.wiser@mail.house.gov
- casey.snider@mail.house.gov
- chris_prandoni@lee.senate.gov
- john_tanner@hatch.senate.gov
- wendy_baig@lee.senate.gov
- adam.stewart@mail.house.gov

Nicole Buffa <nicole_buffa@ios.doi.gov>

FOR COMMITTEE USE ONLY

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Wed Oct 26 2016 06:21:11 GMT-0600 (MDT)
To: gisella_ojeda-dodds@ios.doi.gov
Subject: Re: [Update] Weekly UT Check-in Call

Why?

On Oct 26, 2016, at 7:57 AM, "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov> wrote:

> Good Morning,
>
> Sorry for the late notice, hoping we can move this to 9AM or 11AM this morning instead?
>
> Gisella

Weekly UT Check-in Call

When Wed Oct 26, 2016 9:30am – 10am Eastern Time

Where Dial-in: (b) (5) and code: (b) (5) (map)

Video call (b) (5)

Who
- nicole_buffa@ios.doi.gov - organizer
- gisella_ojeda-dodds@ios.doi.gov - creator
- fred.ferguson@mail.house.gov
- Cody Stewart
- devin.wiser@mail.house.gov
- casey.snider@mail.house.gov
- chris_prandoni@lee.senate.gov
- john_tanner@hatch.senate.gov
- wendy_baig@lee.senate.gov
- adam.stewart@mail.house.gov

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

From: "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Sent: Wed Oct 26 2016 06:29:25 GMT-0600 (MDT)
To: "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>
Subject: Re: [Update] Weekly UT Check-in Call

Either works for me.

Sent from my iPhone

On Oct 26, 2016, at 7:57 AM, "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov> wrote:

FOR COMMITTEE USE ONLY

Good Morning,

Sorry for the late notice, hoping we can move this to 9AM or 11AM this morning instead?

Gisella

Weekly UT Check-in Call

When Wed Oct 26, 2016 9:30am – 10am Eastern Time

Where Dial-in: (b) (5) and code: (b) (5) (map)

Video call (b) (5)

Who
- nicole_buffa@ios.doi.gov - organizer
- gisella_ojeda-dodds@ios.doi.gov - creator
- fred.ferguson@mail.house.gov
- Cody Stewart
- devin.wiser@mail.house.gov
- casey.snider@mail.house.gov
- chris_prandoni@lee.senate.gov
- john_tanner@hatch.senate.gov
- wendy_baig@lee.senate.gov
- adam.stewart@mail.house.gov

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Oct 26 2016 06:34:19 GMT-0600 (MDT)
To:	"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
CC:	"gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>, "casey.snider@mail.house.gov" <casey.snider@mail.house.gov>, "adam.stewart@mail.house.gov" <adam.stewart@mail.house.gov>, "devin.wiser@mail.house.gov" <devin.wiser@mail.house.gov>, "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>, "codystewart@utah.gov" <codystewart@utah.gov>, "fred.ferguson@mail.house.gov" <fred.ferguson@mail.house.gov>
Subject:	Re: [Update] Weekly UT Check-in Call

We're set for 9am today. Sorry for the last minute change.

On Oct 26, 2016, at 8:29 AM, Tanner, John (Hatch) <John_Tanner@hatch.senate.gov> wrote:

Either works for me.

Sent from my iPhone

On Oct 26, 2016, at 7:57 AM, "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov> wrote:

Good Morning,

Sorry for the late notice, hoping we can move this to 9AM or 11AM this morning instead?

Gisella

Weekly UT Check-in Call

When	Wed Oct 26, 2016 9:30am – 10am Eastern Time
Where	Dial-in: (b) (5) and code: (b) (5) (map)
Video call	(b) (5)
Who	• nicole_buffa@ios.doi.gov - organizer • gisella_ojeda-dodds@ios.doi.gov - creator • fred.ferguson@mail.house.gov • Cody Stewart • devin.wiser@mail.house.gov • casey.snider@mail.house.gov • chris_prandoni@lee.senate.gov • john_tanner@hatch.senate.gov • wendy_baig@lee.senate.gov • adam.stewart@mail.house.gov

"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>

From: "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Sent: Tue Nov 01 2016 15:02:22 GMT-0600 (MDT)
To: "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>
Subject: Re: [Update] Weekly UT Check-in Call

Hey Gisella,

Could you add Ryan Wilcox, copied here, to our weekly call? Thanks a bunch.

Nikki — I'll be traveling tomorrow am but will try and update you tomorrow afternoon or Thursday.

From: Google Calendar <calendar-notification@google.com> on behalf of "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>
Reply-To: "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>
Date: Wednesday, October 26, 2016 at 7:56 AM
To: "casey.snider@mail.house.gov" <casey.snider@mail.house.gov>, "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>, "adam.stewart@mail.house.gov" <adam.stewart@mail.house.gov>, "devin.wiser@mail.house.gov" <devin.wiser@mail.house.gov>,

FOR COMMITTEE USE ONLY

Chris Prandoni <chris_prandoni@lee.senate.gov>, "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>, "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>, "codystewart@utah.gov" <codystewart@utah.gov>, "fred.ferguson@mail.house.gov" <fred.ferguson@mail.house.gov>
Subject: [Update] Weekly UT Check-in Call

Good Morning,

Sorry for the late notice, hoping we can move this to 9AM or 11AM this morning instead?

Gisella

Weekly UT Check-in Call

When Wed Oct 26, 2016 9:30am – 10am Eastern Time

Where Dial-in (b) (5) and code: (b) (5) (map)

Video call (b) (5)

Who
- nicole_buffa@ios.doi.gov - organizer
- gisella_ojeda-dodds@ios.doi.gov - creator
- fred.ferguson@mail.house.gov
- Cody Stewart
- devin.wiser@mail.house.gov
- casey.snider@mail.house.gov
- chris_prandoni@lee.senate.gov
- john_tanner@hatch.senate.gov
- wendy_baig@lee.senate.gov
- adam.stewart@mail.house.gov

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Tue Nov 01 2016 15:40:01 GMT-0600 (MDT)
To:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
CC:	"gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>, "Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>
Subject:	Re: [Update] Weekly UT Check-in Call

Ok. Thanks!

G - please add Ryan. Thanks!

On Nov 1, 2016, at 5:02 PM, Prandoni, Chris (Lee) <Chris_Prandoni@lee.senate.gov> wrote:

> Hey Gisella,
>
> Could you add Ryan Wilcox, copied here, to our weekly call? Thanks a bunch.

Nikki — I'll be traveling tomorrow am but will try and update you tomorrow afternoon or Thursday.

From: Google Calendar <calendar-notification@google.com> on behalf of "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>
Reply-To: "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>
Date: Wednesday, October 26, 2016 at 7:56 AM
To: "casey.snider@mail.house.gov" <casey.snider@mail.house.gov>, "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>, "adam.stewart@mail.house.gov" <adam.stewart@mail.house.gov>, "devin.wiser@mail.house.gov" <devin.wiser@mail.house.gov>, Chris Prandoni <chris_prandoni@lee.senate.gov>, "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>, "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>, "codystewart@utah.gov" <codystewart@utah.gov>, "fred.ferguson@mail.house.gov" <fred.ferguson@mail.house.gov>
Subject: [Update] Weekly UT Check-in Call

Good Morning,

Sorry for the late notice, hoping we can move this to 9AM or 11AM this morning instead?

Gisella

Weekly UT Check-in Call

When	Wed Oct 26, 2016 9:30am – 10am Eastern Time
Where	Dial-in: (b) (5) and code (b) (5) (map)
Video call	(b) (5)
Who	• nicole_buffa@ios.doi.gov - organizer • gisella_ojeda-dodds@ios.doi.gov - creator • fred.ferguson@mail.house.gov • Cody Stewart • devin.wiser@mail.house.gov • casey.snider@mail.house.gov • chris_prandoni@lee.senate.gov • john_tanner@hatch.senate.gov • wendy_baig@lee.senate.gov • adam.stewart@mail.house.gov

"Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>

From:	"Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>
Sent:	Wed Nov 02 2016 07:33:31 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
CC:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>, "Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>

FOR COMMITTEE USE ONLY

Subject: Re: [Update] Weekly UT Check-in Call

Good Morning,

He has been added!

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

On Tue, Nov 1, 2016 at 5:40 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Ok. Thanks!
>
> G - please add Ryan. Thanks!
>
> On Nov 1, 2016, at 5:02 PM, Prandoni, Chris (Lee) <Chris_Prandoni@lee.senate.gov> wrote:
>
> > Hey Gisella,
> >
> > Could you add Ryan Wilcox, copied here, to our weekly call? Thanks a bunch.
> >
> > Nikki — I'll be traveling tomorrow am but will try and update you tomorrow afternoon or Thursday.
> >
> > ---
> >
> > **From:** Google Calendar <calendar-notification@google.com> on behalf of "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>
> > **Reply-To:** "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>
> > **Date:** Wednesday, October 26, 2016 at 7:56 AM
> > **To:** "casey.snider@mail.house.gov" <casey.snider@mail.house.gov>, "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>,

"adam.stewart@mail.house.gov" <adam.stewart@mail.house.gov>, "devin.wiser@mail.house.gov" <devin.wiser@mail.house.gov>, Chris Prandoni <chris_prandoni@lee.senate.gov>, "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>, "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>, "codystewart@utah.gov" <codystewart@utah.gov>, "fred.ferguson@mail.house.gov" <fred.ferguson@mail.house.gov>
Subject: [Update] Weekly UT Check-in Call

Good Morning,

Sorry for the late notice, hoping we can move this to 9AM or 11AM this morning instead?

Gisella

Weekly UT Check-in Call

When Wed Oct 26, 2016 9:30am – 10am Eastern Time

Where Dial-in: (b) (5) and code: (b) (5) (map)

Video call (b) (5)

Who
- nicole_buffa@ios.doi.gov - organizer
- gisella_ojeda-dodds@ios.doi.gov - creator
- fred.ferguson@mail.house.gov
- Cody Stewart
- devin.wiser@mail.house.gov
- casey.snider@mail.house.gov
- chris_prandoni@lee.senate.gov
- john_tanner@hatch.senate.gov
- wendy_baig@lee.senate.gov
- adam.stewart@mail.house.gov

"Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>

From:	"Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>
Sent:	Wed Nov 02 2016 07:34:41 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>, "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Subject:	Re: [Update] Weekly UT Check-in Call

All – Have I got the time incorrect? I'm on hold but I'm all alone.

Ryan D. Wilcox
Energy & Natural Resources Policy Advisor
United States Senate | Office of Senator Mike Lee
UT: 801-200-5595 | DC: 202-870-9330

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Date: Tuesday, November 1, 2016 at 3:40 PM
To: "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Cc: "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>, Ryan Wilcox <Ryan_Wilcox@lee.senate.gov>
Subject: Re: [Update] Weekly UT Check-in Call

Ok. Thanks!

G - please add Ryan. Thanks!

On Nov 1, 2016, at 5:02 PM, Prandoni, Chris (Lee) <Chris_Prandoni@lee.senate.gov> wrote:

> Hey Gisella,
>
> Could you add Ryan Wilcox, copied here, to our weekly call? Thanks a bunch.
>
> Nikki — I'll be traveling tomorrow am but will try and update you tomorrow afternoon or Thursday.
>
> ---
>
> **From:** Google Calendar <calendar-notification@google.com> on behalf of "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>
> **Reply-To:** "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>
> **Date:** Wednesday, October 26, 2016 at 7:56 AM
> **To:** "casey.snider@mail.house.gov" <casey.snider@mail.house.gov>, "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>, "adam.stewart@mail.house.gov" <adam.stewart@mail.house.gov>, "devin.wiser@mail.house.gov" <devin.wiser@mail.house.gov>, Chris Prandoni <chris_prandoni@lee.senate.gov>, "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>, "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>, "codystewart@utah.gov" <codystewart@utah.gov>, "fred.ferguson@mail.house.gov" <fred.ferguson@mail.house.gov>
> **Subject:** [Update] Weekly UT Check-in Call
>
> Good Morning,
>
> Sorry for the late notice, hoping we can move this to 9AM or 11AM this morning instead?
>
> Gisella
>
> **Weekly UT Check-in Call**
>
> When: Wed Oct 26, 2016 9:30am – 10am Eastern Time
> Where: Dial-in: (b) (5) and code: (b) (5) (map)
> Video call: (b) (5)
> Who:
> - nicole_buffa@ios.doi.gov - organizer
> - gisella_ojeda-dodds@ios.doi.gov - creator
> - fred.ferguson@mail.house.gov
> - Cody Stewart
> - devin.wiser@mail.house.gov
> - casey.snider@mail.house.gov

- chris_prandoni@lee.senate.gov
- john_tanner@hatch.senate.gov
- wendy_baig@lee.senate.gov
- adam.stewart@mail.house.gov

"Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>

From:	"Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>
Sent:	Wed Nov 02 2016 07:38:57 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Fwd: [Update] Weekly UT Check-in Call

I've dialed you in. 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: **Wilcox, Ryan (Lee)** <Ryan_Wilcox@lee.senate.gov>
Date: Wed, Nov 2, 2016 at 9:34 AM
Subject: Re: [Update] Weekly UT Check-in Call
To: Nicole Buffa <nicole_buffa@ios.doi.gov>, "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Cc: "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>

FOR COMMITTEE USE ONLY

All – Have I got the time incorrect? I'm on hold but I'm all alone.

Ryan D. Wilcox
Energy & Natural Resources Policy Advisor
United States Senate | Office of Senator Mike Lee
UT: 801-200-5595 | DC: 202-870-9330

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Date: Tuesday, November 1, 2016 at 3:40 PM
To: "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Cc: "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>, Ryan Wilcox <Ryan_Wilcox@lee.senate.gov>
Subject: Re: [Update] Weekly UT Check-in Call

Ok. Thanks!

G - please add Ryan. Thanks!

On Nov 1, 2016, at 5:02 PM, Prandoni, Chris (Lee) <Chris_Prandoni@lee.senate.gov> wrote:

> Hey Gisella,
>
> Could you add Ryan Wilcox, copied here, to our weekly call? Thanks a bunch.
>
> Nikki — I'll be traveling tomorrow am but will try and update you tomorrow afternoon or Thursday.
>
> ---
>
> **From:** Google Calendar <calendar-notification@google.com> on behalf of "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>
> **Reply-To:** "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>
> **Date:** Wednesday, October 26, 2016 at 7:56 AM
> **To:** "casey.snider@mail.house.gov" <casey.snider@mail.house.gov>, "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>, "adam.stewart@mail.house.gov" <adam.stewart@mail.house.gov>, "devin.wiser@mail.house.gov" <devin.wiser@mail.house.gov>, Chris Prandoni <chris_prandoni@lee.senate.gov>, "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>, "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>, "codystewart@utah.gov" <codystewart@utah.gov>, "fred.ferguson@mail.house.gov" <fred.ferguson@mail.house.gov>
> **Subject:** [Update] Weekly UT Check-in Call
>
> Good Morning,
>
> Sorry for the late notice, hoping we can move this to 9AM or 11AM this morning instead?
>
> Gisella
>
> **Weekly UT Check-in Call**
>
> When Wed Oct 26, 2016 9:30am – 10am Eastern Time
>
> Where Dial-in: (b) (5) and code (b) (5) (map)
>
> Video call (b) (5)
>
> Who nicole_buffa@ios.doi.gov - organizer

-
- gisella_ojeda-dodds@ios.doi.gov - creator

- fred.ferguson@mail.house.gov
- Cody Stewart
- devin.wiser@mail.house.gov
- casey.snider@mail.house.gov
- chris_prandoni@lee.senate.gov
- john_tanner@hatch.senate.gov
- wendy_baig@lee.senate.gov
- adam.stewart@mail.house.gov

"Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>

From:	"Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>
Sent:	Wed Nov 02 2016 07:39:49 GMT-0600 (MDT)
To:	"Wilcox, Ryan (Lee)" <Ryan_Wilcox@lee.senate.gov>, "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
CC:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: [Update] Weekly UT Check-in Call

I am very sorry, I have just dialed Nikki in. She is running late from her other meeting but will be on shortly.

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

On Wed, Nov 2, 2016 at 9:34 AM, Wilcox, Ryan (Lee) <Ryan_Wilcox@lee.senate.gov> wrote:

All – Have I got the time incorrect? I'm on hold but I'm all alone.

Ryan D. Wilcox
Energy & Natural Resources Policy Advisor
United States Senate | Office of Senator Mike Lee
UT: 801-200-5595 | DC: 202-870-9330

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Date: Tuesday, November 1, 2016 at 3:40 PM
To: "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Cc: "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>, Ryan Wilcox <Ryan_Wilcox@lee.senate.gov>
Subject: Re: [Update] Weekly UT Check-in Call

Ok. Thanks!

G - please add Ryan. Thanks!

On Nov 1, 2016, at 5:02 PM, Prandoni, Chris (Lee) <Chris_Prandoni@lee.senate.gov> wrote:

Hey Gisella,

Could you add Ryan Wilcox, copied here, to our weekly call? Thanks a bunch.

Nikki — I'll be traveling tomorrow am but will try and update you tomorrow afternoon or Thursday.

From: Google Calendar <calendar-notification@google.com> on behalf of "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>
Reply-To: "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>
Date: Wednesday, October 26, 2016 at 7:56 AM
To: "casey.snider@mail.house.gov" <casey.snider@mail.house.gov>, "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>, "adam.stewart@mail.house.gov" <adam.stewart@mail.house.gov>, "devin.wiser@mail.house.gov" <devin.wiser@mail.house.gov>, Chris Prandoni <chris_prandoni@lee.senate.gov>, "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>, "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>, "codystewart@utah.gov" <codystewart@utah.gov>, "fred.ferguson@mail.house.gov" <fred.ferguson@mail.house.gov>
Subject: [Update] Weekly UT Check-in Call

Good Morning,

Sorry for the late notice, hoping we can move this to 9AM or 11AM this morning instead?

Gisella

Weekly UT Check-in Call

When Wed Oct 26, 2016 9:30am – 10am Eastern Time

Where Dial-in: (b) (5) and code: (b) (5) (map)

Video call (b) (5)

Who
- nicole_buffa@ios.doi.gov - organizer
- gisella_ojeda-dodds@ios.doi.gov - creator
- fred.ferguson@mail.house.gov
- Cody Stewart
- devin.wiser@mail.house.gov
- casey.snider@mail.house.gov
- chris_prandoni@lee.senate.gov
- john_tanner@hatch.senate.gov
- wendy_baig@lee.senate.gov
- adam.stewart@mail.house.gov

Conversation Contents

Weekly UT Check-in Call

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Nov 02 2016 07:32:46 GMT-0600 (MDT)
To:	codystewart@utah.gov, fred.ferguson@mail.house.gov, adam.stewart@mail.house.gov, casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, devin.wiser@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov
Subject:	Weekly UT Check-in Call

Will be signing on at 940. I'm sorry to be late!

Weekly UT Check-in Call
Scheduled: Wednesday, Nov 2, 2016 from 9:30 AM to 10:00 AM
Location: Dial-in:(b) (5) and code:(b) (5)
Invitees: Cody Stewart, fred.ferguson@mail.house.gov, adam.stewart@mail.house.gov, casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, devin.wiser@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov

Conversation Contents

BEITC to meet with UTAH delegation

Regina Lopez-Whiteskunk <rwhiteskunk@utemountain.org>

From:	Regina Lopez-Whiteskunk <rwhiteskunk@utemountain.org>
Sent:	Tue Nov 01 2016 13:06:44 GMT-0600 (MDT)
To:	"nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Subject:	BEITC to meet with UTAH delegation

Nicki,

Please forward this on to Secretary Jewell.

The Bears Ears Inter-tribal Coalition wanted to advise you that tomorrow, November 2, 2016, we are meeting with Utah delegation staff to discuss Bears Ears issues. With a range of topics to discuss, we expect the meeting to last the most of the afternoon. We agree with you that discussions in this fashionwith the Utah delegation is helpful in creating a positive atmosphere for the permanent protection of the cultural landscape.

Although we don't expect any positive results from an afternoon meeting, the Coalition embraces this opportunity for further understanding. As you know, the indigenous perspective is often absent from land management discussions. With your continued support, we hope to usher that worldview to the forefront in ouron-going effort to protect the Bears Ears cultural landscapes and future government to government discussions. Thank you.

Respectfully,

Regina Lopez-Whiteskunk
Co-Chair, Bears Ears Inter-tribal Coalition
Ute Mountain Ute Tribal Council Member

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Tue Nov 01 2016 14:25:06 GMT-0600 (MDT)

FOR COMMITTEE USE ONLY

To: Regina Lopez-Whiteskunk <rwhiteskunk@utemountain.org>

CC: [redacted] "Leslie.Jones@osec.usda.gov" <Leslie.Jones@osec.usda.gov>

Subject: Re: BEITC to meet with UTAH delegation

Thank you, Regina. I will make sure Sally sees this.

all my best,
Nikki

On Tue, Nov 1, 2016 at 3:06 PM, Regina Lopez-Whiteskunk <rwhiteskunk@utemountain.org> wrote:

> Nicki,
>
> Please forward this on to Secretary Jewell.
>
> The Bears Ears Inter-tribal Coalition wanted to advise you that tomorrow, November 2, 2016, we are meeting with Utah delegation staff to discuss Bears Ears issues. With a range of topics to discuss, we expect the meeting to last the most of the afternoon. We agree with you that discussions in this fashionwith the Utah delegation is helpful in creating a positive atmosphere for the permanent protection of the cultural landscape.
>
> Although we don't expect any positive results from an afternoon meeting, the Coalition embraces this opportunity for further understanding. As you know, the indigenous perspective is often absent from land management discussions. With your continued support, we hope to usher that worldview to the forefront in ouron-going effort to protect the Bears Ears cultural landscapes and future government to government discussions. Thank you.
>
> Respectfully,
>
> Regina Lopez-Whiteskunk
> Co-Chair, Bears Ears Inter-tribal Coalition
> Ute Mountain Ute Tribal Council Member

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

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Tue Nov 01 2016 14:27:04 GMT-0600 (MDT)
To:	Sally Jewell <SRJ2@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject:	Fwd: BEITC to meet with UTAH delegation

Sally - The Coalition wanted you to know that they plan to meet with the Utah delegation tomorrow. All involved see this as a positive development.

Thanks,
Nikki

---------- Forwarded message ----------
From: **Regina Lopez-Whiteskunk** <rwhiteskunk@utemountain.org>
Date: Tue, Nov 1, 2016 at 3:06 PM
Subject: BEITC to meet with UTAH delegation
To: "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Cc: Michael Degnan - (b) (6) Michael Degnan - (b) (6)
"Leslie.Jones@osec.usda.gov" <Leslie.Jones@osec.usda.gov>

Nicki,

Please forward this on to Secretary Jewell.

The Bears Ears Inter-tribal Coalition wanted to advise you that tomorrow, November 2, 2016, we are meeting with Utah delegation staff to discuss Bears Ears issues. With a range of topics to discuss, we expect the meeting to last the most of the afternoon. We agree with you that discussions in this fashionwith the Utah delegation is helpful in creating a positive atmosphere for the permanent protection of the cultural landscape.

Although we don't expect any positive results from an afternoon meeting, the Coalition embraces this opportunity for further understanding. As you know, the indigenous perspective is often absent from land management discussions. With your continued support, we hope to usher that worldview to the forefront in ouron-going effort to protect the Bears Ears cultural landscapes and future government to government discussions. Thank you.

Respectfully,

Regina Lopez-Whiteskunk

FOR COMMITTEE USE ONLY

Co-Chair, Bears Ears Inter-tribal Coalition
Ute Mountain Ute Tribal Council Member

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

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Tue Nov 01 2016 14:27:40 GMT-0600 (MDT)
To:	"Ferguson, Fred" <fred.ferguson@mail.house.gov>, "John Tanner (Hatch)" <john_tanner@hatch.senate.gov>
Subject:	Fwd: BEITC to meet with UTAH delegation

Great news (ish)!

---------- Forwarded message ----------
From: **Regina Lopez-Whiteskunk** <rwhiteskunk@utemountain.org>
Date: Tue, Nov 1, 2016 at 3:06 PM
Subject: BEITC to meet with UTAH delegation
To: "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Cc: Michael Degnan - (b) (6) Michael Degnan - (b) (6)
"Leslie.Jones@osec.usda.gov" <Leslie.Jones@osec.usda.gov>

Nicki,

Please forward this on to Secretary Jewell.

The Bears Ears Inter-tribal Coalition wanted to advise you that tomorrow, November 2, 2016, we are meeting with Utah delegation staff to discuss Bears Ears issues. With a range of topics to discuss, we expect the meeting to last the most of the afternoon. We agree with you that discussions in this fashionwith the Utah delegation is helpful in creating a positive atmosphere for the permanent protection of the cultural landscape.

Although we don't expect any positive results from an afternoon meeting, the Coalition embraces

this opportunity for further understanding. As you know, the indigenous perspective is often absent from land management discussions. With your continued support, we hope to usher that worldview to the forefront in ouron-going effort to protect the Bears Ears cultural landscapes and future government to government discussions. Thank you.

Respectfully,

Regina Lopez-Whiteskunk
Co-Chair, Bears Ears Inter-tribal Coalition
Ute Mountain Ute Tribal Council Member

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

Sally Jewell <srj2@ios.doi.gov>

From:	Sally Jewell <srj2@ios.doi.gov>
Sent:	Tue Nov 01 2016 14:35:24 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject:	RE: BEITC to meet with UTAH delegation

That's great – thanks.

From: Buffa, Nicole [mailto:nicole_buffa@ios.doi.gov]
Sent: Tuesday, November 01, 2016 4:27 PM
To: Sally Jewell; Tommy Beaudreau
Subject: Fwd: BEITC to meet with UTAH delegation

Sally - The Coalition wanted you to know that they plan to meet with the Utah delegation tomorrow. All involved see this as a positive development.

Thanks,
Nikki

---------- Forwarded message ----------

FOR COMMITTEE USE ONLY

From: **Regina Lopez-Whiteskunk** <rwhiteskunk@utemountain.org>
Date: Tue, Nov 1, 2016 at 3:06 PM
Subject: BEITC to meet with UTAH delegation
To: "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Cc: Michael Degnan - (b) (6) Michael Degnan - (b) (6)
"Leslie.Jones@osec.usda.gov" <Leslie.Jones@osec.usda.gov>

Nicki,

Please forward this on to Secretary Jewell.

The Bears Ears Inter-tribal Coalition wanted to advise you that tomorrow, November 2, 2016, we are meeting with Utah delegation staff to discuss Bears Ears issues. With a range of topics to discuss, we expect the meeting to last the most of the afternoon. We agree with you that discussions in this fashionwith the Utah delegation is helpful in creating a positive atmosphere for the permanent protection of the cultural landscape.

Although we don't expect any positive results from an afternoon meeting, the Coalition embraces this opportunity for further understanding. As you know, the indigenous perspective is often absent from land management discussions. With your continued support, we hope to usher that worldview to the forefront in ouron-going effort to protect the Bears Ears cultural landscapes and future government to government discussions. Thank you.

Respectfully,

Regina Lopez-Whiteskunk
Co-Chair, Bears Ears Inter-tribal Coalition
Ute Mountain Ute Tribal Council Member

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

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent: Tue Nov 01 2016 18:37:02 GMT-0600 (MDT)

FOR COMMITTEE USE ONLY

To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject: Re: BEITC to meet with UTAH delegation

Bummer that they are going into the meeting with the expectation that nothing will/can be accomplished.

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

On Nov 1, 2016, at 14:27, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Great news (ish)!
>
> ---------- Forwarded message ----------
> From: **Regina Lopez-Whiteskunk** <rwhiteskunk@utemountain.org>
> Date: Tue, Nov 1, 2016 at 3:06 PM
> Subject: BEITC to meet with UTAH delegation
> To: "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
> Cc: Michael Degnan - (b) (6) Michael Degnan - (b) (6)
> "Leslie.Jones@osec.usda.gov" <Leslie.Jones@osec.usda.gov>
>
> Nicki,
>
> Please forward this on to Secretary Jewell.
>
> The Bears Ears Inter-tribal Coalition wanted to advise you that tomorrow, November 2, 2016, we are meeting with Utah delegation staff to discuss Bears Ears issues. With a range of topics to discuss, we expect the meeting to last the most of the afternoon. We agree with you that discussions in this fashionwith the Utah delegation is helpful in creating a positive atmosphere for the permanent protection of the cultural landscape.
>
> Although we don't expect any positive results from an afternoon meeting, the Coalition embraces this opportunity for further understanding. As you know, the indigenous perspective is often absent from land management discussions. With your continued support, we hope to usher that worldview to the forefront in ouron-going effort to protect the Bears Ears cultural landscapes and future government to government discussions. Thank you.
>
> Respectfully,
>
> Regina Lopez-Whiteskunk

Co-Chair, Bears Ears Inter-tribal Coalition
Ute Mountain Ute Tribal Council Member

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

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Tue Nov 01 2016 19:33:32 GMT-0600 (MDT)
To: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
CC: "John Tanner (Hatch)" <john_tanner@hatch.senate.gov>
Subject: Re: BEITC to meet with UTAH delegation

Yep.

On Nov 1, 2016, at 8:37 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> Bummer that they are going into the meeting with the expectation that nothing will/can be accomplished.
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell
>
> On Nov 1, 2016, at 14:27, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
>
> > Great news (ish)!
> >
> > ---------- Forwarded message ----------
> > From: **Regina Lopez-Whiteskunk**
> > <rwhiteskunk@utemountain.org>
> > Date: Tue, Nov 1, 2016 at 3:06 PM

Subject: BEITC to meet with UTAH delegation
To: "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Cc: Michael Degnan - (b) (6)
Michael Degnan - (b) (6)
"Leslie.Jones@osec.usda.gov" <Leslie.Jones@osec.usda.gov>

Nicki,

Please forward this on to Secretary Jewell.

The Bears Ears Inter-tribal Coalition wanted to advise you that tomorrow, November 2, 2016, we are meeting with Utah delegation staff to discuss Bears Ears issues. With a range of topics to discuss, we expect the meeting to last the most of the afternoon. We agree with you that discussions in this fashionwith the Utah delegation is helpful in creating a positive atmosphere for the permanent protection of the cultural landscape.

Although we don't expect any positive results from an afternoon meeting, the Coalition embraces this opportunity for further understanding. As you know, the indigenous perspective is often absent from land management discussions. With your continued support, we hope to usher that worldview to the forefront in ouron-going effort to protect the Bears Ears cultural landscapes and future government to government discussions. Thank you.

Respectfully,

Regina Lopez-Whiteskunk
Co-Chair, Bears Ears Inter-tribal Coalition
Ute Mountain Ute Tribal Council Member

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

Conversation Contents

Fwd: draft MOU language

"Pidot, Justin" <justin.pidot@sol.doi.gov>

From:	"Pidot, Justin" <justin.pidot@sol.doi.gov>
Sent:	Tue Nov 01 2016 15:52:49 GMT-0600 (MDT)
To:	Nicole Buffa <nikki_buffa@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject:	Fwd: draft MOU language

Nikki and Tommy,

See below correspondence with John Andrews. He hopes to have a draft MOU to us by Friday. He also wanted me to mention that SITLA is meeting with the Friends of Cedar Mesa tomorrow.

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

---------- Forwarded message ----------
From: **John Andrews** <jandrews@utah.gov>
Date: Tue, Nov 1, 2016 at 4:50 PM
Subject: Re: draft MOU language
To: "Pidot, Justin" <justin.pidot@sol.doi.gov>

Justin;

I apologize for our delay in getting back to you on this. I hope to have something back to you by end of the day Friday.

Please pass on to Nikki that we are meeting onsite with Friends of Cedar Mesa tomorrow

to see if we can narrow some of our differences on land exchange issues in the area around Bluff.

Thanks.

John Andrews

On Tue, Nov 1, 2016 at 1:02 PM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

> Hi John,
>
> Thanks again for the very helpful meeting the other week. As part of my intermittent review of my to-do list, I wanted to follow up with you on one issue. Nikki told me that the two of you had a discussion about SITLA putting together a draft MOU that would be of the sort you might want to see in the event of a land exchange. Do you have any sense as to when you might be able to send language along?
>
> Thanks,
>
> Justin
>
> Justin Pidot
> Deputy Solicitor for Land Resources, Office of the Solicitor
> U.S. Department of the Interior
> (202) 208-4423 Main
> (202) 208-5584 Fax
>
> NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

Nicole Buffa <nicole_buffa@ios.doi.gov>

FOR COMMITTEE USE ONLY

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Tue Nov 01 2016 16:55:31 GMT-0600 (MDT)
To: "Pidot, Justin" <justin.pidot@sol.doi.gov>
CC: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject: Re: draft MOU language

Such great news!

On Nov 1, 2016, at 5:53 PM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

> Nikki and Tommy,
>
> See below correspondence with John Andrews. He hopes to have a draft MOU to us by Friday. He also wanted me to mention that SITLA is meeting with the Friends of Cedar Mesa tomorrow.
>
> Justin
>
> Justin Pidot
> Deputy Solicitor for Land Resources, Office of the Solicitor
> U.S. Department of the Interior
> (202) 208-4423 Main
> (202) 208-5584 Fax
>
> NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.
>
> ---------- Forwarded message ----------
> From: **John Andrews** <jandrews@utah.gov>
> Date: Tue, Nov 1, 2016 at 4:50 PM
> Subject: Re: draft MOU language
> To: "Pidot, Justin" <justin.pidot@sol.doi.gov>
>
> Justin;
>
> I apologize for our delay in getting back to you on this. I hope to have something back to you by end of the day Friday.
>
> Please pass on to Nikki that we are meeting onsite with Friends of Cedar Mesa tomorrow to see if we can narrow some of our differences on land exchange issues in the area around Bluff.
>
> Thanks.
>
> John Andrews

On Tue, Nov 1, 2016 at 1:02 PM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

> Hi John,
>
> Thanks again for the very helpful meeting the other week. As part of my intermittent review of my to-do list, I wanted to follow up with you on one issue. Nikki told me that the two of you had a discussion about SITLA putting together a draft MOU that would be of the sort you might want to see in the event of a land exchange. Do you have any sense as to when you might be able to send language along?
>
> Thanks,
>
> Justin
>
> Justin Pidot
> Deputy Solicitor for Land Resources, Office of the Solicitor
> U.S. Department of the Interior
> (202) 208-4423 Main
> (202) 208-5584 Fax
>
> NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

--

John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Tue Nov 01 2016 16:55:47 GMT-0600 (MDT)

FOR COMMITTEE USE ONLY

To: John Andrews <jandrews@utah.gov>
Subject: Fwd: draft MOU language

Great news!! Thank you.

Begin forwarded message:

From: "Pidot, Justin" <justin.pidot@sol.doi.gov>
Date: November 1, 2016 at 5:52:49 PM EDT
To: Nicole Buffa <nikki_buffa@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject: Fwd: draft MOU language

Nikki and Tommy,

See below correspondence with John Andrews. He hopes to have a draft MOU to us by Friday. He also wanted me to mention that SITLA is meeting with the Friends of Cedar Mesa tomorrow.

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

---------- Forwarded message ----------
From: **John Andrews** <jandrews@utah.gov>
Date: Tue, Nov 1, 2016 at 4:50 PM
Subject: Re: draft MOU language
To: "Pidot, Justin" <justin.pidot@sol.doi.gov>

Justin;

I apologize for our delay in getting back to you on this. I hope to have something back to you by end of the day Friday.

Please pass on to Nikki that we are meeting onsite with Friends of Cedar Mesa tomorrow to see if we can narrow some of our differences on land exchange issues in the area around Bluff.

Thanks.

John Andrews

On Tue, Nov 1, 2016 at 1:02 PM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

> Hi John,
>
> Thanks again for the very helpful meeting the other week. As part of my intermittent review of my to-do list, I wanted to follow up with you on one issue. Nikki told me that the two of you had a discussion about SITLA putting together a draft MOU that would be of the sort you might want to see in the event of a land exchange. Do you have any sense as to when you might be able to send language along?
>
> Thanks,
>
> Justin
>
> Justin Pidot
> Deputy Solicitor for Land Resources, Office of the Solicitor
> U.S. Department of the Interior
> (202) 208-4423 Main
> (202) 208-5584 Fax
>
> NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

--

John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

Conversation Contents

FW: President Obama Announces More Key Administration Posts

William Donovan <william_donovan@ios.doi.gov>

From:	William Donovan <william_donovan@ios.doi.gov>
Sent:	Tue Nov 01 2016 13:10:25 GMT-0600 (MDT)
To:	nikki_buffa@ios.doi.gov
CC:	romen_borsellino@ios.doi.gov
Subject:	FW: President Obama Announces More Key Administration Posts

From: Cronin, Emma K. EOP/WHO [mailto (b) (6)
Sent: Tuesday, November 01, 2016 1:48 PM
To: William Donovan
Cc: romen_borsellino@ios.doi.gov; Kendrick, Paul C. EOP/WHO
Subject: FW: President Obama Announces More Key Administration Posts

Hi BJ – per our conversation, please see one of the releases below. Forwarding along the other now as well!

From: White House Press Office [mailto:noreply@useopwh.service.govdelivery.com]
Sent: Friday, October 28, 2016 5:16 PM
To: Cronin, Emma K. EOP/WHO (b) (6)
Subject: President Obama Announces More Key Administration Posts

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
October 28, 2016

President Obama Announces More Key Administration Posts

WASHINGTON, DC – Today, President Barack Obama announced his intent to appoint the following individuals to key Administration posts:

- **Toni L. Griffin** – Member, Commission of Fine Arts
- **Alex Krieger --** Member, Commission of Fine Arts
- **Jacqueline K. Barton** – Member, President's Committee on the National Medal of Science

- **Anne Case** – Member, President's Committee on the National Medal of Science
- **Merrill Friedman --** Member, President's Committee for People with Intellectual Disabilities
- **Reuben Brigety** – Member, National Security Education Board
- **Gene Shawcroft** – Member, Utah Reclamation Mitigation and Conservation Commission

President Obama also announced his intent to designate the following individuals to key Administration posts:

- **Christine Fox** – Member, Board of Visitors to the United States Naval Academy

President Obama said, "These fine public servants bring a depth of experience and tremendous dedication to their important roles. I look forward to working with them."

President Obama announced his intent to appoint the following individuals to key Administration posts:

Toni L. Griffin, Appointee for Member, Commission of Fine Arts
Toni L. Griffin is Professor in Practice of Urban Planning at Harvard University Graduate School of Design and Founder of Urban Planning Design for the American City, positions she has held since 2016 and 2009, respectively. Previously, Ms. Griffin served as Professor of Architecture and Director of the J. Max Bond Center on Design for the Just City at City College of New York's Spitzer School of Architecture, a position she has held since 2011. She was Adjunct Associate Professor at Harvard University Graduate School of Design from 2009 to 2011, Director of the Division of Planning and Community Development for the City of Newark, New Jersey from 2007 to 2009, Vice President and Director of Design for the Anacostia Waterfront Corporation -from 2005 to 2006, and Deputy Director for Revitalization Planning from 2000 to 2005 and for Neighborhood Planning from 2000 to 2002 in the D.C. Office of Planning. Ms. Griffin received a Loeb Fellowship from the Harvard University Graduate School of Design. Ms. Griffin received a B.A. from the University of Notre Dame.

Alex Krieger, Appointee for Member, Commission of Fine Arts
Alex Krieger is a professor at the Harvard University Graduate School of Design, where he has taught since 1977. Mr. Krieger is a founding principal of the architecture and urban design firm Chan Krieger Sieniewicz, which is now part of NBBJ. He served as Chair of Harvard's Department of Urban Planning and Design from 1998 to 2004, as Director of Harvard's Urban Design Program from 1992 to 2000, and as Associate Chairman of the Department of Architecture from 1985 to 1989. Mr. Krieger was the Director of the National Endowment for the Arts Mayor's Institute on City Design from 1994 to 1998. He is a Design Peer Reviewer for the General Services Administration and a Fellow of the American Institute of Architects. Mr. Krieger has served on the boards of the Boston Civic Design Commission, the Providence Capital Center Commission, and is the Founder and Co-Director of the Large City Planners Institute. He was first appointed to the Commission of Fine Arts in 2012. Mr. Krieger received a B.Arch. from Cornell University and an M.U.P. from Harvard University.

Dr. Jacqueline K. Barton, Appointee for Member, President's Committee on the National

Medal of Science

Dr. Jacqueline K. Barton is the Arthur and Marian Hanisch Memorial Professor of Chemistry and Norman Davidson Leadership Chair of the Division of Chemistry and Chemical Engineering at the California Institute of Technology (Caltech), positions she has held since 1997 and 2009, respectively. Dr. Barton has worked as a Professor at Caltech since 1989. She was a member of the faculty at Columbia University from 1983 to 1989 and an Assistant Professor at Hunter College from 1980 to 1982. Dr. Barton received the Priestley Medal in 2015, the 2010 National Medal of Science, and a MacArthur Foundation Fellowship in 1991. She was inducted into the National Academy of Medicine in 2012, the National Academy of Sciences in 2002, and the American Philosophical Society in 1999. She has been a member of the Board of Directors of the Dow Chemical Company since 1993. Dr. Barton received an A.B. from Barnard College and a Ph.D. from Columbia University.

Dr. **Anne Case, Appointee for Member, President's Committee on the National Medal of Science**

Dr. Anne Case is the Alexander Stewart 1886 Professor of Economics and Public Affairs at Princeton University. Dr. Case has been a faculty member at Princeton University's Department of Economics and the Woodrow Wilson School of Public and International Affairs since 1991, and currently serves as the Director of the Research Program in Development Studies. She serves on the National Institutes of Health's National Research Advisory Council on Child Health and Human Development, and on the board of the United Nations University-World Institute for Development Economics Research. Dr. Case is a Research Associate of the National Bureau of Economic Research, a Fellow of the Econometric Society, and an affiliate of the Southern African Labour and Development Research Unit at the University of Cape Town. Dr. Case received a B.S. from the State University of New York at Albany, and an M.P.A. and Ph.D. from Princeton University.

Merrill Friedman, Appointee for Member, President's Committee for People with Intellectual Disabilities

Merrill Friedman is Senior Director of Disability Policy Engagement at Anthem, Inc. and Vice President of Advocacy for Amerigroup, positons she has held since 2012 and 2007, respectively. Ms. Friedman has served on the Board of Directors for The Association for the Severely Handicapped since 2012. She served on the Maryland Department of Health and Mental Hygiene Secretary's Long-Term Care Reform Committee in 2010 and previously served on the board of American Association of People with Disabilities and the Michigan Statewide Independent Living Council. Ms. Friedman received a B.A. from Towson University.

Dr. Reuben Brigety, Appointee for Member, National Security Education Board

Dr. Reuben Brigety is Dean of the Elliott School of International Affairs at The George Washington University, a position he has held since 2015. Dr. Brigety was the U.S. Ambassador to the African Union from 2013 to 2015. He previously served at the Department of State as Deputy Assistant Secretary in the Bureau of African Affairs from 2011 to 2013 and as Deputy Assistant Secretary in the Bureau of Population, Refugees, and Migration from 2009 to 2011. From 2008 to 2009, Dr. Brigety was Director of the Sustainable Security Program at the Center for American Progress. From 2007 to 2008, he was Special Assistant to the Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance at the U.S. Agency for International Development. Dr. Brigety was an Assistant Professor of Government and Politics at George Mason University from 2004 to 2009 and an Assistant Professor of International Relations at

American University from 2003 to 2004. From 2001 to 2003, he was a researcher for Human Rights Watch and from 1995 to 2000, he served as an officer in the U.S. Navy. Dr. Brigety received a B.S. from the U.S. Naval Academy and an M.Phil. and Ph.D. from the University of Cambridge.

Gene Shawcroft, Appointee for Member, Utah Reclamation Mitigation and Conservation Commission
Gene Shawcroft is General Manager/CEO of the Central Utah Water Conservancy District, a position he has held since 2014. Mr. Shawcroft has also served as Deputy General Manager, Assistant General Manager and Project Engineer in his time with the District since 1991. He also serves as a Board Member representing Utah on the Colorado River Water Users Association and on the National Water Resources Association. Mr. Shawcroft holds a B.S. and an M.S. from Brigham Young University.

President Obama announced his intent to designate the following individuals to key Administration posts:

Christine Fox, Designee for Member, Board of Visitors to the United States Naval Academy
Christine Fox is the Assistant Director for Policy and Analysis at the Johns Hopkins University Applied Physics Laboratory, a position she has held since 2014. Ms. Fox served as Acting Deputy Secretary of Defense from 2013 to 2014 and as Director of Cost Assessment and Program Evaluation at the Department of Defense from 2009 to 2013. She was President of the Center for Naval Analyses from 2005 to 2009 and a Research Analyst and Manager for the Center for Naval Analyses from 1981 to 2005. Ms. Fox received a B.S. and an M.S. from George Mason University.

###

Unsubscribe

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Tue Nov 01 2016 14:15:44 GMT-0600 (MDT)
To:	"John Tanner (Hatch)" <john_tanner@hatch.senate.gov>
Subject:	Fwd: President Obama Announces More Key Administration Posts

Here's the other announcement!

Begin forwarded message:

From: White House Press Office [mailto:noreply@useopwh.service.govdelivery.com]
Sent: Friday, October 28, 2016 5:16 PM
Subject: President Obama Announces More Key Administration Posts

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
October 28, 2016

President Obama Announces More Key Administration Posts

WASHINGTON, DC – Today, President Barack Obama announced his intent to appoint the following individuals to key Administration posts:

- **Toni L. Griffin** – Member, Commission of Fine Arts
- **Alex Krieger --** Member, Commission of Fine Arts
- **Jacqueline K. Barton** – Member, President's Committee on the National Medal of Science
- **Anne Case** – Member, President's Committee on the National Medal of Science
- **Merrill Friedman --** Member, President's Committee for People with Intellectual Disabilities
- **Reuben Brigety** – Member, National Security Education Board
- **Gene Shawcroft** – Member, Utah Reclamation Mitigation and Conservation Commission

President Obama also announced his intent to designate the following individuals to key Administration posts:

- **Christine Fox** – Member, Board of Visitors to the United States Naval Academy

President Obama said, "These fine public servants bring a depth of experience and tremendous dedication to their important roles. I look forward to working with them."

President Obama announced his intent to appoint the following individuals to key Administration posts:

Toni L. Griffin, Appointee for Member, Commission of Fine Arts
Toni L. Griffin is Professor in Practice of Urban Planning at Harvard University Graduate School of Design and Founder of Urban Planning Design for the American City, positions she has held since 2016 and 2009, respectively. Previously, Ms. Griffin served as Professor of Architecture and Director of the J. Max Bond Center on Design for the Just City at City College of New York's Spitzer School of Architecture, a position she has held since 2011. She was Adjunct Associate Professor at Harvard University Graduate School of Design from 2009 to 2011, Director of the Division of

Planning and Community Development for the City of Newark, New Jersey from 2007 to 2009, Vice President and Director of Design for the Anacostia Waterfront Corporation -from 2005 to 2006, and Deputy Director for Revitalization Planning from 2000 to 2005 and for Neighborhood Planning from 2000 to 2002 in the D.C. Office of Planning. Ms. Griffin received a Loeb Fellowship from the Harvard University Graduate School of Design. Ms. Griffin received a B.A. from the University of Notre Dame.

Alex Krieger, Appointee for Member, Commission of Fine Arts
Alex Krieger is a professor at the Harvard University Graduate School of Design, where he has taught since 1977. Mr. Krieger is a founding principal of the architecture and urban design firm Chan Krieger Sieniewicz, which is now part of NBBJ. He served as Chair of Harvard's Department of Urban Planning and Design from 1998 to 2004, as Director of Harvard's Urban Design Program from 1992 to 2000, and as Associate Chairman of the Department of Architecture from 1985 to 1989. Mr. Krieger was the Director of the National Endowment for the Arts Mayor's Institute on City Design from 1994 to 1998. He is a Design Peer Reviewer for the General Services Administration and a Fellow of the American Institute of Architects. Mr. Krieger has served on the boards of the Boston Civic Design Commission, the Providence Capital Center Commission, and is the Founder and Co-Director of the Large City Planners Institute. He was first appointed to the Commission of Fine Arts in 2012. Mr. Krieger received a B.Arch. from Cornell University and an M.U.P. from Harvard University.

Dr. Jacqueline K. Barton, Appointee for Member, President's Committee on the National Medal of Science
Dr. Jacqueline K. Barton is the Arthur and Marian Hanisch Memorial Professor of Chemistry and Norman Davidson Leadership Chair of the Division of Chemistry and Chemical Engineering at the California Institute of Technology (Caltech), positions she has held since 1997 and 2009, respectively. Dr. Barton has worked as a Professor at Caltech since 1989. She was a member of the faculty at Columbia University from 1983 to 1989 and an Assistant Professor at Hunter College from 1980 to 1982. Dr. Barton received the Priestley Medal in 2015, the 2010 National Medal of Science, and a MacArthur Foundation Fellowship in 1991. She was inducted into the National Academy of Medicine in 2012, the National Academy of Sciences in 2002, and the American Philosophical Society in 1999. She has been a member of the Board of Directors of the Dow Chemical Company since 1993. Dr. Barton received an A.B. from Barnard College and a Ph.D. from Columbia University.

Dr. **Anne Case, Appointee for Member, President's Committee on the National Medal of Science**
Dr. Anne Case is the Alexander Stewart 1886 Professor of Economics and Public Affairs at Princeton University. Dr. Case has been a faculty member at Princeton University's Department of Economics and the Woodrow Wilson School of Public and International Affairs since 1991, and currently serves as the Director of the Research Program in Development Studies. She serves on the National Institutes of Health's National Research Advisory Council on Child Health and Human Development, and on the board of the United Nations University-World Institute for

Development Economics Research. Dr. Case is a Research Associate of the National Bureau of Economic Research, a Fellow of the Econometric Society, and an affiliate of the Southern African Labour and Development Research Unit at the University of Cape Town. Dr. Case received a B.S. from the State University of New York at Albany, and an M.P.A. and Ph.D. from Princeton University.

Merrill Friedman, Appointee for Member, President's Committee for People with Intellectual Disabilities

Merrill Friedman is Senior Director of Disability Policy Engagement at Anthem, Inc. and Vice President of Advocacy for Amerigroup, positons she has held since 2012 and 2007, respectively. Ms. Friedman has served on the Board of Directors for The Association for the Severely Handicapped since 2012. She served on the Maryland Department of Health and Mental Hygiene Secretary's Long-Term Care Reform Committee in 2010 and previously served on the board of American Association of People with Disabilities and the Michigan Statewide Independent Living Council. Ms. Friedman received a B.A. from Towson University.

Dr. Reuben Brigety, Appointee for Member, National Security Education Board

Dr. Reuben Brigety is Dean of the Elliott School of International Affairs at The George Washington University, a position he has held since 2015. Dr. Brigety was the U.S. Ambassador to the African Union from 2013 to 2015. He previously served at the Department of State as Deputy Assistant Secretary in the Bureau of African Affairs from 2011 to 2013 and as Deputy Assistant Secretary in the Bureau of Population, Refugees, and Migration from 2009 to 2011. From 2008 to 2009, Dr. Brigety was Director of the Sustainable Security Program at the Center for American Progress. From 2007 to 2008, he was Special Assistant to the Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance at the U.S. Agency for International Development. Dr. Brigety was an Assistant Professor of Government and Politics at George Mason University from 2004 to 2009 and an Assistant Professor of International Relations at American University from 2003 to 2004. From 2001 to 2003, he was a researcher for Human Rights Watch and from 1995 to 2000, he served as an officer in the U.S. Navy. Dr. Brigety received a B.S. from the U.S. Naval Academy and an M.Phil. and Ph.D. from the University of Cambridge.

Gene Shawcroft, Appointee for Member, Utah Reclamation Mitigation and Conservation Commission

Gene Shawcroft is General Manager/CEO of the Central Utah Water Conservancy District, a position he has held since 2014. Mr. Shawcroft has also served as Deputy General Manager, Assistant General Manager and Project Engineer in his time with the District since 1991. He also serves as a Board Member representing Utah on the Colorado River Water Users Association and on the National Water Resources Association. Mr. Shawcroft holds a B.S. and an M.S. from Brigham Young University.

President Obama announced his intent to designate the following individuals to key Administration posts:

Christine Fox, Designee for Member, Board of Visitors to the United States

Naval Academy
Christine Fox is the Assistant Director for Policy and Analysis at the Johns Hopkins University Applied Physics Laboratory, a position she has held since 2014. Ms. Fox served as Acting Deputy Secretary of Defense from 2013 to 2014 and as Director of Cost Assessment and Program Evaluation at the Department of Defense from 2009 to 2013. She was President of the Center for Naval Analyses from 2005 to 2009 and a Research Analyst and Manager for the Center for Naval Analyses from 1981 to 2005. Ms. Fox received a B.S. and an M.S. from George Mason University.

###

Unsubscribe

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

From:	"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Sent:	Tue Nov 01 2016 14:17:48 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: President Obama Announces More Key Administration Posts

Perfect.

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Date: Tuesday, November 1, 2016 at 4:15 PM
To: John Tanner <John_Tanner@hatch.senate.gov>
Subject: Fwd: President Obama Announces More Key Administration Posts

Here's the other announcement!

Begin forwarded message:

From: White House Press Office [mailto:noreply@useopwh.service.govdelivery.com]
Sent: Friday, October 28, 2016 5:16 PM
Subject: President Obama Announces More Key Administration Posts

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE

October 28, 2016

President Obama Announces More Key Administration Posts

WASHINGTON, DC – Today, President Barack Obama announced his intent to appoint the following individuals to key Administration posts:

- **Toni L. Griffin** – Member, Commission of Fine Arts
- **Alex Krieger --** Member, Commission of Fine Arts
- **Jacqueline K. Barton** – Member, President's Committee on the National Medal of Science
- **Anne Case** – Member, President's Committee on the National Medal of Science
- **Merrill Friedman --** Member, President's Committee for People with Intellectual Disabilities
- **Reuben Brigety** – Member, National Security Education Board
- **Gene Shawcroft** – Member, Utah Reclamation Mitigation and Conservation Commission

President Obama also announced his intent to designate the following individuals to key Administration posts:

- **Christine Fox** – Member, Board of Visitors to the United States Naval Academy

President Obama said, "These fine public servants bring a depth of experience and tremendous dedication to their important roles. I look forward to working with them."

President Obama announced his intent to appoint the following individuals to key Administration posts:

Toni L. Griffin, Appointee for Member, Commission of Fine Arts
Toni L. Griffin is Professor in Practice of Urban Planning at Harvard University Graduate School of Design and Founder of Urban Planning Design for the American City, positions she has held since 2016 and 2009, respectively. Previously, Ms. Griffin served as Professor of Architecture and Director of the J. Max Bond Center on Design for the Just City at City College of New York's Spitzer School of Architecture, a position she has held since 2011. She was Adjunct Associate Professor at Harvard University Graduate School of Design from 2009 to 2011, Director of the Division of Planning and Community Development for the City of Newark, New Jersey from 2007 to 2009, Vice President and Director of Design for the Anacostia Waterfront Corporation -from 2005 to 2006, and Deputy Director for Revitalization Planning from 2000 to 2005 and for Neighborhood Planning from 2000 to 2002 in the D.C. Office of Planning. Ms. Griffin received a Loeb Fellowship from the Harvard University Graduate School of Design. Ms. Griffin received a B.A. from the University of Notre Dame.

Alex Krieger, Appointee for Member, Commission of Fine Arts
Alex Krieger is a professor at the Harvard University Graduate School of Design, where he has taught since 1977. Mr. Krieger is a founding principal of the architecture and urban design firm Chan Krieger Sieniewicz, which is now part of NBBJ. He served as Chair of Harvard's Department of Urban Planning and Design from 1998 to 2004, as Director of Harvard's Urban Design Program from 1992 to 2000, and as Associate Chairman of the Department of Architecture from 1985 to 1989. Mr. Krieger was the Director of the National Endowment for the Arts Mayor's Institute on City Design from 1994 to 1998. He is a Design Peer Reviewer for the General Services Administration and a Fellow of the American Institute of Architects. Mr. Krieger has served on the boards of the Boston Civic Design Commission, the Providence Capital Center Commission, and is the Founder and Co-Director of the Large City Planners Institute. He was first appointed to the Commission of Fine Arts in 2012. Mr. Krieger received a B.Arch. from Cornell University and an M.U.P. from Harvard University.

Dr. Jacqueline K. Barton, Appointee for Member, President's Committee on the National Medal of Science
Dr. Jacqueline K. Barton is the Arthur and Marian Hanisch Memorial Professor of Chemistry and Norman Davidson Leadership Chair of the Division of Chemistry and Chemical Engineering at the California Institute of Technology (Caltech), positions she has held since 1997 and 2009, respectively. Dr. Barton has worked as a Professor at Caltech since 1989. She was a member of the faculty at Columbia University from 1983 to 1989 and an Assistant Professor at Hunter College from 1980 to 1982. Dr. Barton received the Priestley Medal in 2015, the 2010 National Medal of Science, and a MacArthur Foundation Fellowship in 1991. She was inducted into the National Academy of Medicine in 2012, the National Academy of Sciences in 2002, and the American Philosophical Society in 1999. She has been a member of the Board of Directors of the Dow Chemical Company since 1993. Dr. Barton received an A.B. from Barnard College and a Ph.D. from Columbia University.

Dr. **Anne Case, Appointee for Member, President's Committee on the National Medal of Science**
Dr. Anne Case is the Alexander Stewart 1886 Professor of Economics and Public Affairs at Princeton University. Dr. Case has been a faculty member at Princeton University's Department of Economics and the Woodrow Wilson School of Public and International Affairs since 1991, and currently serves as the Director of the Research Program in Development Studies. She serves on the National Institutes of Health's National Research Advisory Council on Child Health and Human Development, and on the board of the United Nations University-World Institute for Development Economics Research. Dr. Case is a Research Associate of the National Bureau of Economic Research, a Fellow of the Econometric Society, and an affiliate of the Southern African Labour and Development Research Unit at the University of Cape Town. Dr. Case received a B.S. from the State University of New York at Albany, and an M.P.A. and Ph.D. from Princeton University.

Merrill Friedman, Appointee for Member, President's Committee for People with Intellectual Disabilities

Merrill Friedman is Senior Director of Disability Policy Engagement at Anthem, Inc. and Vice President of Advocacy for Amerigroup, positons she has held since 2012 and 2007, respectively. Ms. Friedman has served on the Board of Directors for The Association for the Severely Handicapped since 2012. She served on the Maryland Department of Health and Mental Hygiene Secretary's Long-Term Care Reform Committee in 2010 and previously served on the board of American Association of People with Disabilities and the Michigan Statewide Independent Living Council. Ms. Friedman received a B.A. from Towson University.

Dr. Reuben Brigety, Appointee for Member, National Security Education Board
Dr. Reuben Brigety is Dean of the Elliott School of International Affairs at The George Washington University, a position he has held since 2015. Dr. Brigety was the U.S. Ambassador to the African Union from 2013 to 2015. He previously served at the Department of State as Deputy Assistant Secretary in the Bureau of African Affairs from 2011 to 2013 and as Deputy Assistant Secretary in the Bureau of Population, Refugees, and Migration from 2009 to 2011. From 2008 to 2009, Dr. Brigety was Director of the Sustainable Security Program at the Center for American Progress. From 2007 to 2008, he was Special Assistant to the Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance at the U.S. Agency for International Development. Dr. Brigety was an Assistant Professor of Government and Politics at George Mason University from 2004 to 2009 and an Assistant Professor of International Relations at American University from 2003 to 2004. From 2001 to 2003, he was a researcher for Human Rights Watch and from 1995 to 2000, he served as an officer in the U.S. Navy. Dr. Brigety received a B.S. from the U.S. Naval Academy and an M.Phil. and Ph.D. from the University of Cambridge.

Gene Shawcroft, Appointee for Member, Utah Reclamation Mitigation and Conservation Commission
Gene Shawcroft is General Manager/CEO of the Central Utah Water Conservancy District, a position he has held since 2014. Mr. Shawcroft has also served as Deputy General Manager, Assistant General Manager and Project Engineer in his time with the District since 1991. He also serves as a Board Member representing Utah on the Colorado River Water Users Association and on the National Water Resources Association. Mr. Shawcroft holds a B.S. and an M.S. from Brigham Young University.

President Obama announced his intent to designate the following individuals to key Administration posts:

Christine Fox, Designee for Member, Board of Visitors to the United States Naval Academy
Christine Fox is the Assistant Director for Policy and Analysis at the Johns Hopkins University Applied Physics Laboratory, a position she has held since 2014. Ms. Fox served as Acting Deputy Secretary of Defense from 2013 to 2014 and as Director of Cost Assessment and Program Evaluation at the Department of Defense from 2009 to 2013. She was President of the Center for Naval Analyses from 2005 to 2009 and a Research Analyst and Manager for the Center for Naval Analyses from 1981 to 2005. Ms. Fox received a B.S. and an M.S. from George Mason University.

###

Unsubscribe

The White House · 1600 Pennsylvania Avenue, NW · Washington DC 20500 | (1)

Conversation Contents

FW: President Obama Announces Another Key Administration Post

William Donovan <william_donovan@ios.doi.gov>

From:	William Donovan <william_donovan@ios.doi.gov>
Sent:	Tue Nov 01 2016 13:10:33 GMT-0600 (MDT)
To:	nikki_buffa@ios.doi.gov
CC:	romen_borsellino@ios.doi.gov
Subject:	FW: President Obama Announces Another Key Administration Post

FYI

From: Cronin, Emma K. EOP/WHO [mailto(b) (6)
Sent: Tuesday, November 01, 2016 1:49 PM
To: William Donovan; romen_borsellino@ios.doi.gov
Cc: Kendrick, Paul C. EOP/WHO
Subject: FW: President Obama Announces Another Key Administration Post

See below for Robert Morgan's announcement. From our understanding, the board should now have quorum with the addition of Morgan and Shawcroft. Gregory Sheehan is still in vet for the last slot.

From: White House Press Office [mailto:noreply@useopwh.service.govdelivery.com]
Sent: Friday, October 28, 2016 5:13 PM
To: Cronin, Emma K. EOP/WHO (b) (6)
Subject: President Obama Announces Another Key Administration Post

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
October 28, 2016

President Obama Announces Another Key Administration Post

WASHINGTON, DC – Today, President Barack Obama announced his intent to appoint the following individual to a key Administration post:

- **Robert L. Morgan** – Member, Utah Reclamation Mitigation and Conservation Commission

President Obama announced his intent to appoint the following individual to a key

Administration post:

Robert L. Morgan, Appointee for Member, Utah Reclamation Mitigation and Conservation Commission

Robert L. Morgan is retired and has independently consulted on water rights since 2005. Previously, he served as the Executive Director for the Utah Department of Natural Resources from 2002 to 2004. Prior to that, he was the State Engineer for the State of Utah from 1985 to 2002. From 1977 to 1985, Mr. Morgan was the Assistant State Engineer for Dam Safety. He has also served as a Regional Engineer at the Utah Division of Water Rights from 1974 to 1977. Mr. Morgan began his career as a Hydrolic Engineer at the Utah Division of Water Resources from 1970 to 1974. Mr. Morgan holds a B.S. from University of Utah.

###

Unsubscribe

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Tue Nov 01 2016 14:14:28 GMT-0600 (MDT)
To:	"John Tanner (Hatch)" <john_tanner@hatch.senate.gov>
Subject:	Fwd: President Obama Announces Another Key Administration Post

See below for Robert Morgan's announcement. From our understanding, the board should now have quorum with the addition of Morgan and Shawcroft. Gregory Sheehan is still in vet for the last slot!

From: White House Press Office [mailto:noreply@useopwh.service.govdelivery.com]
Sent: Friday, October 28, 2016 5:13 PM
To: Cronin, Emma K. EOP/WHO <(b) (6)
Subject: President Obama Announces Another Key Administration Post

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
October 28, 2016

President Obama Announces Another Key Administration Post

WASHINGTON, DC – Today, President Barack Obama announced his intent to appoint the following individual to a key Administration post:

- **Robert L. Morgan** – Member, Utah Reclamation Mitigation and Conservation Commission

President Obama announced his intent to appoint the following individual to a key Administration post:

Robert L. Morgan, Appointee for Member, Utah Reclamation Mitigation and Conservation Commission
Robert L. Morgan is retired and has independently consulted on water rights since 2005. Previously, he served as the Executive Director for the Utah Department of Natural Resources from 2002 to 2004. Prior to that, he was the State Engineer for the State of Utah from 1985 to 2002. From 1977 to 1985, Mr. Morgan was the Assistant State Engineer for Dam Safety. He has also served as a Regional Engineer at the Utah Division of Water Rights from 1974 to 1977. Mr. Morgan began his career as a Hydrolic Engineer at the Utah Division of Water Resources from 1970 to 1974. Mr. Morgan holds a B.S. from University of Utah.

###

Unsubscribe

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Tue Nov 01 2016 14:14:36 GMT-0600 (MDT)
To:	William Donovan <william_donovan@ios.doi.gov>
CC:	"nikki_buffa@ios.doi.gov" <nikki_buffa@ios.doi.gov>, "romen_borsellino@ios.doi.gov" <romen_borsellino@ios.doi.gov>
Subject:	Re: President Obama Announces Another Key Administration Post

Super helpful. Thanks!

On Nov 1, 2016, at 3:10 PM, William Donovan <william_donovan@ios.doi.gov> wrote:

FYI

From: Cronin, Emma K. EOP/WHO [mailto(b) (6)
Sent: Tuesday, November 01, 2016 1:49 PM
To: William Donovan; romen_borsellino@ios.doi.gov
Cc: Kendrick, Paul C. EOP/WHO
Subject: FW: President Obama Announces Another Key Administration Post

FOR COMMITTEE USE ONLY

See below for Robert Morgan's announcement. From our understanding, the board should now have quorum with the addition of Morgan and Shawcroft. Gregory Sheehan is still in vet for the last slot.

From: White House Press Office [mailto:noreply@useopwh.service.govdelivery.com]
Sent: Friday, October 28, 2016 5:13 PM
To: Cronin, Emma K. EOP/WHO (b) (6)
Subject: President Obama Announces Another Key Administration Post

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
October 28, 2016

President Obama Announces Another Key Administration Post

WASHINGTON, DC – Today, President Barack Obama announced his intent to appoint the following individual to a key Administration post:

- **Robert L. Morgan** – Member, Utah Reclamation Mitigation and Conservation Commission

President Obama announced his intent to appoint the following individual to a key Administration post:

Robert L. Morgan, Appointee for Member, Utah Reclamation Mitigation and Conservation Commission
Robert L. Morgan is retired and has independently consulted on water rights since 2005. Previously, he served as the Executive Director for the Utah Department of Natural Resources from 2002 to 2004. Prior to that, he was the State Engineer for the State of Utah from 1985 to 2002. From 1977 to 1985, Mr. Morgan was the Assistant State Engineer for Dam Safety. He has also served as a Regional Engineer at the Utah Division of Water Rights from 1974 to 1977. Mr. Morgan began his career as a Hydrolic Engineer at the Utah Division of Water Resources from 1970 to 1974. Mr. Morgan holds a B.S. from University of Utah.

###

Unsubscribe

The White House · 1600 Pennsylvania Avenue NW · Washington DC 20500

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

From: "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Sent: Tue Nov 01 2016 14:16:14 GMT-0600 (MDT)

FOR COMMITTEE USE ONLY

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

Subject: Re: President Obama Announces Another Key Administration Post

Thanks!

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Date: Tuesday, November 1, 2016 at 4:14 PM
To: John Tanner <John_Tanner@hatch.senate.gov>
Subject: Fwd: President Obama Announces Another Key Administration Post

See below for Robert Morgan's announcement. From our understanding, the board should now have quorum with the addition of Morgan and Shawcroft. Gregory Sheehan is still in vet for the last slot!

From: White House Press Office [mailto:noreply@useopwh.service.govdelivery.com]
Sent: Friday, October 28, 2016 5:13 PM
To: Cronin, Emma K. EOP/WHO <ECronin@who.eop.gov>
Subject: President Obama Announces Another Key Administration Post

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
October 28, 2016

President Obama Announces Another Key Administration Post

WASHINGTON, DC – Today, President Barack Obama announced his intent to appoint the following individual to a key Administration post:

- **Robert L. Morgan** – Member, Utah Reclamation Mitigation and Conservation Commission

President Obama announced his intent to appoint the following individual to a key Administration post:

Robert L. Morgan, Appointee for Member, Utah Reclamation Mitigation and Conservation Commission
Robert L. Morgan is retired and has independently consulted on water rights since 2005. Previously, he served as the Executive Director for the Utah Department of Natural Resources from 2002 to 2004. Prior to that, he was the State Engineer for the State of Utah from 1985 to 2002. From 1977 to 1985, Mr. Morgan was the Assistant State Engineer for Dam Safety. He has also served as a Regional Engineer at the Utah Division of Water Rights from 1974 to 1977. Mr. Morgan began his career as a Hydrolic Engineer at the Utah Division of Water Resources from 1970 to 1974. Mr. Morgan holds a B.S. from University of Utah.

###

Unsubscribe

The White House 1600 Pennsylvania Avenue, NW Washington DC 20500 | (1)

Conversation Contents

can you and i talk today?

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Oct 26 2016 07:29:33 GMT-0600 (MDT)
To:	"John Tanner (Hatch)" <john_tanner@hatch.senate.gov>
Subject:	can you and i talk today?

when are you free?

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

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

From:	"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Sent:	Wed Oct 26 2016 07:34:39 GMT-0600 (MDT)
To:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject:	Re: can you and i talk today?

Yeah. Let's connect in 30 minutes.

Sent from my iPhone

On Oct 26, 2016, at 9:29 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> when are you free?
>
> --
> Nikki Buffa

FOR COMMITTEE USE ONLY

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

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Oct 26 2016 07:58:29 GMT-0600 (MDT)
To:	"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Subject:	Re: can you and i talk today?

K. Call my cell. (b) (6) [redacted]

On Oct 26, 2016, at 9:34 AM, Tanner, John (Hatch) <John_Tanner@hatch.senate.gov> wrote:

> Yeah. Let's connect in 30 minutes.
>
> Sent from my iPhone
>
> On Oct 26, 2016, at 9:29 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
>
> > when are you free?
> >
> > --
> > Nikki Buffa
> > Deputy Chief of Staff
> > US Department of the Interior
> > 202-219-3861
> > nicole_buffa@ios.doi.gov

Conversation Contents

[Update] Weekly UT Check-in Call

gisella_ojeda-dodds@ios.doi.gov

From: gisella_ojeda-dodds@ios.doi.gov
Sent: Wed Oct 26 2016 07:13:24 GMT-0600 (MDT)
To: gisella_ojeda-dodds@ios.doi.gov, nicole_buffa@ios.doi.gov
Subject: [Update] Weekly UT Check-in Call

don't forget your UT call! G

Weekly UT Check-in Call

When Wed Oct 26, 2016 9am – 9:30am Eastern Time

Where Dial-in: (b) (5) and code: (b) (5) (map)

Video call (b) (5)

Who
- nicole_buffa@ios.doi.gov - organizer
- gisella_ojeda-dodds@ios.doi.gov - creator
- fred.ferguson@mail.house.gov
- chris_prandoni@lee.senate.gov
- Cody Stewart
- devin.wiser@mail.house.gov
- wendy_baig@lee.senate.gov
- casey.snider@mail.house.gov
- adam.stewart@mail.house.gov
- john_tanner@hatch.senate.gov

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Wed Oct 26 2016 07:48:51 GMT-0600 (MDT)
To: gisella_ojeda-dodds@ios.doi.gov
Subject: Re: [Update] Weekly UT Check-in Call

Yeah. I did it on the run.

On Oct 26, 2016, at 9:13 AM, "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-

dodds@ios.doi.gov> wrote:

don't forget your UT call! G

Weekly UT Check-in Call

When Wed Oct 26, 2016 9am – 9:30am Eastern Time

Where Dial-in: (b) (5) and code: (b) (5) (map)

Video call (b) (5)

Who
- nicole_buffa@ios.doi.gov - organizer
- gisella_ojeda-dodds@ios.doi.gov - creator
- fred.ferguson@mail.house.gov
- chris_prandoni@lee.senate.gov
- Cody Stewart
- devin.wiser@mail.house.gov
- wendy_baig@lee.senate.gov
- casey.snider@mail.house.gov
- adam.stewart@mail.house.gov
- john_tanner@hatch.senate.gov

Conversation Contents

You have a minute to chat tomorrow?

Cody Stewart <codystewart@utah.gov>

From:	Cody Stewart <codystewart@utah.gov>
Sent:	Mon Oct 24 2016 17:50:30 GMT-0600 (MDT)
To:	<nicole_buffa@ios.doi.gov>
Subject:	You have a minute to chat tomorrow?

Sent from my iPhone

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Mon Oct 24 2016 20:25:38 GMT-0600 (MDT)
To:	Cody Stewart <codystewart@utah.gov>
Subject:	Re: You have a minute to chat tomorrow?

Of course. Call me in the morning? 2024124317. > On Oct 24, 2016, at 7:50 PM, Cody Stewart <codystewart@utah.gov> wrote: > > Sent from my iPhone >

FOR COMMITTEE USE ONLY

Conversation Contents

Re: Updated Invitation: Weekly UT Check-in Call @ Wed Oct 19, 2016 10am - 10:30am (EDT) (nicole_buffa@ios.doi.gov)

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

From:	"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Sent:	Wed Oct 19 2016 08:07:26 GMT-0600 (MDT)
To:	"nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>, Cody Stewart <codystewart@utah.gov>, "devin.wiser@mail.house.gov" <devin.wiser@mail.house.gov>, "Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>, "adam.stewart@mail.house.gov" <adam.stewart@mail.house.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>, "casey.snider@mail.house.gov" <casey.snider@mail.house.gov>, "fred.ferguson@mail.house.gov" <fred.ferguson@mail.house.gov>
Subject:	Re: Updated Invitation: Weekly UT Check-in Call @ Wed Oct 19, 2016 10am - 10:30am (EDT) (nicole_buffa@ios.doi.gov)

Is this happening today?

From: nicole_buffa@ios.doi.gov
When: 10:00 AM - 10:30 AM October 19, 2016
Subject: Updated Invitation: Weekly UT Check-in Call @ Wed Oct 19, 2016 10am - 10:30am (EDT) (nicole_buffa@ios.doi.gov)
Location: Dial-in: 1-866-581-6824 and code: 7666630

This event has been changed.

Weekly UT Check-in Call more details »

When **Changed:** Wed Oct 19, 2016 10am – 10:30am Eastern Time

Where Dial-in: (b) (5) and code: (b) (5) (map)

Video call (b) (5)

Calendar nicole_buffa@ios.doi.gov

FOR COMMITTEE USE ONLY

Who
- nicole_buffa@ios.doi.gov - organizer
- gisella_ojeda-dodds@ios.doi.gov - creator
- Cody Stewart
- devin.wiser@mail.house.gov
- chris_prandoni@lee.senate.gov
- adam.stewart@mail.house.gov
- john_tanner@hatch.senate.gov
- wendy_baig@lee.senate.gov
- casey.snider@mail.house.gov
- fred.ferguson@mail.house.gov

Going? **Yes** - **Maybe** - **No** more options »

Invitation from Google Calendar

You are receiving this courtesy email at the account john_tanner@hatch.senate.gov because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at https://www.google.com/calendar/ and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More.

Conversation Contents

Accepted: Updated Invitation: Weekly UT Check-in Call @ Wed Oct 19, 2016 10am - 10:30am (EDT) (nicole_buffa@ios.doi.gov)

Attachments:

/71. Accepted: Updated Invitation: Weekly UT Check-in Call @ Wed Oct 19, 2016 10am - 10:30am (EDT) (nicole_buffa@ios.doi.gov)/1.1 invite.ics

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Fri Oct 14 2016 07:23:15 GMT-0600 (MDT)
To:	"nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Subject:	Accepted: Updated Invitation: Weekly UT Check-in Call @ Wed Oct 19, 2016 10am - 10:30am (EDT) (nicole_buffa@ios.doi.gov)
Attachments:	invite.ics

FOR COMMITTEE USE ONLY

From: Ferguson, Fred
To: nicole_buffa@ios.doi.gov; Ferguson, Fred
Subject: Accepted: Updated Invitation: Weekly UT Check-in Call @ Wed Oct 19, 2016 10am - 10:30am (EDT) (nicole_buffa@ios.doi.gov)

Conversation Contents

Can we talk tomorrow?

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Oct 12 2016 18:32:18 GMT-0600 (MDT)
To:	Cody Stewart <codystewart@utah.gov>
CC:	Gisella Ojeda-dodds <gisella_ojeda-dodds@ios.doi.gov>
Subject:	Can we talk tomorrow?

I have something to run by you.

Cody Stewart <codystewart@utah.gov>

From:	Cody Stewart <codystewart@utah.gov>
Sent:	Wed Oct 12 2016 18:59:37 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Can we talk tomorrow?

Sure. Anytime. Sent from my iPhone > On Oct 12, 2016, at 8:32 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote: > > I have something to run by you.

Cody Stewart <codystewart@utah.gov>

From:	Cody Stewart <codystewart@utah.gov>
Sent:	Thu Oct 13 2016 10:30:35 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Can we talk tomorrow?

I'm free now up until 4pm if you'd still like to chat. Sent from my iPhone > On Oct 12, 2016, at 8:32 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote: > > I have something to run by you.

"Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>

FOR COMMITTEE USE ONLY

From:	"Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>
Sent:	Fri Oct 14 2016 07:12:26 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Can we talk tomorrow?

were you able to catch up? otherwise will set up a call. 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

On Wed, Oct 12, 2016 at 8:32 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> I have something to run by you.

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Fri Oct 14 2016 07:17:33 GMT-0600 (MDT)
To:	"Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>
Subject:	Re: Can we talk tomorrow?

Yep.

On Oct 14, 2016, at 9:12 AM, Ojeda-dodds, Gisella <gisella_ojeda-dodds@ios.doi.gov>

wrote:

were you able to catch up? otherwise will set up a call. 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

On Wed, Oct 12, 2016 at 8:32 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> I have something to run by you.

FOR COMMITTEE USE ONLY

Conversation Contents

[Update] Weekly UT Check-in Call

gisella_ojeda-dodds@ios.doi.gov

From: gisella_ojeda-dodds@ios.doi.gov

Sent: Thu Oct 13 2016 13:23:02 GMT-0600 (MDT)

To: casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, chris_prandoni@lee.senate.gov, gisella_ojeda-dodds@ios.doi.gov, wendy_baig@lee.senate.gov, nicole_buffa@ios.doi.gov, codystewart@utah.gov, fred.ferguson@mail.house.gov

Subject: [Update] Weekly UT Check-in Call

Good Afternoon,

Hoping we can move this call from 10/19 at 9:30 to 10AM instead?

Thanks in advance!

Gisella

Weekly UT Check-in Call

When: Wed Oct 19, 2016 9:30am – 10am Eastern Time

Where: Dial-in: (b) (5) and code: (b) (5) (map)

Video call: (b) (5)

Who:
- nicole_buffa@ios.doi.gov - organizer
- gisella_ojeda-dodds@ios.doi.gov - creator
- fred.ferguson@mail.house.gov
- Cody Stewart
- devin.wiser@mail.house.gov
- casey.snider@mail.house.gov
- chris_prandoni@lee.senate.gov
- john_tanner@hatch.senate.gov
- wendy_baig@lee.senate.gov
- adam.stewart@mail.house.gov

Conversation Contents

Connect!

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Sep 21 2016 09:50:48 GMT-0600 (MDT)
To:	jskinner@utah.gov, Jody Cummings <jody.cummings@sol.doi.gov>, Justin Pidot <justin.pidot@sol.doi.gov>
CC:	Cody Stewart <codystewart@utah.gov>
Subject:	Connect!

Hi Jacey - Governor Herbert asked that I connect you with our lawyers on the Ute matter. By this email, I'm connecting you to Jody and Justin. They are happy to talk with you when you're free. Thanks!, Nikki

Jacey Skinner <jskinner@utah.gov>

From:	Jacey Skinner <jskinner@utah.gov>
Sent:	Fri Oct 07 2016 06:20:41 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Connect!

Nicole,

Thank you so much for making this introduction.

Jody and Justin, it is nice to make the connection. I am general counsel to Governor Herbert. I would welcome the opportunity to speak with you about the law suit and the other matters that we are working on with some of our counties and the Ute tribe. I am currently traveling, but will certainly make time to speak with you whenever it will best accommodate you schedule. I can be reached by email or by cell phone at (b) (6) (b) (6)

I look forward to speaking with you,

Jacey

On Wed, Sep 21, 2016 at 9:50 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Hi Jacey - Governor Herbert asked that I connect you with our lawyers on the Ute matter. By this email, I'm connecting you to Jody and Justin. They are happy to talk with you when you're free.
>
> Thanks!,
> Nikki

--
Jacey Skinner
General Counsel
Office of the Governor
State of Utah

"Pidot, Justin" <justin.pidot@sol.doi.gov>

From:	"Pidot, Justin" <justin.pidot@sol.doi.gov>
Sent:	Tue Oct 11 2016 08:57:54 GMT-0600 (MDT)
To:	Jacey Skinner <jskinner@utah.gov>
CC:	Nicole Buffa <nicole_buffa@ios.doi.gov>, Jody Cummings <jody.cummings@sol.doi.gov>
Subject:	Re: Connect!

Hi Jacey,

My apologies for the delay in responding. I was travelling the end of last week and over the weekend. I believe Jody may be out of the office this week, but I would be happy to speak with you. Would you have time available tomorrow afternoon or Friday afternoon?

Best,

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this

message in error, please notify the sender immediately and destroy all copies.

On Fri, Oct 7, 2016 at 8:20 AM, Jacey Skinner <jskinner@utah.gov> wrote:

> Nicole,
>
> Thank you so much for making this introduction.
>
> Jody and Justin, it is nice to make the connection. I am general counsel to Governor Herbert. I would welcome the opportunity to speak with you about the law suit and the other matters that we are working on with some of our counties and the Ute tribe. I am currently traveling, but will certainly make time to speak with you whenever it will best accommodate you schedule. I can be reached by email or by cell phone at (b) (6) (b) (6)
>
> I look forward to speaking with you,
>
> Jacey
>
> On Wed, Sep 21, 2016 at 9:50 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> > Hi Jacey - Governor Herbert asked that I connect you with our lawyers on the Ute matter. By this email, I'm connecting you to Jody and Justin. They are happy to talk with you when you're free.
> >
> > Thanks!,
> > Nikki
>
> --
> Jacey Skinner
> General Counsel
> Office of the Governor
> State of Utah

Jacey Skinner <jskinner@utah.gov>

From:	Jacey Skinner <jskinner@utah.gov>
Sent:	Wed Oct 12 2016 11:41:27 GMT-0600 (MDT)
To:	"Pidot, Justin" <justin.pidot@sol.doi.gov>
Subject:	Re: Connect!

Justin,

Thank you for getting back to me. I am traveling today and will be in meetings all day tomorrow. Friday afternoon would be perfect. Please let me know what time will work best for you and the number at which you would like me to contact you.

Thank you,

Jacey

On Tue, Oct 11, 2016 at 8:57 AM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

Hi Jacey,

My apologies for the delay in responding. I was travelling the end of last week and over the weekend. I believe Jody may be out of the office this week, but I would be happy to speak with you. Would you have time available tomorrow afternoon or Friday afternoon?

Best,

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Fri, Oct 7, 2016 at 8:20 AM, Jacey Skinner <jskinner@utah.gov> wrote:

Nicole,

Thank you so much for making this introduction.

Jody and Justin, it is nice to make the connection. I am general counsel to Governor Herbert. I would welcome the opportunity to speak with you about the law suit and the other matters that we are working on with some of our counties and the Ute tribe. I am currently traveling, but will certainly make time to speak with you whenever it will best accommodate you schedule. I can be reached by email or by cell phone at (b) (6)

I look forward to speaking with you,

Jacey

On Wed, Sep 21, 2016 at 9:50 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Hi Jacey - Governor Herbert asked that I connect you with our lawyers on the Ute matter. By this email, I'm connecting you to Jody and Justin. They are happy to talk with you when you're free.
>
> Thanks!,
> Nikki
>
> --
> Jacey Skinner
> General Counsel
> Office of the Governor
> State of Utah

--
Jacey Skinner
General Counsel
Office of the Governor
State of Utah

"Pidot, Justin" <justin.pidot@sol.doi.gov>

From:	"Pidot, Justin" <justin.pidot@sol.doi.gov>
Sent:	Thu Oct 13 2016 07:41:00 GMT-0600 (MDT)
To:	Jacey Skinner <jskinner@utah.gov>
CC:	Nicole Buffa <nicole_buffa@ios.doi.gov>, Jody Cummings <jody.cummings@sol.doi.gov>
Subject:	Re: Connect!

Jacey, Would 1:00 PM Eastern work on Friday? You can reach me at 202-208-4423. I look forward to talking. jp

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Wed, Oct 12, 2016 at 1:41 PM, Jacey Skinner <jskinner@utah.gov> wrote:

Justin,

Thank you for getting back to me. I am traveling today and will be in meetings all day tomorrow. Friday afternoon would be perfect. Please let me know what time will work best for you and the number at which you would like me to contact you.

Thank you,

Jacey

On Tue, Oct 11, 2016 at 8:57 AM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

Hi Jacey,

My apologies for the delay in responding. I was travelling the end of last week and over the weekend. I believe Jody may be out of the office this week, but I would be happy to speak with you. Would you have time available tomorrow afternoon or Friday afternoon?

Best,

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Fri, Oct 7, 2016 at 8:20 AM, Jacey Skinner <jskinner@utah.gov> wrote:

Nicole,

Thank you so much for making this introduction.

Jody and Justin, it is nice to make the connection. I am general counsel to Governor Herbert. I would welcome the opportunity to speak with you about the law suit and the other matters that we are working on with some of our counties and the Ute tribe. I am currently traveling, but will certainly make time to speak with you whenever it will best accommodate you schedule. I can be reached by email or by cell phone at (b) (6) [redacted]

I look forward to speaking with you,

Jacey

> On Wed, Sep 21, 2016 at 9:50 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> > Hi Jacey - Governor Herbert asked that I connect you with our lawyers on the Ute matter. By this email, I'm connecting you to Jody and Justin. They are happy to talk with you when you're free.
> >
> > Thanks!,
> > Nikki
>
> --
> Jacey Skinner
> General Counsel
> Office of the Governor
> State of Utah

--
Jacey Skinner
General Counsel
Office of the Governor
State of Utah

Conversation Contents

Any new material for a call this morning?

Cody Stewart <codystewart@utah.gov>

From:	Cody Stewart <codystewart@utah.gov>
Sent:	Wed Oct 12 2016 07:04:45 GMT-0600 (MDT)
To:	<nicole_buffa@ios.doi.gov>, "Fred.Ferguson@mail.house.gov" <Fred.Ferguson@mail.house.gov>, Devin Wiser <Devin.Wiser@mail.house.gov>, <Adam.Stewart@mail.house.gov>, John Tanner <John_Tanner@hatch.senate.gov>, Chris Prandoni <Chris_Prandoni@lee.senate.gov>
Subject:	Any new material for a call this morning?

Is there a reason to still have a call today? Sent from my iPhone

"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>

From:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Sent:	Wed Oct 12 2016 07:25:23 GMT-0600 (MDT)
To:	Cody Stewart <codystewart@utah.gov>, "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>, "Fred.Ferguson@mail.house.gov" <Fred.Ferguson@mail.house.gov>, Devin Wiser <Devin.Wiser@mail.house.gov>, "Adam.Stewart@mail.house.gov" <Adam.Stewart@mail.house.gov>, "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Subject:	Re: Any new material for a call this morning?

I am still trying to get ahold of Regina through Leland Begay. On 10/12/16, 9:04 AM, "Cody Stewart" <codystewart@utah.gov> wrote: >Is there a reason to still have a call today? > >Sent from my iPhone >

"Stewart, Adam" <Adam.Stewart@mail.house.gov>

FOR COMMITTEE USE ONLY

From:	"Stewart, Adam" <Adam.Stewart@mail.house.gov>
Sent:	Wed Oct 12 2016 07:26:58 GMT-0600 (MDT)
To:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Subject:	Re: Any new material for a call this morning?

None here. Sent from my iPhone > On Oct 12, 2016, at 9:26 AM, Prandoni, Chris (Lee) <Chris_Prandoni@lee.senate.gov> wrote: > > I am still trying to get ahold of Regina through Leland Begay. > >> On 10/12/16, 9:04 AM, "Cody Stewart" <codystewart@utah.gov> wrote: >> >> Is there a reason to still have a call today? >> >> Sent from my iPhone >> >

Cody Stewart <codystewart@utah.gov>

From:	Cody Stewart <codystewart@utah.gov>
Sent:	Wed Oct 12 2016 07:37:18 GMT-0600 (MDT)
To:	"Stewart, Adam" <Adam.Stewart@mail.house.gov>
Subject:	Re: Any new material for a call this morning?

Anyone want to join or should we call it off? Sent from my iPhone > On Oct 12, 2016, at 9:27 AM, Stewart, Adam <Adam.Stewart@mail.house.gov> wrote: > > None here. > > Sent from my iPhone > >> On Oct 12, 2016, at 9:26 AM, Prandoni, Chris (Lee) <Chris_Prandoni@lee.senate.gov> wrote: >> >> I am still trying to get ahold of Regina through Leland Begay. >> >>> On 10/12/16, 9:04 AM, "Cody Stewart" <codystewart@utah.gov> wrote: >>> >>> Is there a reason to still have a call today? >>> >>> Sent from my iPhone >>> >>

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

From:	"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Sent:	Wed Oct 12 2016 10:08:57 GMT-0600 (MDT)
To:	Cody Stewart <codystewart@utah.gov>
Subject:	Re: Any new material for a call this morning?

Sorry guys. I'm traveling today. Just landed in SLC. Sent from my iPhone > On Oct 12, 2016, at 7:37 AM, Cody Stewart <codystewart@utah.gov> wrote: > > Anyone want to join or should we call it off? > > Sent from my iPhone > >> On Oct 12, 2016, at 9:27 AM, Stewart, Adam <Adam.Stewart@mail.house.gov> wrote: >> >> None here. >> >> Sent from my iPhone >> >>> On Oct 12, 2016, at 9:26 AM, Prandoni, Chris (Lee) <Chris_Prandoni@lee.senate.gov> wrote: >>> >>> I am still trying to get ahold of Regina through Leland Begay. >>> >>>> On 10/12/16, 9:04 AM, "Cody Stewart" <codystewart@utah.gov> wrote: >>>> >>>> Is there a reason to still have a call today? >>>> >>>> Sent from my iPhone >>>> >>> >

Conversation Contents

Talk today?

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Oct 12 2016 08:55:14 GMT-0600 (MDT)
To:	John Andrews <jandrews@utah.gov>
CC:	Gisella Ojeda-dodds <gisella_ojeda-dodds@ios.doi.gov>
Subject:	Talk today?

Are you free to talk today? Thanks!

John Andrews <jandrews@utah.gov>

From:	John Andrews <jandrews@utah.gov>
Sent:	Wed Oct 12 2016 09:18:09 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Talk today?

Yes. Let me know a good time for you. Sent from my iPhone > On Oct 12, 2016, at 8:55 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote: > > Are you free to talk today? Thanks!

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Oct 12 2016 09:20:05 GMT-0600 (MDT)
To:	
CC:	Gisella Ojeda-dodds <gisella_ojeda-dodds@ios.doi.gov>
Subject:	Re: Talk today?

Please let him know. > On Oct 12, 2016, at 11:18 AM, John Andrews <jandrews@utah.gov> wrote: > > Yes. Let me know a good time for you. > > Sent from my iPhone > >> On Oct 12, 2016, at 8:55 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote: >> >> Are you free to talk today? Thanks! >

"Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>

From:	"Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>
Sent:	Wed Oct 12 2016 10:03:59 GMT-0600 (MDT)
To:	John Andrews <jandrews@utah.gov>
BCC:	nicole_buffa@ios.doi.gov
Subject:	Re: Talk today?

Great, I've just sent you an invite for 3PM today and will have Nikki call you at the number you sent.

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

On Wed, Oct 12, 2016 at 11:59 AM, John Andrews <jandrews@utah.gov> wrote:

> Thank you. That window works for me. I will be out of the office, so she can call my cell, 801-243-8611 - or I can call her, if you will give me the #.
>
> On Wed, Oct 12, 2016 at 9:50 AM, Ojeda-dodds, Gisella <gisella_ojeda-dodds@ios.doi.gov> wrote:
>
> > Good Morning,
> >
> > Nikki is available today between 3-4PM ET. Please let me know if that window is open for you or if there

are any other times that may work.

Thanks so much,

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

On Wed, Oct 12, 2016 at 11:18 AM, John Andrews <jandrews@utah.gov> wrote:

> Yes. Let me know a good time for you.
>
> Sent from my iPhone
>
> > On Oct 12, 2016, at 8:55 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
> >
> > Are you free to talk today? Thanks!

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500

FOR COMMITTEE USE ONLY

Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

FOR COMMITTEE USE ONLY

Conversation Contents

[Update] Weekly UT Check-in Call

nicole_buffa@ios.doi.gov

From: nicole_buffa@ios.doi.gov

Sent: Wed Oct 12 2016 07:46:11 GMT-0600 (MDT)

To: casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, nicole_buffa@ios.doi.gov, codystewart@utah.gov, fred.ferguson@mail.house.gov

Subject: [Update] Weekly UT Check-in Call

Hi All - Cody and I just caught up. Sorry I was late to the call. There's not too much to update you all. A few of us are meeting with SJ Commissioner Adams this morning. Happy to fill you all in next week, or before.

Thanks,
Nikki

Weekly UT Check-in Call

When: Wed Oct 12, 2016 9:30am – 10am Eastern Time

Where: Dial-in: (b) (5) and code: (b) (5) (map)

Video call: (b) (5)

Who:
- nicole_buffa@ios.doi.gov - organizer
- gisella_ojeda-dodds@ios.doi.gov - creator
- fred.ferguson@mail.house.gov
- Cody Stewart
- devin.wiser@mail.house.gov
- casey.snider@mail.house.gov
- chris_prandoni@lee.senate.gov
- john_tanner@hatch.senate.gov
- wendy_baig@lee.senate.gov
- adam.stewart@mail.house.gov

Conversation Contents

Fwd: SITLA NAGPRA Regulations

Attachments:

/79. Fwd: SITLA NAGPRA Regulations/1.1 r850-061.rtf

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

From:	Justin Pidot <justin.pidot@sol.doi.gov>
Sent:	Tue Oct 11 2016 17:04:28 GMT-0600 (MDT)
To:	nikki_buffa@ios.doi.gov
Subject:	Fwd: SITLA NAGPRA Regulations
Attachments:	r850-061.rtf

FYI. I'll take a look at these tomorrow.

Sent from my iPhone

Begin forwarded message:

From: John Andrews <jandrews@utah.gov>
Date: October 11, 2016 at 5:27:23 PM EDT
To: Justin Pidot <justin.pidot@sol.doi.gov>, <aaron.moody@sol.doi.gov>
Cc: Allen Freemyer <allen@adfpc.com>
Subject: SITLA NAGPRA Regulations

Justin;

You asked about SITLA's NAGPRA regulations at our meeting last week, which are attached. You will note that section 300(3) of the rule provides for an "out" from the existing process with the State Division of Indian Affairs in certain circumstances. I checked with our chief archaeologist, and he tells me that that portion of the rule has never been used in his 25 plus years with the agency. We apparently get a remains discovery on average every one or two years, and they have all been run through the standard process.

Hope this helps.

John Andrews

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Tue Oct 11 2016 18:18:19 GMT-0600 (MDT)
To: Justin Pidot <justin.pidot@sol.doi.gov>
CC: "nikki_buffa@ios.doi.gov" <nikki_buffa@ios.doi.gov>
Subject: Re: SITLA NAGPRA Regulations

K. Thanks!

On Oct 11, 2016, at 7:04 PM, Justin Pidot <justin.pidot@sol.doi.gov> wrote:

> FYI. I'll take a look at these tomorrow.
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> **From:** John Andrews <jandrews@utah.gov>
> **Date:** October 11, 2016 at 5:27:23 PM EDT
> **To:** Justin Pidot <justin.pidot@sol.doi.gov>,
> <aaron.moody@sol.doi.gov>
> **Cc:** Allen Freemyer <allen@adfpc.com>
> **Subject: SITLA NAGPRA Regulations**
>
> Justin;
>
> You asked about SITLA's NAGPRA regulations at our meeting last week, which are attached. You will note that section 300(3) of the rule provides for an "out" from the existing process with the State Division of Indian Affairs in certain circumstances. I checked with our chief archaeologist, and he tells me that that portion of the rule

has never been used in his 25 plus years with the agency. We apparently get a remains discovery on average every one or two years, and they have all been run through the standard process.

Hope this helps.

John Andrews

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

<r850-061.rtf>

R850. School and Institutional Trust Lands, Administration.
R850-61. Native American Grave Protection and Repatriation.
R850-61-100. Authorities.

1. This rule implements Sections 6, 8, 10 and 12 of the Enabling Act, Articles X and XX of the Utah Constitution, and Sections 53C-1-302(1)(a)(ii) and 53C-2-201(1)(a) which authorize the Director of the School and Institutional Trust Lands Administration to prescribe the management of cultural resources on trust lands. This rule outlines the manner by which the agency shall, pursuant to Section 53C-1-201(5)(b), provide policies for the ownership and control of Native American remains as defined in Section 9-9-402, that are discovered or excavated on school and institutional trust lands.

R850-61-200. Scope and Applicability.

1. This rule applies to all Native American remains found on school and institutional trust lands.

R850-61-300. Duties Upon Discovery of Remains.

1. Human remains are to be treated at all times with dignity and respect. Any person who discovers human remains on school and institutional trust lands must immediately cease all activity which might disturb the remains, take reasonable steps to protect the remains, and report the discovery to local law enforcement (in accordance with Section 76-9-704) and to the Director

2. If discontinuation of the activity is reasonable and prudent, and consistent with the Director's fiduciary responsibilities, the immediate site shall be restored and all activity in the area shall be re-routed or discontinued to limit any further disturbance to the site

3. If discontinuation is not reasonable or prudent, the agency shall follow the Utah Division of Indian Affairs' process (as contained in Utah Administrative Code R230-1) except when the Director concludes by written finding that:

(a) the determination of whether the remains in question are Native American, pursuant to U.A.C. R230-1-6(3), will unduly impact an authorized use of trust lands; or

(b) the time needed to prepare a preservation plan or the requirements of such a plan, pursuant to U.A.C. R230-1-7(1), will violate the fiduciary duty to the trust. When such a finding is made, the Director will assume control over the process.

4. Ownership or control of any Native American human remains that are excavated or removed from the site shall be determined pursuant to Utah Code Annotated Section 9-9-401 et seq.

KEY: cultural resources, Native American Grave Protection and Repatriation
Date of Enactment or Last Substantive Amendment: November 17, 2003
Notice of Continuation: November 13, 2013
Authorizing, and Implemented or Interpreted Law: 53C-1-201(5)(b); 53C-1-302(1)(a)(ii); 53C-2-201(1)(a)

Conversation Contents

Declined: Updated Invitation: Weekly Check-in Call @ Weekly from 9:30am to 10am on Wednesday (EDT) (nicole_buffa@ios.doi.gov)

Attachments:

/80. Declined: Updated Invitation: Weekly Check-in Call @ Weekly from 9:30am to 10am on Wednesday (EDT) (nicole_buffa@ios.doi.gov)/1.1 invite.ics

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

From:	"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Sent:	Tue Oct 11 2016 12:26:24 GMT-0600 (MDT)
To:	"nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Subject:	Declined: Updated Invitation: Weekly Check-in Call @ Weekly from 9:30am to 10am on Wednesday (EDT) (nicole_buffa@ios.doi.gov)
Attachments:	invite.ics

I will be traveling tomorrow morning and will not be able to be on the call. Can we catch up later in the day, or on Thursday morning?

FOR COMMITTEE USE ONLY

From: Tanner, John (Hatch)
To: Unknown; Tanner, John (Hatch)
Subject: Declined: Updated Invitation: Weekly Check-in Call @ Weekly from 9:30am to 10am on Wednesday (EDT) (nicole_buffa@ios.doi.gov)

I will be traveling tomorrow morning and will not be able to be on the call. Can we catch up later in the day, or on Thursday morning?

FOR COMMITTEE USE ONLY

Conversation Contents

Meeting request 10/12: San Juan County Commissioner Bruce Adams

Attachments:

/81. Meeting request 10/12: San Juan County Commissioner Bruce Adams/1.1 Advisability of Designating the Bear Ear FINAL DRAFT.pdf

"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>

From:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Sent:	Thu Oct 06 2016 07:27:19 GMT-0600 (MDT)
To:	"nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Subject:	Meeting request 10/12: San Juan County Commissioner Bruce Adams
Attachments:	Advisability of Designating the Bear Ear FINAL DRAFT.pdf

Hey Nikki,

Next Wednesday San Juan County Commissioner Bruce Adams will be in town and would like to present the attached report. I honestly haven't had time to read it but I expect the report to be a point of conversation you all will probably need to be aware of.

Commissioner Adams would like to meet with someone from DOI and CEQ if possible. Think you can help make this happen? Not to presume, but if someone from your shop can meet, Bruce is available the morning-early afternoon of the 12th.

Thanks helping me play matchmaker.

Talk to ya tomorrow,
Chris

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Thu Oct 06 2016 07:47:26 GMT-0600 (MDT)
To:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
CC:	Gisella Ojeda-dodds <gisella_ojeda-dodds@ios.doi.gov>
Subject:	Re: Meeting request 10/12: San Juan County Commissioner Bruce Adams

Would be happy to do this meeting with some of our BLMers. Gisella can schedule it if you set her up with the right folks. Thanks! > On Oct 6, 2016, at 9:29 AM, Prandoni, Chris (Lee)

<Chris_Prandoni@lee.senate.gov> wrote: > > Hey Nikki, > > Next Wednesday San Juan County Commissioner Bruce Adams will be in town and would like to present the attached report. I honestly haven't had time to read it but I expect the report to be a point of conversation you all will probably need to be aware of. > > Commissioner Adams would like to meet with someone from DOI and CEQ if possible. Think you can help make this happen? Not to presume, but if someone from your shop can meet, Bruce is available the morning-early afternoon of the 12th. > > Thanks helping me play matchmaker. > > Talk to ya tomorrow, > Chris >

"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>

From:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Sent:	Thu Oct 06 2016 07:58:07 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Meeting request 10/12: San Juan County Commissioner Bruce Adams

Awesome. Thanks, Nikki. Gisella ‹ I'll connect you and Bruce in a few; I am about to run out. Chris On 10/6/16, 9:47 AM, "Nicole Buffa" <nicole_buffa@ios.doi.gov> wrote: >Would be happy to do this meeting with some of our BLMers. Gisella can >schedule it if you set her up with the right folks. Thanks! > >> On Oct 6, 2016, at 9:29 AM, Prandoni, Chris (Lee) >><Chris_Prandoni@lee.senate.gov> wrote: >> >> Hey Nikki, >> >> Next Wednesday San Juan County Commissioner Bruce Adams will be in town >>and would like to present the attached report. I honestly haven't had >>time to read it but I expect the report to be a point of conversation >>you all will probably need to be aware of. >> >> Commissioner Adams would like to meet with someone from DOI and CEQ if >>possible. Think you can help make this happen? Not to presume, but if >>someone from your shop can meet, Bruce is available the morning-early >>afternoon of the 12th. >> >> Thanks helping me play matchmaker. >> >> Talk to ya tomorrow, >> Chris >> >

"Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>

From:	"Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>
Sent:	Thu Oct 06 2016 14:58:31 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Meeting request 10/12: San Juan County Commissioner Bruce Adams

Hello - who would you like me to invite from BLM?

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

On Thu, Oct 6, 2016 at 9:47 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Would be happy to do this meeting with some of our BLMers. Gisella can schedule it if you set her up with the right folks. Thanks!
>
> > On Oct 6, 2016, at 9:29 AM, Prandoni, Chris (Lee) <Chris_Prandoni@lee.senate.gov> wrote:
> >
> > Hey Nikki,
> >
> > Next Wednesday San Juan County Commissioner Bruce Adams will be in town and would like to present the attached report. I honestly haven't had time to read it but I expect the report to be a point of conversation you all will probably need to be aware of.
> >
> > Commissioner Adams would like to meet with someone from DOI and CEQ if possible. Think you can help make this happen? Not to presume, but if someone from your shop can meet, Bruce is available the morning-early afternoon of the 12th.
> >
> > Thanks helping me play matchmaker.
> >
> > Talk to ya tomorrow,
> > Chris
> > <Advisability of Designating the Bear Ear FINAL DRAFT.pdf>

"Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>

From:	"Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>
Sent:	Tue Oct 11 2016 09:58:15 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Fwd: Meeting request 10/12: San Juan County Commissioner Bruce Adams

re-forwarding.

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: **Ojeda-dodds, Gisella** <gisella_ojeda-dodds@ios.doi.gov>
Date: Thu, Oct 6, 2016 at 4:58 PM
Subject: Re: Meeting request 10/12: San Juan County Commissioner Bruce Adams
To: Nicole Buffa <nicole_buffa@ios.doi.gov>

Hello - who would you like me to invite from BLM?

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

On Thu, Oct 6, 2016 at 9:47 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

Would be happy to do this meeting with some of our BLMers. Gisella can schedule it if you set her up with the right folks. Thanks!

> On Oct 6, 2016, at 9:29 AM, Prandoni, Chris (Lee) <Chris_Prandoni@lee.senate.gov> wrote:
>
> Hey Nikki,
>
> Next Wednesday San Juan County Commissioner Bruce Adams will be in town and would like to present the attached report. I honestly haven't had time to read it but I expect the report to be a point of conversation you all will probably need to be aware of.
>
> Commissioner Adams would like to meet with someone from DOI and CEQ if possible. Think you can help make this happen? Not to presume, but if someone from your shop can meet, Bruce is available the morning-early afternoon of the 12th.
>
> Thanks helping me play matchmaker.
>
> Talk to ya tomorrow,
> Chris
> <Advisability of Designating the Bear Ear FINAL DRAFT.pdf>

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Tue Oct 11 2016 10:17:01 GMT-0600 (MDT)
To:	"Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>
Subject:	Re: Meeting request 10/12: San Juan County Commissioner Bruce Adams

Yeah. I was pondering this. Sorry for not getting back to you.

On Tue, Oct 11, 2016 at 11:58 AM, Ojeda-dodds, Gisella <gisella_ojeda-dodds@ios.doi.gov> wrote:

re-forwarding.

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: **Ojeda-dodds, Gisella** <gisella_ojeda-dodds@ios.doi.gov>
Date: Thu, Oct 6, 2016 at 4:58 PM
Subject: Re: Meeting request 10/12: San Juan County Commissioner Bruce Adams
To: Nicole Buffa <nicole_buffa@ios.doi.gov>

Hello - who would you like me to invite from BLM?

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

On Thu, Oct 6, 2016 at 9:47 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

Would be happy to do this meeting with some of our BLMers. Gisella can schedule it if you set her up with the right folks. Thanks!

> On Oct 6, 2016, at 9:29 AM, Prandoni, Chris (Lee) <Chris_Prandoni@lee.senate.gov> wrote:
>
> Hey Nikki,
>
> Next Wednesday San Juan County Commissioner Bruce Adams will be in town and would like to present the attached report. I honestly haven't had time to read it but I expect the report to be a point of conversation you all will probably need to be aware of.
>
> Commissioner Adams would like to meet with someone from DOI and CEQ if possible. Think you can help make this happen? Not to presume, but if someone from your shop can meet, Bruce is available the morning-early afternoon of the 12th.
>
> Thanks helping me play matchmaker.
>
> Talk to ya tomorrow,
> Chris
> <Advisability of Designating the Bear Ear FINAL DRAFT.pdf>

--
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

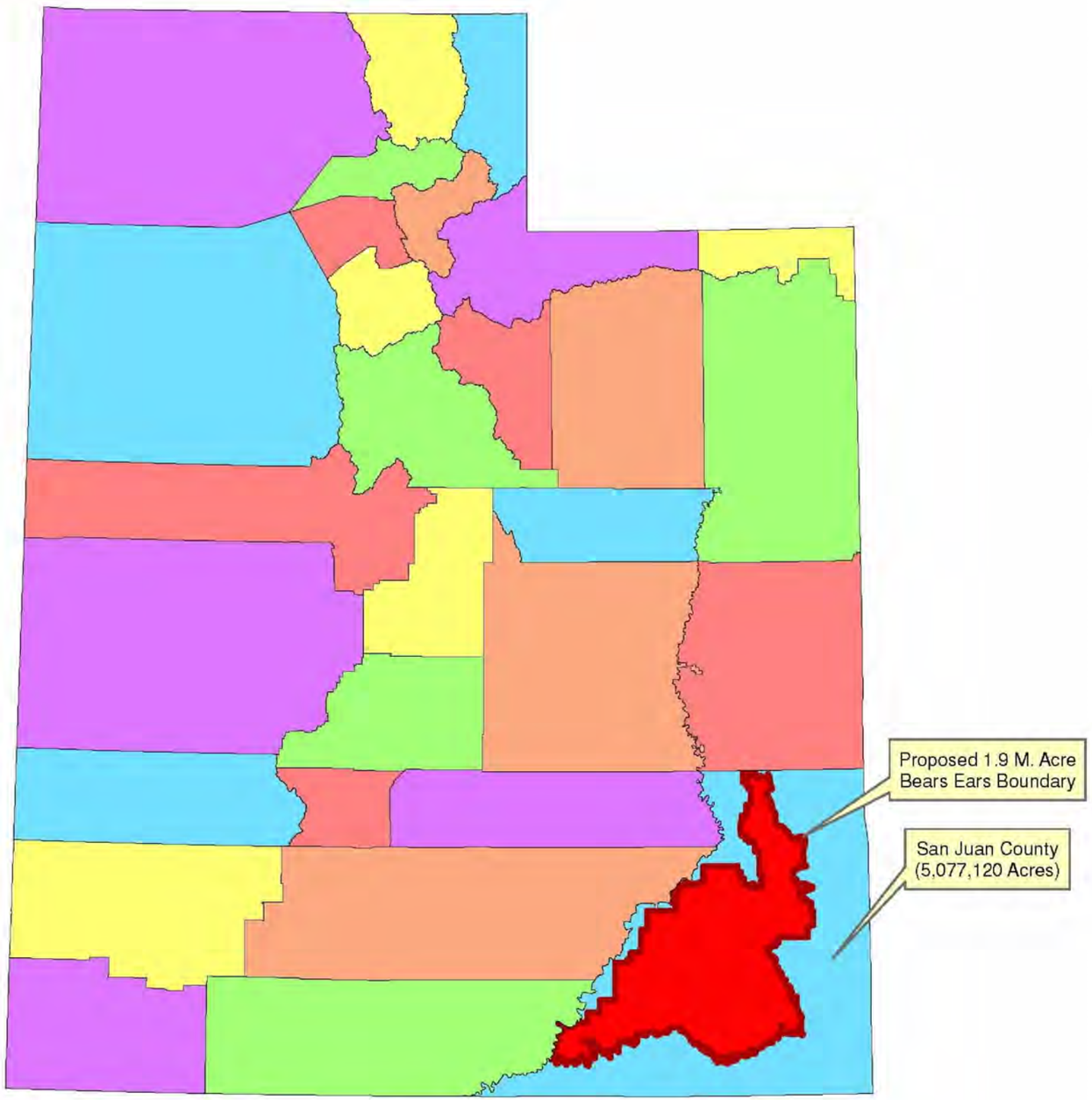
EXHIBIT 1

- 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

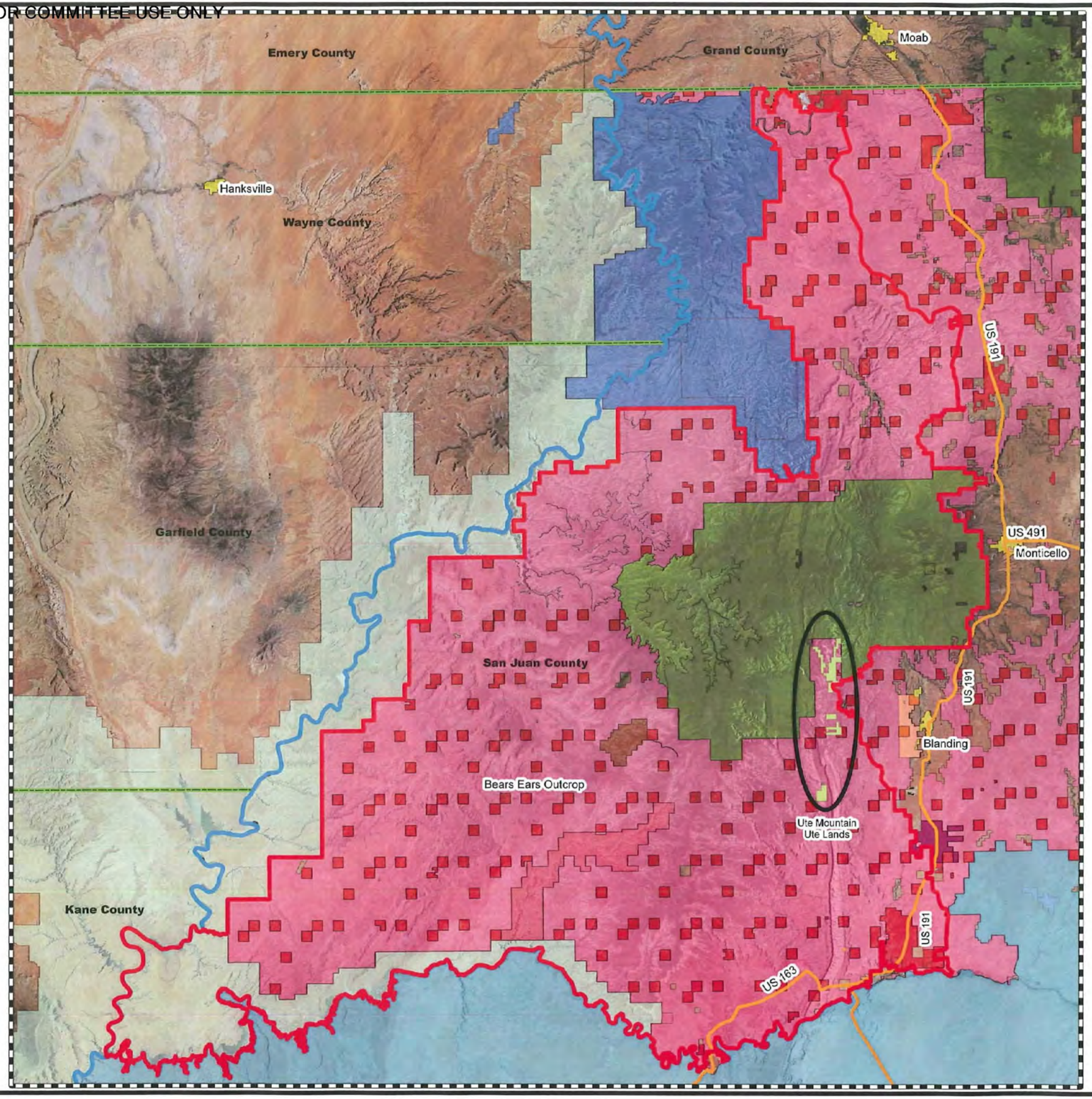


Stillwater Technical Solutions

"Complex Problems Solved Well"

FOR COMMITTEE USE ONLY

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



Legend

N

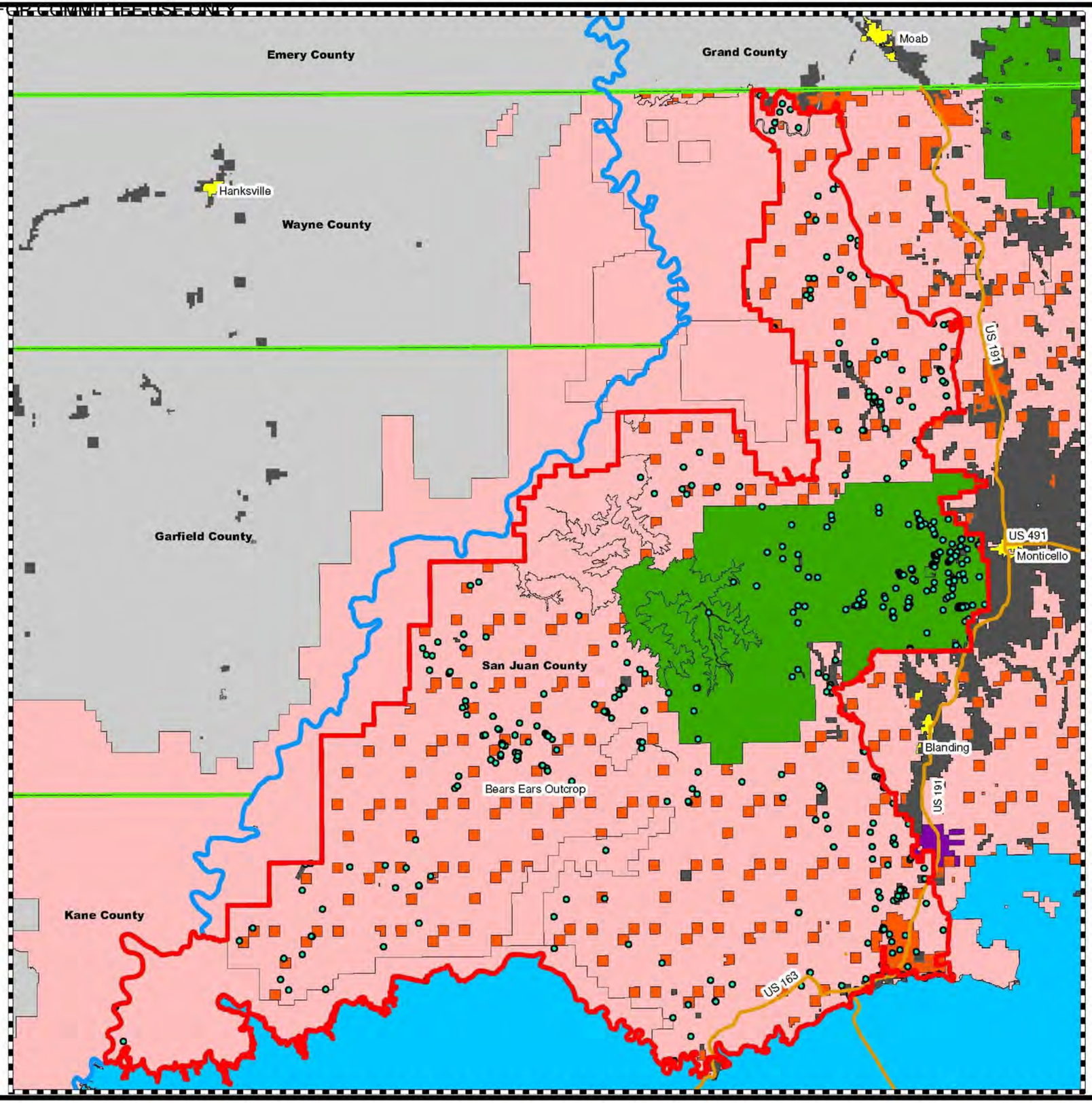
- Proposed Bears Ears Monument Boundary
- Colorado River
- US Highways
- County Lines
- Navajo Indian Nation
- Ute Mountain Ute Lands
- White Mesa Ute Reservation
- Natural Bridges NM
- BLM Holdings
- Grand Gulch
- Glen Canyon NRA
- Canyonlands NP
- Manti-La Sal National Forest
- SITLA (State)
- Municipal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

STATE OF UTAH
8-25-16
COUNTY SURVEYOR
SAN JUAN COUNTY

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

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.

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.
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.

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.

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.

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

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,

James D Perkins Jr.

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

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

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

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.

It is likely the 135 % growth in "Mandatory" Budget Requests reflects Monument addictions

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 Krusenstem 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.

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

Conversation Contents

Thank you!

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Fri Oct 07 2016 14:21:57 GMT-0600 (MDT)
To:	"Andrews, John" <jandrews@utah.gov>, Allen Freemyer <allen@adfpc.com>, David Ure <dure@utah.gov>
Subject:	Thank you!

Hello,

I just wanted to say thank you for speaking to me and Tommy last week! I'm glad we had the chance to speak and look forward to speaking to you all again soon.

All my best,

Nikki

--

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

Conversation Contents

Fwd: Memo: Problematic SITLA trades proposed in PLI

Attachments:

/83. Fwd: Memo: Problematic SITLA trades proposed in PLI/1.1 Introduced PLI-SITLA trade problems V4-lowrez.pdf
/83. Fwd: Memo: Problematic SITLA trades proposed in PLI/4.1 Introduced PLI-SITLA trade problems V4-lowrez.pdf
/83. Fwd: Memo: Problematic SITLA trades proposed in PLI/4.2 land trades memo vF.pdf

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Oct 05 2016 08:23:08 GMT-0600 (MDT)
To:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject:	Fwd: Memo: Problematic SITLA trades proposed in PLI
Attachments:	Introduced PLI-SITLA trade problems V4-lowrez.pdf

You may want to print these attachments out and keep them in your stack. Note that SITLA got this memo and map too.

Begin forwarded message:

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
To: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject: Fwd: Memo: Problematic SITLA trades proposed in PLI

Fascinating timing. Take a look when you can, but not urgent.

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

<Casey.Snider@mail.house.gov>, ryan_wilcox@lee.senate.gov

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

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

Sincerely,

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

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

"Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>

From:	"Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
Sent:	Fri Oct 07 2016 06:10:19 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Memo: Problematic SITLA trades proposed in PLI

I couldn't get this pdf to open for me - comes up blank

On Wed, Oct 5, 2016 at 10:23 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> You may want to print these attachments out and keep them in your stack. Note that SITLA got this memo and map too.
>
> Begin forwarded message:

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
To: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject: Fwd: Memo: Problematic SITLA trades proposed in PLI

Fascinating timing. Take a look when you can, but not urgent.

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

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

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

Sincerely,

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

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

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Fri Oct 07 2016 06:52:30 GMT-0600 (MDT)
To: "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
Subject: Re: Memo: Problematic SITLA trades proposed in PLI

Will retry.

On Oct 7, 2016, at 7:10 AM, Beaudreau, Tommy <tommy_beaudreau@ios.doi.gov> wrote:

> I couldn't get this pdf to open for me - comes up blank
>
> On Wed, Oct 5, 2016 at 10:23 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
> > You may want to print these attachments out and keep them in your stack. Note that SITLA got this memo and map too.
> >
> > Begin forwarded message:
> >
> > **From:** "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
> > **To:** Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
> > **Subject: Fwd: Memo: Problematic SITLA trades proposed in PLI**
> >
> > Fascinating timing. Take a look when you can, but not urgent.
> >
> > ---------- Forwarded message ----------
> > From: **Josh Ewing** <josh@cedarmesafriends.org>
> > Date: Fri, Sep 9, 2016 at 2:34 PM
> > Subject: Memo: Problematic SITLA trades proposed in PLI
> > To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
> > Cc: David Ure <dure@utah.gov>, Kim Christy <kimchristy@utah.gov>, nkornze@blm.gov, WhitlockJenna <jwhitloc@blm.gov>, Ferguson Fred <Fred.Ferguson@mail.house.gov>, "Snider, Casey" <Casey.Snider@mail.house.gov>, ryan_wilcox@lee.senate.gov
> >
> > Dear Ms. Buffa: I have attached a memo for consideration by the Secretary regarding a significant issue raised by the Public Lands Initiative legislation (although not limited to the PLI) regarding proposed SITLA trades that would likely accompany any conservation designation in southeastern Utah.

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

Sincerely,

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

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

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Fri Oct 07 2016 06:53:10 GMT-0600 (MDT)
To:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject:	Fwd: Memo: Problematic SITLA trades proposed in PLI
Attachments:	Introduced PLI-SITLA trade problems V4-lowrez.pdf land trades memo vF.pdf

How about now?

Begin forwarded message:

From: Josh Ewing <josh@cedarmesafriends.org>
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Cc: David Ure <dure@utah.gov>, Kim Christy <kimchristy@utah.gov>, "nkornze@blm.gov" <nkornze@blm.gov>, WhitlockJenna <jwhitloc@blm.gov>, Ferguson Fred <Fred.Ferguson@mail.house.gov>, "Snider, Casey" <Casey.Snider@mail.house.gov>, "ryan_wilcox@lee.senate.gov" <ryan_wilcox@lee.senate.gov>

FOR COMMITTEE USE ONLY

Subject: Memo: Problematic SITLA trades proposed in PLI

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

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

Sincerely,

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

"Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>

From:	"Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
Sent:	Fri Oct 07 2016 08:29:16 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Memo: Problematic SITLA trades proposed in PLI

These work - thank you!

On Fri, Oct 7, 2016 at 8:53 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> How about now?
>
> Begin forwarded message:
>
> **From:** Josh Ewing <josh@cedarmesafriends.org>
> **To:** "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
> **Cc:** David Ure <dure@utah.gov>, Kim Christy <kimchristy@utah.gov>, "nkornze@blm.gov" <nkornze@blm.gov>, WhitlockJenna <jwhitloc@blm.gov>, Ferguson Fred <Fred.Ferguson@mail.house.gov>, "Snider, Casey" <Casey.Snider@mail.house.gov>, "ryan_wilcox@lee.senate.gov" <ryan_wilcox@lee.senate.gov>
> **Subject: Memo: Problematic SITLA trades proposed in PLI**
>
> Dear Ms. Buffa: I have attached a memo for consideration by the Secretary regarding a significant issue raised by the Public Lands Initiative legislation (although not limited to the PLI) regarding proposed SITLA trades that

would likely accompany any conservation designation in southeastern Utah.

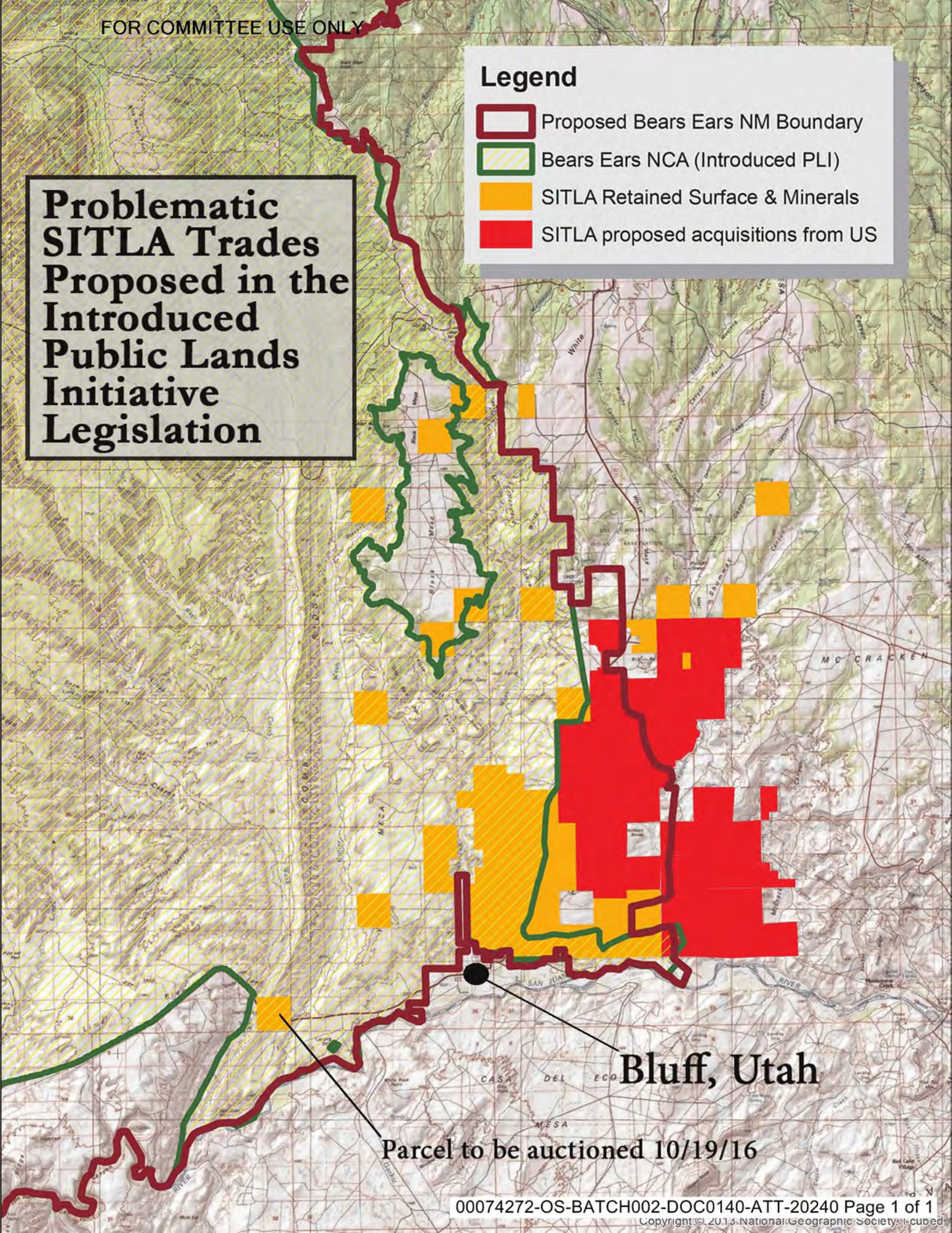
Please let me know if you have any questions or need any further information on this important issue.

Sincerely,

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

FOR COMMITTEE USE ONLY

Problematic SITLA Trades Proposed in the Introduced Public Lands Initiative Legislation



Copyright © 2013 National Geographic Society, i-cubed

FOR COMMITTEE USE ONLY

Friends of Cedar Mesa

PO Box 338, Bluff, UT 84512

MEMORANDUM

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

From: *Josh Ewing, Executive Director*

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

Date: *September 9, 2016*

Background

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

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

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

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

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

Conservation and scenic values of the area

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

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

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

Potential for development, privatization and extraction within proposed conservation areas

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

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

Recommendations and conclusion

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

CC:

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

Conversation Contents

Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Oct 6, 2016 9am - 9:30am (EDT) (nicole_buffa@ios.doi.gov)

Attachments:

/84. Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Oct 6, 2016 9am - 9:30am (EDT) (nicole_buffa@ios.doi.gov)/1.1 invite.ics

"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>

From:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Sent:	Wed Oct 05 2016 06:57:36 GMT-0600 (MDT)
To:	"nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Subject:	Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Oct 6, 2016 9am - 9:30am (EDT) (nicole_buffa@ios.doi.gov)
Attachments:	invite.ics

FOR COMMITTEE USE ONLY

From: Prandoni, Chris (Lee)
To: nicole_buffa@ios.doi.gov; Prandoni, Chris (Lee)
Subject: Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Oct 6, 2016 9am - 9:30am (EDT) (nicole_buffa@ios.doi.gov)

Conversation Contents

Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Oct 6, 2016 9am - 9:30am (EDT) (nicole_buffa@ios.doi.gov)

Attachments:

/85. Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Oct 6, 2016 9am - 9:30am (EDT) (nicole_buffa@ios.doi.gov)/1.1 invite.ics

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Wed Oct 05 2016 05:47:51 GMT-0600 (MDT)
To:	"nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Subject:	Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Oct 6, 2016 9am - 9:30am (EDT) (nicole_buffa@ios.doi.gov)
Attachments:	invite.ics

FOR COMMITTEE USE ONLY

From: Ferguson, Fred
To: nicole_buffa@ios.doi.gov; Ferguson, Fred
Subject: Accepted: Updated Invitation: Weekly UT Check-in Call @ Thu Oct 6, 2016 9am - 9:30am (EDT) (nicole_buffa@ios.doi.gov)

FOR COMMITTEE USE ONLY

Conversation Contents

Meeting Wednesday 10/5

John Andrews <jandrews@utah.gov>

From:	John Andrews <jandrews@utah.gov>
Sent:	Mon Oct 03 2016 11:55:46 GMT-0600 (MDT)
To:	Justin Pidot <justin.pidot@sol.doi.gov>, "Buffa, Nicole" <nicole_buffa@ios.doi.gov>, Allen Freemyer <allen@adfpc.com>, <aaron.moody@sol.doi.gov>
Subject:	Meeting Wednesday 10/5

All;

We with SITLA are looking forward to meeting with your team on Wednesday the 5th at 10:00 am. The following are topics we hope to address; please add any more items that we should be thinking of.

1. Discussion of past land exchange structure (per materials sent to Justin Pidot) - Grand Staircase and West Desert
2. Specific issues: (a) Ratification/legislative language; (b) Valuation; (c) NEPA; (d) NHPA
3. Review of updated conceptual map
4. Discussion of NCA boundary issues: (a) Bluff; (b) west side; (c) north end near Moab
5. Timing/how to preserve mutual understandings over administration transition
6. Ute Tribal issue with IRA/PLI, etc.

Hope this helps. Please let me know of any questions or concerns.

John Andrews

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

FOR COMMITTEE USE ONLY

"Pidot, Justin" <justin.pidot@sol.doi.gov>

From:	"Pidot, Justin" <justin.pidot@sol.doi.gov>
Sent:	Tue Oct 04 2016 15:01:00 GMT-0600 (MDT)
To:	John Andrews <jandrews@utah.gov>
CC:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>, Allen Freemyer <allen@adfpc.com>, Aaron Moody <aaron.moody@sol.doi.gov>, David Ure <dure@utah.gov>
Subject:	Re: Meeting Wednesday 10/5

John,

I am looking forward to our meeting tomorrow and thanks for including this information. I wanted to bring to your attention that the location of the meeting has changed (this is reflected on the calendar invite). We are now meeting in the Solicitor's conference room, room 6425. Also, in case you didn't see this information, your point of contacts for security are Marigrace Caminiti or Kimberly Edwards at 202-208-4423.

Best,

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Mon, Oct 3, 2016 at 1:55 PM, John Andrews <jandrews@utah.gov> wrote:

> All;
>
> We with SITLA are looking forward to meeting with your team on Wednesday the 5th at 10:00 am. The following are topics we hope to address; please add any more items that we should be thinking of.
>
> 1. Discussion of past land exchange structure (per materials sent to Justin Pidot) - Grand Staircase and West Desert
> 2. Specific issues: (a) Ratification/legislative language; (b) Valuation; (c) NEPA; (d) NHPA
> 3. Review of updated conceptual map
> 4. Discussion of NCA boundary issues: (a) Bluff; (b) west side; (c) north end near Moab
> 5. Timing/how to preserve mutual understandings over administration transition
> 6. Ute Tribal issue with IRA/PLI, etc.

Hope this helps. Please let me know of any questions or concerns.

John Andrews

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Tue Oct 04 2016 15:02:56 GMT-0600 (MDT)
To:	Gisella Ojeda-dodds <gisella_ojeda-dodds@ios.doi.gov>
Subject:	Fwd: Meeting Wednesday 10/5

Begin forwarded message:

From: "Pidot, Justin" <justin.pidot@sol.doi.gov>
Date: October 4, 2016 at 5:01:00 PM EDT
To: John Andrews <jandrews@utah.gov>
Cc: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>, Allen Freemyer <allen@adfpc.com>, Aaron Moody <aaron.moody@sol.doi.gov>, David Ure <dure@utah.gov>
Subject: Re: Meeting Wednesday 10/5

John,

I am looking forward to our meeting tomorrow and thanks for including this information. I wanted to bring to your attention that the location of the meeting has changed (this is reflected on the calendar invite). We are now meeting in the Solicitor's conference room, room 6425. Also, in case you didn't see this

information, your point of contacts for security are Marigrace Caminiti or Kimberly Edwards at 202-208-4423.

Best,

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Mon, Oct 3, 2016 at 1:55 PM, John Andrews <jandrews@utah.gov> wrote:

> All;
>
> We with SITLA are looking forward to meeting with your team on Wednesday the 5th at 10:00 am. The following are topics we hope to address; please add any more items that we should be thinking of.
>
> 1. Discussion of past land exchange structure (per materials sent to Justin Pidot) - Grand Staircase and West Desert
> 2. Specific issues: (a) Ratification/legislative language; (b) Valuation; (c) NEPA; (d) NHPA
> 3. Review of updated conceptual map
> 4. Discussion of NCA boundary issues: (a) Bluff; (b) west side; (c) north end near Moab
> 5. Timing/how to preserve mutual understandings over administration transition
> 6. Ute Tribal issue with IRA/PLI, etc.
>
> Hope this helps. Please let me know of any questions or concerns.
>
> John Andrews
>
> --
> John W. Andrews
> Associate Director & Chief Legal Counsel
> Utah School and Institutional Trust Lands Administration
> 675 East 500 South, Suite 500
> Salt Lake City, Utah 84102
>
> (801) 538-5180 (o)

FOR COMMITTEE USE ONLY

(801) 538-5118 (fax)
(801) 243-8611 (mobile)

Allen Freemyer <allen@adfpc.com>

From:	Allen Freemyer <allen@adfpc.com>
Sent:	Tue Oct 04 2016 15:05:39 GMT-0600 (MDT)
To:	John Andrews <jandrews@utah.gov>, "Pidot, Justin" <justin.pidot@sol.doi.gov>
Subject:	Re: Meeting Wednesday 10/5

Thank you Justin. We look forward to tomorrow. Allen

Allen D. Freemyer
3333 K Street NW, Suite 115
Washington DC 20007
202-293-6496
Allen@adfpc.com

From: Pidot, Justin <justin.pidot@sol.doi.gov>
Sent: Tuesday, October 4, 2016 5:01 PM
Subject: Re: Meeting Wednesday 10/5
To: John Andrews <jandrews@utah.gov>
Cc: David Ure <dure@utah.gov>, Allen Freemyer <allen@adfpc.com>, Buffa, Nicole <nicole_buffa@ios.doi.gov>, Aaron Moody <aaron.moody@sol.doi.gov>

John,

I am looking forward to our meeting tomorrow and thanks for including this information. I wanted to bring to your attention that the location of the meeting has changed (this is reflected on the calendar invite). We are now meeting in the Solicitor's conference room, room 6425. Also, in case you didn't see this information, your point of contacts for security are Marigrace Caminiti or Kimberly Edwards at 202-208-4423.

Best,

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is

addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Mon, Oct 3, 2016 at 1:55 PM, John Andrews <jandrews@utah.gov> wrote:

> All;
>
> We with SITLA are looking forward to meeting with your team on Wednesday the 5th at 10:00 am. The following are topics we hope to address; please add any more items that we should be thinking of.
>
> 1. Discussion of past land exchange structure (per materials sent to Justin Pidot) - Grand Staircase and West Desert
> 2. Specific issues: (a) Ratification/legislative language; (b) Valuation; (c) NEPA; (d) NHPA
> 3. Review of updated conceptual map
> 4. Discussion of NCA boundary issues: (a) Bluff; (b) west side; (c) north end near Moab
> 5. Timing/how to preserve mutual understandings over administration transition
> 6. Ute Tribal issue with IRA/PLI, etc.
>
> Hope this helps. Please let me know of any questions or concerns.
>
> John Andrews
>
> --
> John W. Andrews
> Associate Director & Chief Legal Counsel
> Utah School and Institutional Trust Lands Administration
> 675 East 500 South, Suite 500
> Salt Lake City, Utah 84102
>
> (801) 538-5180 (o)
> (801) 538-5118 (fax)
> (801) 243-8611 (mobile)

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

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent: Tue Oct 04 2016 17:05:52 GMT-0600 (MDT)
To: Allen Freemyer <allen@adfpc.com>

FOR COMMITTEE USE ONLY

Subject: Re: Meeting Wednesday 10/5

So you are not surprised, Tommy and Neil will join us too!

On Tue, Oct 4, 2016 at 5:05 PM, Allen Freemyer <allen@adfpc.com> wrote:

> Thank you Justin. We look forward to tomorrow. Allen
>
> Allen D. Freemyer
> 3333 K Street NW, Suite 115
> Washington DC 20007
> 202-293-6496
> Allen@adfpc.com
>
> _____
> From: Pidot, Justin <justin.pidot@sol.doi.gov>
> Sent: Tuesday, October 4, 2016 5:01 PM
> Subject: Re: Meeting Wednesday 10/5
> To: John Andrews <jandrews@utah.gov>
> Cc: David Ure <dure@utah.gov>, Allen Freemyer <allen@adfpc.com>, Buffa, Nicole <nicole_buffa@ios.doi.gov>, Aaron Moody <aaron.moody@sol.doi.gov>
>
> John,
>
> I am looking forward to our meeting tomorrow and thanks for including this information. I wanted to bring to your attention that the location of the meeting has changed (this is reflected on the calendar invite). We are now meeting in the Solicitor's conference room, room 6425. Also, in case you didn't see this information, your point of contacts for security are Marigrace Caminiti or Kimberly Edwards at 202-208-4423.
>
> Best,
>
> Justin
>
> Justin Pidot
> Deputy Solicitor for Land Resources, Office of the Solicitor
> U.S. Department of the Interior
> (202) 208-4423 Main
> (202) 208-5584 Fax
>
> NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.
>
> On Mon, Oct 3, 2016 at 1:55 PM, John Andrews <jandrews@utah.gov> wrote:
>
> > All;
> >
> > We with SITLA are looking forward to meeting with your team on Wednesday the 5th

at 10:00 am. The following are topics we hope to address; please add any more items that we should be thinking of.

1. Discussion of past land exchange structure (per materials sent to Justin Pidot) - Grand Staircase and West Desert
2. Specific issues: (a) Ratification/legislative language; (b) Valuation; (c) NEPA; (d) NHPA
3. Review of updated conceptual map
4. Discussion of NCA boundary issues: (a) Bluff; (b) west side; (c) north end near Moab
5. Timing/how to preserve mutual understandings over administration transition
6. Ute Tribal issue with IRA/PLI, etc.

Hope this helps. Please let me know of any questions or concerns.

John Andrews

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

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

Allen Freemyer <allen@adfpc.com>

From: Allen Freemyer <allen@adfpc.com>

FOR COMMITTEE USE ONLY

Sent: Tue Oct 04 2016 17:12:37 GMT-0600 (MDT)
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject: Re: Meeting Wednesday 10/5

Great. Thanks

Allen D. Freemyer
3333 K Street NW, Suite 115
Washington DC 20007
202-293-6496
Allen@adfpc.com

On Tue, Oct 4, 2016 at 7:06 PM -0400, "Buffa, Nicole" <nicole_buffa@ios.doi.gov> wrote:

So you are not surprised, Tommy and Neil will join us too!

On Tue, Oct 4, 2016 at 5:05 PM, Allen Freemyer <allen@adfpc.com> wrote:

> Thank you Justin. We look forward to tomorrow. Allen
>
> Allen D. Freemyer
> 3333 K Street NW, Suite 115
> Washington DC 20007
> 202-293-6496
> Allen@adfpc.com
>
> ---
> From: Pidot, Justin <justin.pidot@sol.doi.gov>
> Sent: Tuesday, October 4, 2016 5:01 PM
> Subject: Re: Meeting Wednesday 10/5
> To: John Andrews <jandrews@utah.gov>
> Cc: David Ure <dure@utah.gov>, Allen Freemyer <allen@adfpc.com>, Buffa, Nicole <nicole_buffa@ios.doi.gov>, Aaron Moody <aaron.moody@sol.doi.gov>
>
> John,
>
> I am looking forward to our meeting tomorrow and thanks for including this information. I wanted to bring to your attention that the location of the meeting has changed (this is reflected on the calendar invite). We are now meeting in the Solicitor's conference room, room 6425. Also, in case you didn't see this information, your point of contacts for security are Marigrace Caminiti or Kimberly Edwards at 202-208-4423.
>
> Best,
>
> Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Mon, Oct 3, 2016 at 1:55 PM, John Andrews <jandrews@utah.gov> wrote:

All;

We with SITLA are looking forward to meeting with your team on Wednesday the 5th at 10:00 am. The following are topics we hope to address; please add any more items that we should be thinking of.

1. Discussion of past land exchange structure (per materials sent to Justin Pidot) - Grand Staircase and West Desert
2. Specific issues: (a) Ratification/legislative language; (b) Valuation; (c) NEPA; (d) NHPA
3. Review of updated conceptual map
4. Discussion of NCA boundary issues: (a) Bluff; (b) west side; (c) north end near Moab
5. Timing/how to preserve mutual understandings over administration transition
6. Ute Tribal issue with IRA/PLI, etc.

Hope this helps. Please let me know of any questions or concerns.

John Andrews

--

John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

FOR COMMITTEE USE ONLY

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

Conversation Contents

Accepted: Updated Invitation: Weekly Check-in Call @ Weekly from 9:30am to 10am on Wednesday (EDT) (nicole_buffa@ios.doi.gov)

Attachments:

/87. Accepted: Updated Invitation: Weekly Check-in Call @ Weekly from 9:30am to 10am on Wednesday (EDT) (nicole_buffa@ios.doi.gov)/1.1 invite.ics

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

From:	"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Sent:	Tue Oct 04 2016 16:50:22 GMT-0600 (MDT)
To:	"nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Subject:	Accepted: Updated Invitation: Weekly Check-in Call @ Weekly from 9:30am to 10am on Wednesday (EDT) (nicole_buffa@ios.doi.gov)
Attachments:	invite.ics

From: Tanner, John (Hatch) <John_Tanner@hatch.senate.gov>
Subject: Accepted: Updated Invitation: Weekly Check-in Call @ Weekly from 9:30am to 10am on Wednesday (EDT) (nicole_buffa@ios.doi.gov)

FOR COMMITTEE USE ONLY

Conversation Contents

[Update] Weekly UT Check-in Call

gisella_ojeda-dodds@ios.doi.gov

From:	gisella_ojeda-dodds@ios.doi.gov
Sent:	Tue Oct 04 2016 14:06:24 GMT-0600 (MDT)
To:	casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, adam.stewart@mail.house.gov, devin.wiser@mail.house.gov, chris_prandoni@lee.senate.gov, gisella_ojeda-dodds@ios.doi.gov, wendy_baig@lee.senate.gov, nicole_buffa@ios.doi.gov, codystewart@utah.gov, fred.ferguson@mail.house.gov
Subject:	[Update] Weekly UT Check-in Call

Good Afternoon,

Unfortunately, Nikki now has to be at another meeting that conflicts with the 9:30AM meeting. Would it be possible to move this to 4PM tomorrow or Thursday between 9-10AM or 1-2PM?

Thanks in advance and sorry for the late notice.

Gisella

Weekly UT Check-in Call

When	Wed Oct 5, 2016 9:30am – 10am Eastern Time
Where	Dial-in: (b) (5) and code: (b) (5) (map)
Video call	(b) (5)
Who	• nicole_buffa@ios.doi.gov - organizer • gisella_ojeda-dodds@ios.doi.gov - creator • fred.ferguson@mail.house.gov • Cody Stewart • devin.wiser@mail.house.gov • casey.snider@mail.house.gov • chris_prandoni@lee.senate.gov • john_tanner@hatch.senate.gov • wendy_baig@lee.senate.gov • adam.stewart@mail.house.gov

FOR COMMITTEE USE ONLY

"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>

From:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Sent:	Tue Oct 04 2016 14:09:54 GMT-0600 (MDT)
To:	"gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>, "casey.snider@mail.house.gov" <casey.snider@mail.house.gov>, "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>, "adam.stewart@mail.house.gov" <adam.stewart@mail.house.gov>, "devin.wiser@mail.house.gov" <devin.wiser@mail.house.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>, "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>, "codystewart@utah.gov" <codystewart@utah.gov>, "fred.ferguson@mail.house.gov" <fred.ferguson@mail.house.gov>
Subject:	Re: [Update] Weekly UT Check-in Call

I can't do tomorrow but am free for either Thursday times. Thanks, Gisella.

From: Google Calendar <calendar-notification@google.com> on behalf of "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>
Reply-To: "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>
Date: Tuesday, October 4, 2016 at 4:06 PM
To: "casey.snider@mail.house.gov" <casey.snider@mail.house.gov>, "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>, "adam.stewart@mail.house.gov" <adam.stewart@mail.house.gov>, "devin.wiser@mail.house.gov" <devin.wiser@mail.house.gov>, Chris Prandoni <chris_prandoni@lee.senate.gov>, "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>, "nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>, "codystewart@utah.gov" <codystewart@utah.gov>, "fred.ferguson@mail.house.gov" <fred.ferguson@mail.house.gov>
Subject: [Update] Weekly UT Check-in Call

Good Afternoon,

Unfortunately, Nikki now has to be at another meeting that conflicts with the 9:30AM meeting. Would it be possible to move this to 4PM tomorrow or Thursday between 9-10AM or 1-2PM?

Thanks in advance and sorry for the late notice.

Gisella

Weekly UT Check-in Call

When	Wed Oct 5, 2016 9:30am – 10am Eastern Time
Where	Dial-in: (b) (5) and code: (b) (5) (map)
Video call	(b) (5)
Who	• nicole_buffa@ios.doi.gov - organizer • gisella_ojeda-dodds@ios.doi.gov - creator • fred.ferguson@mail.house.gov

- Cody Stewart
- devin.wiser@mail.house.gov
- casey.snider@mail.house.gov
- chris_prandoni@lee.senate.gov
- john_tanner@hatch.senate.gov
- wendy_baig@lee.senate.gov
- adam.stewart@mail.house.gov

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Tue Oct 04 2016 14:11:37 GMT-0600 (MDT)
To:	"gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov>
Subject:	Re: [Update] Weekly UT Check-in Call

All works for me

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

On Oct 4, 2016, at 16:06, "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov> wrote:

> Good Afternoon,
>
> Unfortunately, Nikki now has to be at another meeting that conflicts with the 9:30AM meeting. Would it be possible to move this to 4PM tomorrow or Thursday between 9-10AM or 1-2PM?
>
> Thanks in advance and sorry for the late notice.
>
> Gisella
>
> **Weekly UT Check-in Call**
>
> When Wed Oct 5, 2016 9:30am – 10am Eastern Time
>
> Where Dial-in: (b) (5) and code: (b) (5) (map)
>
> Video call (b) (5)
>
> Who
> - nicole_buffa@ios.doi.gov - organizer
> - gisella_ojeda-dodds@ios.doi.gov - creator
> - fred.ferguson@mail.house.gov
> - Cody Stewart
> - devin.wiser@mail.house.gov
> - casey.snider@mail.house.gov

- chris_prandoni@lee.senate.gov
- john_tanner@hatch.senate.gov
- wendy_baig@lee.senate.gov
- adam.stewart@mail.house.gov

"Stewart, Adam" <Adam.Stewart@mail.house.gov>

From: "Stewart, Adam" <Adam.Stewart@mail.house.gov>
Sent: Tue Oct 04 2016 14:27:21 GMT-0600 (MDT)
To: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject: Re: [Update] Weekly UT Check-in Call

Any of those will work for me, too.

Sent from my iPhone

On Oct 4, 2016, at 4:11 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> All works for me
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell
>
> On Oct 4, 2016, at 16:06, "gisella_ojeda-dodds@ios.doi.gov" <gisella_ojeda-dodds@ios.doi.gov> wrote:
>
> > Good Afternoon,
> >
> > Unfortunately, Nikki now has to be at another meeting that conflicts with the 9:30AM meeting. Would it be possible to move this to 4PM tomorrow or Thursday between 9-10AM or 1-2PM?
> >
> > Thanks in advance and sorry for the late notice.
> >
> > Gisella
> >
> > **Weekly UT Check-in Call**
> >
> > When Wed Oct 5, 2016 9:30am – 10am Eastern Time
> >
> > Where Dial-in: (b) (5) and code: (b) (5) (map)
> >
> > Video call (b) (5)
> >
> > Who
> > - nicole_buffa@ios.doi.gov - organizer
> > - gisella_ojeda-dodds@ios.doi.gov - creator
> > - fred.ferguson@mail.house.gov
> > - Cody Stewart
> > - devin.wiser@mail.house.gov

- casey.snider@mail.house.gov
- chris_prandoni@lee.senate.gov
- john_tanner@hatch.senate.gov
- wendy_baig@lee.senate.gov
- adam.stewart@mail.house.gov

Cody Stewart <codystewart@utah.gov>

From: Cody Stewart <codystewart@utah.gov>
Sent: Tue Oct 04 2016 14:40:28 GMT-0600 (MDT)
To: <gisella_ojeda-dodds@ios.doi.gov>
Subject: Re: [Update] Weekly UT Check-in Call

Thursday 9-10 works for me.

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert
801 513-8991

On Tue, Oct 4, 2016 at 4:06 PM, <gisella_ojeda-dodds@ios.doi.gov> wrote:

> Good Afternoon,
>
> Unfortunately, Nikki now has to be at another meeting that conflicts with the 9:30AM meeting. Would it be possible to move this to 4PM tomorrow or Thursday between 9-10AM or 1-2PM?
>
> Thanks in advance and sorry for the late notice.
>
> Gisella
>
> **Weekly UT Check-in Call**
>
> When: Wed Oct 5, 2016 9:30am – 10am Eastern Time
> Where: Dial-in: (b) (5) and code: (b) (5) (map)
> Video call: (b) (5)
> Who:
> - nicole_buffa@ios.doi.gov - organizer
> - gisella_ojeda-dodds@ios.doi.gov - creator
> - fred.ferguson@mail.house.gov
> - Cody Stewart
> - devin.wiser@mail.house.gov
> - casey.snider@mail.house.gov
> - chris_prandoni@lee.senate.gov
> - john_tanner@hatch.senate.gov
> - wendy_baig@lee.senate.gov
> - adam.stewart@mail.house.gov

"Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>

From:	"Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>
Sent:	Tue Oct 04 2016 15:06:07 GMT-0600 (MDT)
To:	Cody Stewart <codystewart@utah.gov>
CC:	"Snider, Casey" <casey.snider@mail.house.gov>, John Tanner <john_tanner@hatch.senate.gov>, "Stewart, Adam" <adam.stewart@mail.house.gov>, "Wiser, Devin A." <devin.wiser@mail.house.gov>, "Prandoni, Chris (Lee)" <chris_prandoni@lee.senate.gov>, "Baig, Wendy (Lee)" <wendy_baig@lee.senate.gov>, Nicole Buffa <nicole_buffa@ios.doi.gov>, "Ferguson, Fred" <fred.ferguson@mail.house.gov>
Subject:	Re: [Update] Weekly UT Check-in Call

Great,

I've moved the invite to Thursday at 9AM.

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

On Tue, Oct 4, 2016 at 4:40 PM, Cody Stewart <codystewart@utah.gov> wrote:

Thursday 9-10 works for me.

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert
801 513-8991

On Tue, Oct 4, 2016 at 4:06 PM, <gisella_ojeda-dodds@ios.doi.gov> wrote:

> Good Afternoon,
>
> Unfortunately, Nikki now has to be at another meeting that conflicts with the 9:30AM meeting. Would it be possible to move this to 4PM tomorrow or Thursday between 9-10AM or 1-2PM?
>
> Thanks in advance and sorry for the late notice.
>
> Gisella

Weekly UT Check-in Call

When Wed Oct 5, 2016 9:30am – 10am Eastern Time

Where Dial-in: (b) (5) and code: (b) (5) (map)

Video call (b) (5)

Who
- nicole_buffa@ios.doi.gov - organizer
- gisella_ojeda-dodds@ios.doi.gov - creator
- fred.ferguson@mail.house.gov
- Cody Stewart
- devin.wiser@mail.house.gov
- casey.snider@mail.house.gov
- chris_prandoni@lee.senate.gov
- john_tanner@hatch.senate.gov
- wendy_baig@lee.senate.gov
- adam.stewart@mail.house.gov

Conversation Contents

Accepted: Updated Invitation: To be rescheduled - Weekly UT Check-in Call @ Wed Oct 5, 2016 9:30am - 10am (EDT) (nicole_buffa@ios.doi.gov)

Attachments:

/89. Accepted: Updated Invitation: To be rescheduled - Weekly UT Check-in Call @ Wed Oct 5, 2016 9:30am - 10am (EDT) (nicole_buffa@ios.doi.gov)/1.1 invite.ics

"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>

From:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Sent:	Tue Oct 04 2016 14:07:43 GMT-0600 (MDT)
To:	"nicole_buffa@ios.doi.gov" <nicole_buffa@ios.doi.gov>
Subject:	Accepted: Updated Invitation: To be rescheduled - Weekly UT Check-in Call @ Wed Oct 5, 2016 9:30am - 10am (EDT) (nicole_buffa@ios.doi.gov)
Attachments:	invite.ics

From: Prandoni, Chris (Lee) <Chris_Prandoni@lee.senate.gov>
Subject: Accepted: Updated Invitation: To be rescheduled - Weekly UT Check-in Call @ Wed Oct 5, 2016 9:30am - 10am (EDT) (nicole_buffa@ios.doi.gov)

Conversation Contents

Got your message

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Fri Sep 30 2016 15:34:24 GMT-0600 (MDT)
To:	Charles F Wilkinson <Charles.Wilkinson@colorado.edu>
Subject:	Got your message

Thank you. That means a lot. I'm very glad conversations will be had. Keep me posted!!

Thanks,
Nikki

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

FOR COMMITTEE USE ONLY

Conversation Contents

On Casey's last day...

nicole_buffa@ios.doi.gov

From:	nicole_buffa@ios.doi.gov
Sent:	Fri Sep 30 2016 15:32:43 GMT-0600 (MDT)
To:	casey.snider@mail.house.gov, john_tanner@hatch.senate.gov, devin.wiser@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov, nicole_buffa@ios.doi.gov, codystewart@utah.gov, fred.ferguson@mail.house.gov
Subject:	On Casey's last day...

I'm hearing that the tribes are planning to come in and meet with you guys. AND they specifically mentioned all the efforts Casey made...

Happy last day, Casey, you'll be missed!

Weekly UT Check-in Call

When	Wed Sep 28, 2016 9:30am – 10am Eastern Time
Where	Dial-in: (b) (5) and code: (b) (5) (map)
Video call	(b) (5)
Who	• nicole_buffa@ios.doi.gov - organizer • gisella_ojeda-dodds@ios.doi.gov - creator • fred.ferguson@mail.house.gov • Cody Stewart • devin.wiser@mail.house.gov • casey.snider@mail.house.gov • chris_prandoni@lee.senate.gov • john_tanner@hatch.senate.gov • wendy_baig@lee.senate.gov

Conversation Contents

Lunch with Cody Stewart

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Sep 28 2016 17:04:04 GMT-0600 (MDT)
To:	codystewart@utah.gov
Subject:	Lunch with Cody Stewart

Where shall we lunch?

Lunch with Cody Stewart
Scheduled: Thursday, Sep 29, 2016 from 12:00 PM to 1:00 PM
Location: TBD
Invitees: Cody Stewart

Cody Stewart <codystewart@utah.gov>

From:	Cody Stewart <codystewart@utah.gov>
Sent:	Wed Sep 28 2016 17:15:54 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Lunch with Cody Stewart

I'm still new here. Do you have a preference?

Sent from my iPhone

On Sep 28, 2016, at 7:04 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Where shall we lunch?
>
> **Lunch with Cody Stewart**
> Scheduled: Thursday, Sep 29, 2016 from 12:00 PM to 1:00 PM
> Location: TBD
> Invitees: Cody Stewart

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Wed Sep 28 2016 20:23:19 GMT-0600 (MDT)
To: Cody Stewart <codystewart@utah.gov>
Subject: Re: Lunch with Cody Stewart

If I come your way, I have no idea where we should go. If you come my way, we should go to old ebbit grill (if we have time for a sit down) or alfa piehouse or roti.

On Sep 28, 2016, at 7:16 PM, Cody Stewart <codystewart@utah.gov> wrote:

> I'm still new here. Do you have a preference?
>
> Sent from my iPhone
>
> On Sep 28, 2016, at 7:04 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> > Where shall we lunch?
> >
> > **Lunch with Cody Stewart**
> > Scheduled: Thursday, Sep 29, 2016 from 12:00 PM to 1:00 PM
> > Location: TBD
> > Invitees: Cody Stewart

Cody Stewart <codystewart@utah.gov>

From: Cody Stewart <codystewart@utah.gov>
Sent: Wed Sep 28 2016 20:31:21 GMT-0600 (MDT)
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Re: Lunch with Cody Stewart

I'll come your way.

Sent from my iPhone

On Sep 28, 2016, at 10:23 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> If I come your way, I have no idea where we should go. If you come my way, we should go to old ebbit grill (if we have time for a sit down) or alfa piehouse or roti.

On Sep 28, 2016, at 7:16 PM, Cody Stewart <codystewart@utah.gov> wrote:

I'm still new here. Do you have a preference?

Sent from my iPhone

On Sep 28, 2016, at 7:04 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

Where shall we lunch?

Lunch with Cody Stewart
Scheduled: Thursday, Sep 29, 2016 from 12:00 PM to 1:00 PM
Location: TBD
Invitees: Cody Stewart

Cody Stewart <codystewart@utah.gov>

From:	Cody Stewart <codystewart@utah.gov>
Sent:	Thu Sep 29 2016 05:42:02 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Lunch with Cody Stewart

Let's do roti. See you there at noon.

Sent from my iPhone

On Sep 28, 2016, at 10:23 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

If I come your way, I have no idea where we should go. If you come my way, we should go to old ebbit grill (if we have time for a sit down) or alfa piehouse or roti.

On Sep 28, 2016, at 7:16 PM, Cody Stewart <codystewart@utah.gov> wrote:

I'm still new here. Do you have a preference?

Sent from my iPhone

On Sep 28, 2016, at 7:04 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

Where shall we lunch?

Lunch with Cody Stewart
Scheduled: Thursday, Sep 29, 2016 from 12:00 PM to 1:00 PM
Location: TBD
Invitees: Cody Stewart

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Thu Sep 29 2016 06:28:42 GMT-0600 (MDT)
To: Cody Stewart <codystewart@utah.gov>
Subject: Re: Lunch with Cody Stewart

Great!

On Sep 29, 2016, at 7:42 AM, Cody Stewart <codystewart@utah.gov> wrote:

> Let's do roti. See you there at noon.
>
> Sent from my iPhone
>
> On Sep 28, 2016, at 10:23 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> > If I come your way, I have no idea where we should go. If you come my way, we should go to old ebbit grill (if we have time for a sit down) or alfa piehouse or roti.
> >
> > On Sep 28, 2016, at 7:16 PM, Cody Stewart <codystewart@utah.gov> wrote:
> >
> > > I'm still new here. Do you have a preference?
> > >
> > > Sent from my iPhone
> > >
> > > On Sep 28, 2016, at 7:04 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
> > >
> > > > Where shall we lunch?

Lunch with Cody Stewart
Scheduled: Thursday, Sep 29, 2016 from 12:00 PM to 1:00 PM
Location: TBD
Invitees: Cody Stewart

Cody Stewart <codystewart@utah.gov>

From: Cody Stewart <codystewart@utah.gov>
Sent: Thu Sep 29 2016 09:57:56 GMT-0600 (MDT)
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Re: Lunch with Cody Stewart

In traffic. Running a few minutes late.

Sent from my iPhone

On Sep 29, 2016, at 8:29 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Great!
>
> On Sep 29, 2016, at 7:42 AM, Cody Stewart <codystewart@utah.gov> wrote:
>
> > Let's do roti. See you there at noon.
> >
> > Sent from my iPhone
> >
> > On Sep 28, 2016, at 10:23 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
> >
> > > If I come your way, I have no idea where we should go. If you come my way, we should go to old ebbit grill (if we have time for a sit down) or alfa piehouse or roti.
> > >
> > > On Sep 28, 2016, at 7:16 PM, Cody Stewart <codystewart@utah.gov> wrote:
> > >
> > > > I'm still new here. Do you have a preference?
> > > >
> > > > Sent from my iPhone
> > > >
> > > > On Sep 28, 2016, at 7:04 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

Where shall we lunch?

Lunch with Cody Stewart
Scheduled: Thursday, Sep 29, 2016 from 12:00 PM to 1:00 PM
Location: TBD
Invitees: Cody Stewart

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Thu Sep 29 2016 10:01:11 GMT-0600 (MDT)
To: Cody Stewart <codystewart@utah.gov>
Subject: Re: Lunch with Cody Stewart

No worries.

On Sep 29, 2016, at 11:58 AM, Cody Stewart <codystewart@utah.gov> wrote:

> In traffic. Running a few minutes late.
>
> Sent from my iPhone
>
> On Sep 29, 2016, at 8:29 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> > Great!
> >
> > On Sep 29, 2016, at 7:42 AM, Cody Stewart <codystewart@utah.gov> wrote:
> >
> > > Let's do roti. See you there at noon.
> > >
> > > Sent from my iPhone
> > >
> > > On Sep 28, 2016, at 10:23 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
> > >
> > > > If I come your way, I have no idea where we should go. If you come my way, we should go to old ebbit grill (if we have time for a sit down) or alfa piehouse or roti.

On Sep 28, 2016, at 7:16 PM, Cody Stewart <codystewart@utah.gov> wrote:

> I'm still new here. Do you have a preference?
>
> Sent from my iPhone
>
> On Sep 28, 2016, at 7:04 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> > Where shall we lunch?
> >
> > **Lunch with Cody Stewart**
> > Scheduled: Thursday, Sep 29, 2016 from 12:00 PM to 1:00 PM
> > Location: TBD
> > Invitees: Cody Stewart

Conversation Contents

Sorry I missed the call his morning

Cody Stewart <codystewart@utah.gov>

From:	Cody Stewart <codystewart@utah.gov>
Sent:	Wed Sep 28 2016 09:28:56 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Sorry I missed the call his morning

Would still love to catch up with you. You have some time to get grab a bite to eat or something in the next week or so?

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert
801 513-8991

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Sep 28 2016 10:12:34 GMT-0600 (MDT)
To:	Cody Stewart <codystewart@utah.gov>
Subject:	Re: Sorry I missed the call his morning

Yes. Let's do it! Lunch this week maybe?

On Wed, Sep 28, 2016 at 11:28 AM, Cody Stewart <codystewart@utah.gov> wrote:

> Would still love to catch up with you. You have some time to get grab a bite to eat or something in the next week or so?
>
> **Cody Stewart**
> Director of Federal Affairs
> Governor Gary Herbert
> 801 513-8991

FOR COMMITTEE USE ONLY

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

Cody Stewart <codystewart@utah.gov>

From:	Cody Stewart <codystewart@utah.gov>
Sent:	Wed Sep 28 2016 10:16:54 GMT-0600 (MDT)
To:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject:	Re: Sorry I missed the call his morning

Tomorrow work for you?

Sent from my iPhone

On Sep 28, 2016, at 12:13 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Yes. Let's do it! Lunch this week maybe?
>
> On Wed, Sep 28, 2016 at 11:28 AM, Cody Stewart <codystewart@utah.gov> wrote:
>
> > Would still love to catch up with you. You have some time to get grab a bite to eat or something in the next week or so?
> >
> > **Cody Stewart**
> > Director of Federal Affairs
> > Governor Gary Herbert
> > 801 513-8991
>
> --
> Nikki Buffa
> Deputy Chief of Staff
> US Department of the Interior
> 202-219-3861
> nicole_buffa@ios.doi.gov

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Wed Sep 28 2016 11:19:30 GMT-0600 (MDT)
To: Cody Stewart <codystewart@utah.gov>
Subject: Re: Sorry I missed the call his morning

Could you do Friday? If not, I can move stuff around.

On Sep 28, 2016, at 12:17 PM, Cody Stewart <codystewart@utah.gov> wrote:

> Tomorrow work for you?
>
> Sent from my iPhone
>
> On Sep 28, 2016, at 12:13 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
>
> > Yes. Let's do it! Lunch this week maybe?
> >
> > On Wed, Sep 28, 2016 at 11:28 AM, Cody Stewart <codystewart@utah.gov> wrote:
> > > Would still love to catch up with you. You have some time to get grab a bite to eat or something in the next week or so?
> > >
> > > **Cody Stewart**
> > > Director of Federal Affairs
> > > Governor Gary Herbert
> > > 801 513-8991
> >
> > --
> > Nikki Buffa
> > Deputy Chief of Staff
> > US Department of the Interior
> > 202-219-3861
> > nicole_buffa@ios.doi.gov

Cody Stewart <codystewart@utah.gov>

FOR COMMITTEE USE ONLY

From: Cody Stewart <codystewart@utah.gov>
Sent: Wed Sep 28 2016 11:56:07 GMT-0600 (MDT)
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Re: Sorry I missed the call his morning

I could do it Friday but it would have to be earlier, like at 11:30am. If that doesn't work, are you around next week at all?

Cody Stewart
Director of Federal Affairs
Governor Gary Herbert
801 513-8991

On Wed, Sep 28, 2016 at 1:19 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Could you do Friday? If not, I can move stuff around.
>
> On Sep 28, 2016, at 12:17 PM, Cody Stewart <codystewart@utah.gov> wrote:
>
> > Tomorrow work for you?
> >
> > Sent from my iPhone
> >
> > On Sep 28, 2016, at 12:13 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
> >
> > > Yes. Let's do it! Lunch this week maybe?
> > >
> > > On Wed, Sep 28, 2016 at 11:28 AM, Cody Stewart <codystewart@utah.gov> wrote:
> > > > Would still love to catch up with you. You have some time to get grab a bite to eat or something in the next week or so?
> > > >
> > > > **Cody Stewart**
> > > > Director of Federal Affairs
> > > > Governor Gary Herbert
> > > > 801 513-8991
> > >
> > > --
> > > Nikki Buffa
> > > Deputy Chief of Staff
> > > US Department of the Interior
> > > 202-219-3861
> > > nicole_buffa@ios.doi.gov

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Sep 28 2016 13:38:31 GMT-0600 (MDT)
To:	Cody Stewart <codystewart@utah.gov>
CC:	Gisella Ojeda-dodds <gisella_ojeda-dodds@ios.doi.gov>
Subject:	Re: Sorry I missed the call his morning

Trying to move things around so we can lunch tomorrow. Let's see!

Gisella is working it out.

On Sep 28, 2016, at 2:32 PM, Cody Stewart <codystewart@utah.gov> wrote:

> I could do it Friday but it would have to be earlier, like at 11:30am. If that doesn't work, are you around next week at all?
>
> **Cody Stewart**
> Director of Federal Affairs
> Governor Gary Herbert
> 801 513-8991
>
> On Wed, Sep 28, 2016 at 1:19 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> > Could you do Friday? If not, I can move stuff around.
> >
> > On Sep 28, 2016, at 12:17 PM, Cody Stewart <codystewart@utah.gov> wrote:
> >
> > > Tomorrow work for you?
> > >
> > > Sent from my iPhone
> > >
> > > On Sep 28, 2016, at 12:13 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
> > >
> > > > Yes. Let's do it! Lunch this week maybe?

On Wed, Sep 28, 2016 at 11:28 AM, Cody Stewart <codystewart@utah.gov> wrote:

> Would still love to catch up with you. You have some time to get grab a bite to eat or something in the next week or so?
>
> **Cody Stewart**
> Director of Federal Affairs
> Governor Gary Herbert
> 801 513-8991

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

FOR COMMITTEE USE ONLY

Conversation Contents

FW: Cedar Mesa feedback on the PLI

Attachments:

/94. FW: Cedar Mesa feedback on the PLI/1.1 PLI-Bluff_Bench_compromise_with_acreages[1].png
/94. FW: Cedar Mesa feedback on the PLI/3.1 PLI-Bluff_Bench_compromise_with_acreages[1].png
/94. FW: Cedar Mesa feedback on the PLI/4.1 PLI-Bluff_Bench_compromise_with_acreages[1].png
/94. FW: Cedar Mesa feedback on the PLI/5.1 PLI-Bluff_Bench_compromise_with_acreages[1].png
/94. FW: Cedar Mesa feedback on the PLI/6.1 PLI-Bluff_Bench_compromise_with_acreages[1].png
/94. FW: Cedar Mesa feedback on the PLI/8.1 PLI-Bluff_Bench_compromise_with_acreages[1].png
/94. FW: Cedar Mesa feedback on the PLI/10.1 PLI-Bluff_Bench_compromise_with_acreages[1].pdf
/94. FW: Cedar Mesa feedback on the PLI/11.1 ut03savinc5050@mail.house.gov_20160923_142104.pdf

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Thu Sep 22 2016 09:48:33 GMT-0600 (MDT)
To:	Nikki Buffa <nicole_buffa@ios.doi.gov>
Subject:	FW: Cedar Mesa feedback on the PLI
Attachments:	PLI-Bluff_Bench_compromise_with_acreages[1].png

I'm not sure if this is the controversial area you referenced, but below is an email exchange and attachment with Josh Ewing regarding a compromise in the Bluff area. Our NCA map reflects this compromise.

From: Josh Ewing <josh@cedarmesafriends.org>
Date: Monday, February 8, 2016 09:22 AM
To: Fred Ferguson <Fred.Ferguson@mail.house.gov>, "Snider, Casey" <Casey.Snider@mail.house.gov>
Cc: Wade Garrett <wade.garrett@mail.house.gov>, Clay White <Clay.White@mail.house.gov>, "Nicholas, Romel (Hatch)" <Romel_Nicholas@hatch.senate.gov>, Kathleen Clarke <kathleenclarke@utah.gov>
Subject: Cedar Mesa feedback on the PLI

FOR COMMITTEE USE ONLY

11614
acres

72291
acres

18413
acres

21273
acres

FOR COMMITTEE USE ONLY

Friends of Cedar Mesa

PO Box 338, Bluff, UT 84512

February 8, 2016

The Honorable Rob Bishop
123 Cannon House Office Building
Washington, DC 20540

The Honorable Jason Chaffetz
2464 Rayburn House Office Building
Washington, DC 20515

Dear Congressmen Chaffetz and Bishop:

The Public Lands Initiative has been an ambitious proposition from the beginning. As a local, on-the-ground nonprofit based in rural San Juan County, Friends of Cedar Mesa (FCM) shares your ambition for finding common ground and creative solutions. We are grateful for all the hard work your team has put into this project.

FCM sees an urgent need for protection of the Cedar Mesa area, as well as many surrounding areas rich in cultural/archaeological resources. With continued looting, increased visitation, spiraling user conflicts, and mired bureaucracy, this landscape just cannot go another 5 or 10 years without being protected. From the beginning, we have invested huge amounts of time into your locally driven, legislative solution. We attended every meeting of the San Juan County Lands Council and every public meeting on the PLI in San Juan County. While we cannot support the bill in its current form, we continue to believe congressional action has the potential to be the best way to find win-wins for conservation, recreation, and economic development.

Per your request, we are providing below a fairly lengthy and detailed list of concerns we have with the current "Discussion Draft" of the PLI. We commit to engaging in an honest, transparent dialogue with you in order to achieve creative solutions and real negotiation on these points. Throughout this process, we have intentionally refrained from "bashing" the PLI, which we've worked on for so long. While we do plan to share our concerns with our interested membership, we will continue to do so in a spirit of honesty and pragmatism.

Friends of Cedar Mesa will continue to work towards a PLI bill we can support. However, we are not willing to put the future of this landscape solely in the hands of Congress. We must pursue any possible

00074272-OS-BATCH002-DOC0158-ATT-20240 Page 1 of 12

avenue to protect a landscape that should have been protected 100 years ago. As such, we will continue to urge the Administration to use all the tools it has available, including the Antiquities Act, to protect this place if the PLI legislation does not pass in a timely fashion.

Recommendations:

Critical archaeological and scenic resources in the Bluff area left out of the Bears Ears NCA

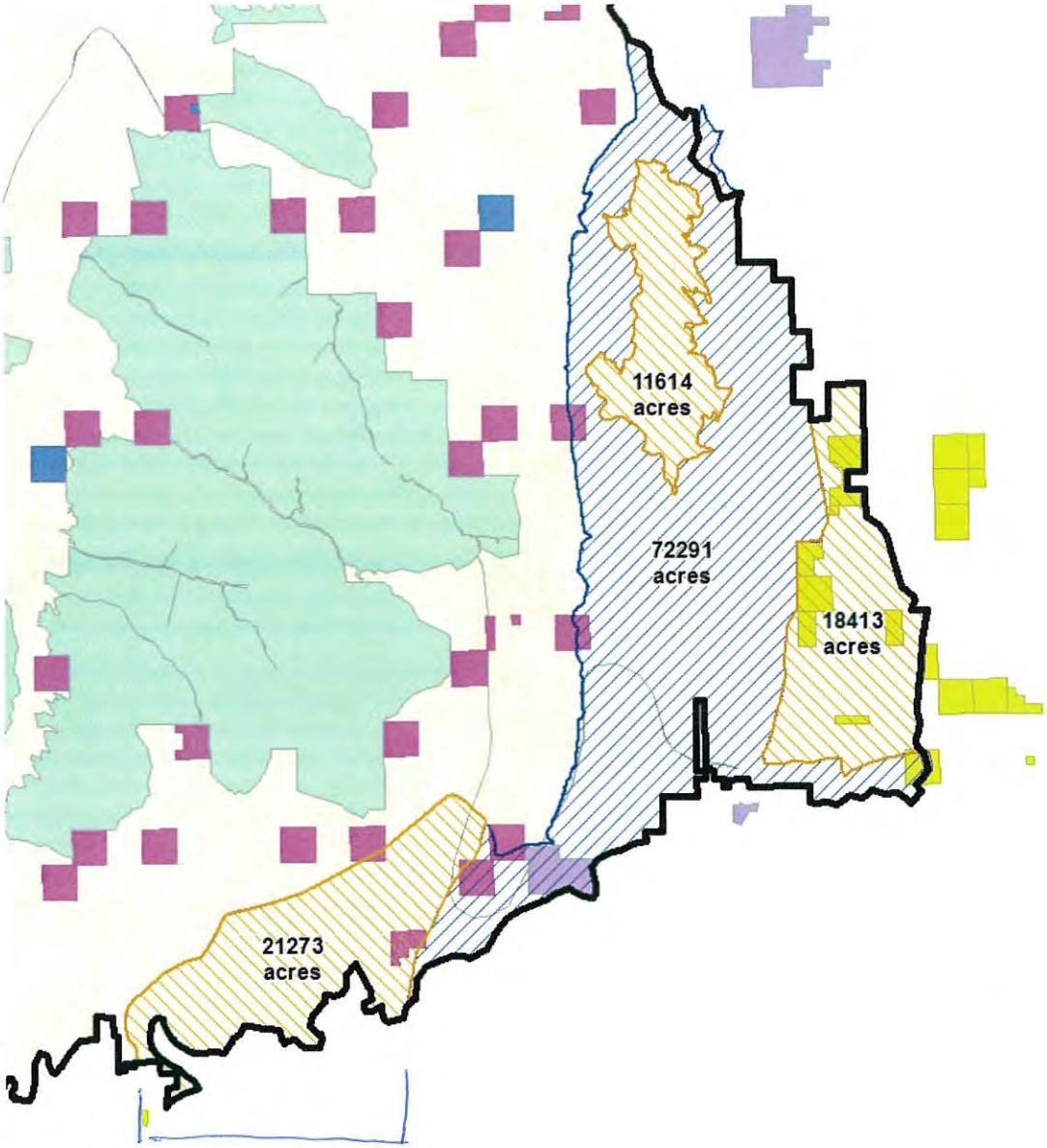
We believe all of the lands in the Tribal proposal for protection of the Bears Ears cultural landscape are deserving of permanent protection. However, we are most passionate and knowledgeable about the area surrounding Bluff that was left out of the NCA, specifically the San Juan River Corridor, Lower Comb Ridge, Tank Mesa and Cottonwood Wash. This is one of the most archaeologically important areas in all of San Juan County, including:

- The oldest rock art image in the United States
- Several of the largest and most significant rock art panels in Utah
- Four ancient Chacoan road segments
- Thousands of archaeological sites, including pueblos, kivas, cliff dwellings historic Navajo hogans and Ute tipi rings.
- The most significant Clovis archaeological site in Utah (earliest Americans on record - 13,000 BC)
- San Juan Hill, one of the most significant historical sites in the State of Utah
- Launch and campground for floating the San Juan River, an international river rafting destination

In the spirit of compromise, we could support a reduction in the acreage Friends of Cedar Mesa originally proposed in this area. We have attached a map and GIS shapefiles outlining a modest 72,291 (blue cross hatched area) acre addition to the Bears Ears NCA. Within this area, we would suggest trading out SITLA parcels as is contemplated in the rest of the NCA, consolidating them east of Highway 191. While it is heartbreaking for us to leave out such scenic areas as Chimney Rocks, Recapture Pocket, and Lime Ridge (yellow cross hatched areas on map), we also understand the political dynamics and want to find a reasonable compromise. This represents a 51,300 acre reduction to what we originally proposed in the Bluff area.

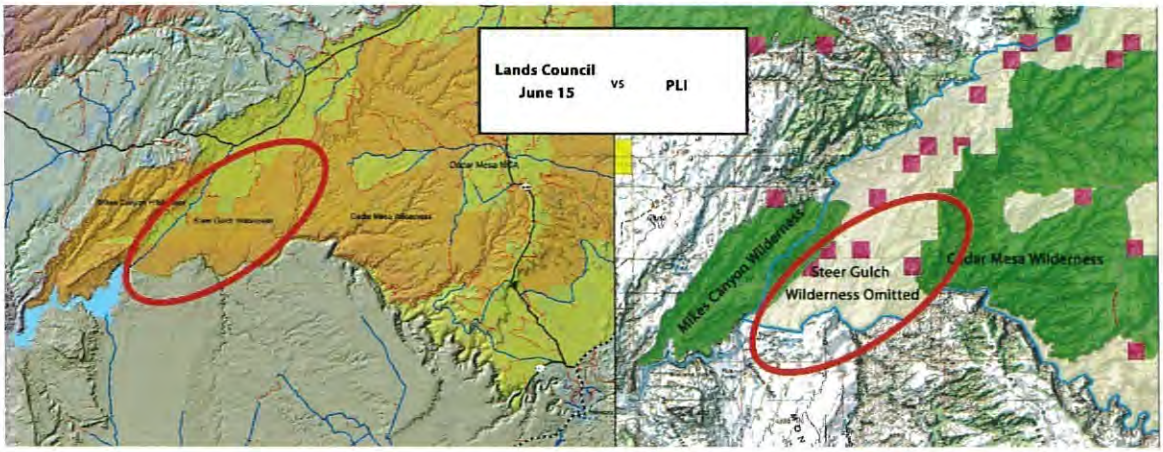
FCM is based in Bluff, and the Bluff Bench is literally our backyard. Unlike other communities in San Juan County that may have fears about federal designations, Bluff is very supportive of protections for the lands surrounding our town. We are passionate about protecting the archaeological resources and vistas in this vicinity, and we cannot support legislation that leaves out protection for this critical area.

(for map see next page)



Omission of the proposed Steer Gulch Wilderness area West of Grand Gulch

The San Juan County Lands Council unanimously supported expansion of wilderness on Cedar Mesa to include a relatively small but culturally significant area west of Grand Gulch, which we refer to as the Steer Gulch Wilderness Area. This area is previously managed to preserve its untrammeled, wilderness character and was included on the final San Juan County proposal of June 15th, 2015. We hope this area was unintentionally left out from the bill and will be added back in. The images below demonstrate the County June 15th proposal vs. the PLI wilderness.



Need planning alternative for responsible energy development near sensitive archaeological areas left out of NCA

San Juan County may well be the most archaeologically rich county in the United States. Understandably, it may not be politically feasible to protect all of the important archaeology in the county via inclusion in a National Conservation Area. However, failure to consider ways to preserve archaeological resources while allowing for well-planned energy development is a recipe for continued conflict and litigation, not the multi-use certainty the PLI seeks to achieve. Besides the area near Bluff mentioned above, other archaeologically rich areas need a planning process more rigorous than what resulted in the 2008 BLM Resource Management Plan (RMP).

For example, the Montezuma Canyon and Alkali Ridge area contain the four largest archaeological sites in Utah. There has been oil drilling in the area in the past (although often not well done from an archaeological preservation standpoint). We believe there are opportunities for drilling that do not impact cultural sites, utilize No Surface Occupancy stipulations and leverage horizontal drilling technologies.

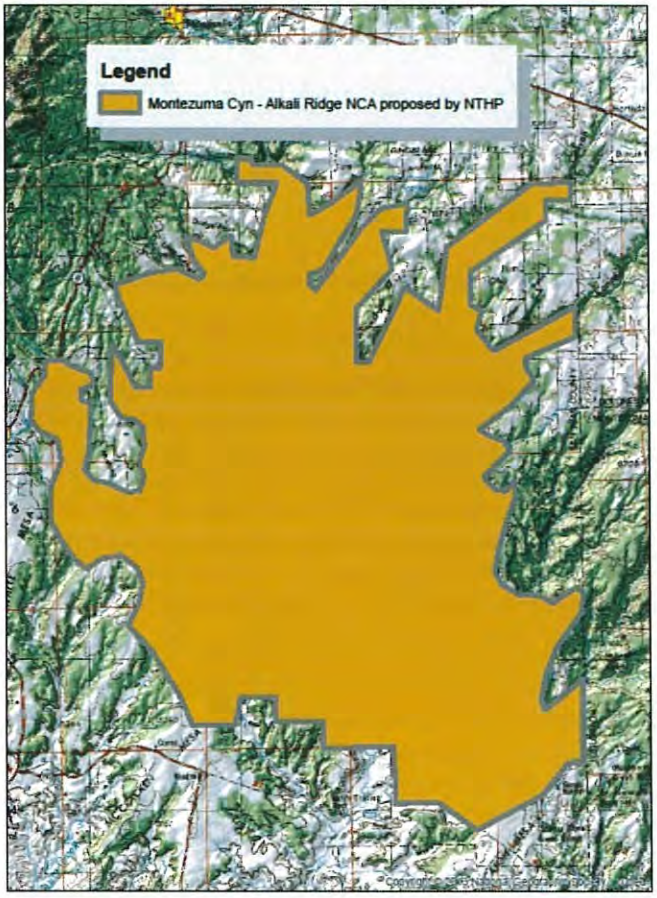
Similarly, the Allen Canyon and Chippean Ridge areas hold innumerable cliff dwellings and surface sites of deep importance to Native American people and archaeological research. Finally, the Moqui Canyon area has many documented sites of great archaeological importance.

From our participation in the Moab Master Leasing plan (as a Section 106 consulting party), we see that process as holding enormous potential for resolving conflict and allowing for win-win outcomes where energy development can move forward while preserving other key resources (like archaeology and recreational assets). Accordingly, we would urge you to remove from the bill language in Title XI, SEC. 1101 sub (a) preventing implementation of BLM Instructional Memorandum 2010-117.

Should removal of such language not be politically feasible, some other method of thoughtful planning for archaeology and energy development is needed to avoid decades of litigation under the National Historic Preservation Act and other applicable laws. This might be achieved by creating smart energy planning zones for the areas listed above, particularly in the Montezuma Canyon/Alkali Ridge area. One idea of a boundary in this area could be to utilize the area identified by the National Trust for Historic

Preservation (proposed as an NCA – *see map below*) for use as a "cultural resource sensitivity planning district" where the appropriate energy development with NSO and other BMP stipulations could be facilitated while protecting archaeology.

The bill doesn't allow for minimal, permanent road closure to protect cultural sites in NCAs and



Wilderness Areas

The legislation needs to allow for minimal closure of roads in order to protect cultural sites. We know of a small number of roads that go through archaeological sites where the current road is not appropriate. As this applies to the culturally-rich Bears Ears NCA, the language needs to be changed to reflect important cultural resource protection priorities, which may mean road closures. We are specifically concerned with Sec. 204 and suggest the language be changed to allow for minimal permanent road closure to protect endangered cultural resources.

Additionally, Sec. 204 on closure and rerouting is problematic for cultural resources, emergency service providers and land managers because it does not create or allow for a mechanism to expediently temporarily close or reroute a road in an emergency situation. There can be situations where personal life safety or archaeology are threatened, and an immediate land management response should not be limited by the temporary closure process outlined in the bill.

Language on R.S. 2477 Road Claims being disallowed in NCAs and Wilderness is not sufficiently clear

Title XII Sec. 1201 on Long-Term Travel management as it currently reads is not clear that R.S. 2477 claims would be dropped in newly created National Conservation Areas and wilderness. We would very much support such a provision, which is necessary to preserve the natural and cultural values in wilderness and NCAs. Unfortunately, the current language lacks clarity and has the potential to cause land management conflicts down the road.

> *Suggested language:* (a) IN GENERAL.— Subject to valid existing rights and consistent with this section, the Secretary of the Interior shall grant a right-of-way to the state for public travel and access upon the following roads:
>
> ... (2) all roads claimed as Class D highways identified as rights-of-way in judicial actions in the federal court system as of January 1, 2016, in Uintah, Summit, Duchesne, Carbon, Emery, Grand, and San Juan counties, except for R.S. 2477 claimed Class D highways that pass through United States Forest Service or National Forest System lands, Bureau of Land Management lands designated as National Conservation Lands including lands designated as wilderness or National Conservation Area under this Act, ~~by Congress as wilderness~~, excluding those roads which are cherry-stemmed, ~~including lands designated as wilderness or National Conservation Area under this Act, or~~ and lands designated by Congress as a National Park as of the date of enactment of this Act.

An important caveat about the cherry stem language is that the current PLI maps show many roads that are not currently on management plans and should not be included in this bill (or on cherry stem maps).

Outside of NCA and wilderness areas, we see the county and state receiving a large "win" from their perspectives. However, FCM is not supportive of the blanket granting to counties of Class D roads on roads with significant cultural resource implications. For example, we know of one road outside of the NCA that completely bisects a large 12th century Pueblo site.

Bears Ears NCA commission fails to elevate tribal interests or include important stakeholders

Friends of Cedar Mesa will not attempt to speak for Native Americans regarding the interaction of sovereign tribal nations and the Federal government in land management. However, the proposed commission with two tribal representatives, one county representative and one state representative clearly falls short of providing adequate representation for Tribal interests. FCM has worked with Navajo, Ute, Hopi, Zuni and the New Mexico Pueblos on the land in the Cedar Mesa Area. All have important perspectives in managing these lands and the cultural resources they hold. FCM believes sovereign nations should be engaged in a more direct and empowered way than tribes have been engaged in the past. Many key issues facing archaeological resources can and will only be solved by

unprecedented tribal leadership. Out of respect for tribes, we will not attempt to propose language or a structure here. However, we urge the creation of a mechanism for tribal leadership that is not watered down by being mixed in with more standard "stakeholder" participation and collaboration.

On the topic of stakeholders, the bill does not provide for the involvement of important stakeholders, such as archaeologists, local conservation groups, human-powered recreationists, motorized recreationists, hunters, guides and outfitters, or ranchers. We encourage your offices to include language designating key stakeholders to participate in an advisory role in building the management plan for the NCA. Model processes for engagement of stakeholders in management planning have occurred in nearby communities, such as for the NCAs near Grand Junction, Colorado.

The bill fails to protect the internationally significant San Juan River as a Wild & Scenic River

Wild & Scenic River designation for sections of the San Juan River were noticeably absent from the bill, despite the fact that these sections have been found suitable by the BLM for a designation based on their inarguable aesthetic and recreational qualities. Three particular sections of the San Juan River qualify as Recreational river areas or Wild river areas within the National Wild and Scenic Rivers System, which would offer protection for the river and riparian zone.

Specifically, the San Juan River from River Mile 9 to River Mile 23, and from River Mile 28 to River Mile 45 should be designated as Wild River Areas, as was determined in the BLM's assessment *Eligible Rivers for Suitability Study in the Wild and Scenic Process*, signed July 2, 2009. The section of the San Juan River from River Mile 23 to River Mile 28 was found suitable as a Recreational river area in the aforementioned study.

> *Suggested added language:* Title 6 Sec. 601(a)...(xxx) SAN JUAN RIVER. The following segment(s) in the State of Utah, to be administered by the Secretary of the Interior as follows:
>
> (A) The approximately 14 mile segment from River Mile 9 to River Mile 23 above Mexican Hat formation as a wild river.
> (B) The approximately 5 mile segment from River Mile 23 to River Mile 28 as a recreational river.
> (C) The approximately 17 mile segment from River Mile 28 to River Mile 45 in the Glen Canyon NRA as a wild river.

Transfers of ownership of the entire Hole-in-the-Rock Trail corridor to San Juan County, creating the possibility of incompatible uses with surrounding federal lands

We do not support the transfer of the Hole-in-the-Rock Trail away from managing agencies to the County. This trail is of both local and national historic significance and would be best managed as a National Historic Trail. By joining the National Trails System, this trail would continue to be managed in the context of the surrounding landscape (e.g. motorized use on existing roads and foot access in wilderness areas) while being afforded the national historical recognition it deserves. We suggest that a Trail Management Advisory Committee be established in order to encourage the participation of living descendants of the original Hole-in-the-Rock pioneers, land managers, conservation groups, non-profits and local government in the management of the National Historic Trail designation. We also encourage involvement and/or leadership on the part of the Hole-in-the-Rock Foundation.

Currently, the Hole-in-the-Rock Trail is managed by land management agencies for Heritage Tourism in consultation with Utah State Historic Preservation Office and Native American tribes, as well as interested stakeholder groups. A National Historic Trail designation would elevate its historical status and offers a management solution that listens to diverse input from local stakeholders.

In addition to a National Historic Trail designation, the management of the Hole-in-the-Rock trail requires more funding in order to determine and demarcate the actual route and its corridor. The map of the trail presented in the bill contains numerous errors, since some of the route remains unknown or uncertain in areas.

> *Suggested language:* Remove from Title VI Sec. 601. Land Conveyances: ~~(12) HOLE IN THE ROCK TRAIL. The approximately 694 acres of land generally depicted on the map entitled Utah PLI Land Conveyances Map and dated ____, as "The Hole in the Rock Trail", to San Juan County, Utah for use as an outdoor recreation and historical trail.~~
>
> *Add to the bill language reflecting a National Historic Trail designation*: This Act adds to the National Historic Trail System the corridor known as "The Hole-in-the-Rock Trail" to be managed as a historic trail and to remain in the management of current land managers. This Act further establishes a Hole-in-the-Rock Historic Trail Management Advisory Committee to advise land managers on the administration of the trail. Living descendants of the original Hole-in-the-Rock pioneers, conservation groups, non-profits, local government and other stakeholders will work collaboratively as members of the Committee to promote cultural and historic values in the management and administration of the trail.

Only allows acquisition to wilderness, NCA and Wild & Scenic Rivers by donation and exchange, ignoring a realistic market for conservation parcels

Section 108, Section 203 and Section 601 currently only allow acquisition of land within the boundaries of wilderness and NCAs by donation or exchange. There are important conservation parcels within proposed NCAs and Wilderness in San Juan County that would be wise investments for tax payers particularly given that programs like the Land and Water Conservation Fund typically leverage federal dollars many times with private dollars. Several local landowners have no interest in a trade and would be unwilling to donate their property outright but would be happy to sell at a reasonable price or even below market value.

> *Suggested language:* Sec. 203(d)(a)(1) IN GENERAL.—The Secretary of the Interior may acquire land or interest in land within the boundaries of the National Conservation Areas designated by section 201 only by purchase involving at least 70% private dollars, donation or exchange.

Transfers land near Bluff to San Juan County for potential use as an ATV trail or sewer facility, when these local decisions would be best made by Bluff residents

Sec. 601(a)(21) of the bill suggests the transfer of 177 acres of the "Bluff River Recreation Area" to the County for recreational and municipal facilities. Not only would this decision be opposed to by many Bluff residents, it would be usurping their local say and control.

Instead, this 177-acre parcel would be best transferred to the Bluff Service Area (BSA) so that decision making and control regarding a proposed recreation trail and municipal facilities is kept local. Municipal facilities, including a sewage treatment plant, may be in Bluff's future but should be decided by the BSA - not County Commissioners.

After almost two decades of planning, a dedicated committee of Bluff residents has succeeded in working with adjacent private landowners to donate/sell parcels for access and easements to create to San Juan River Trail that would run through the 177-acre parcel. The committee also recently completed a Memorandum of Understanding that includes the BLM, the Grand Canyon Trust, the Bluff Historic Preservation Association and adjacent private landowners, to construct, improve and manage the trail. This land transfer could complicate the years of collaborative work the town has put into organizing a trail that could have positive tourism and economic, not to mention recreational, impacts for the town and businesses.

> *Suggested language:* (21) BLUFF RIVER RECREATION AREA. - The approximately 177 acres generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Bluff River Recreation Area," to ~~San Juan County~~ the Bluff Service Area Board of Trustees, for use as recreation and municipal facilities.

Transfers ownership of the Bluff airport, including a large surrounding area running all the way from Highway 163 to the San Juan River to San Juan County

We are perplexed as to the need to transfer the large sum of 1,406 acres to San Juan County for the Bluff Airport, which currently sits on less than 100 acres. Three hundred acres is more than enough for the future needs of the Bluff airport. In no foreseeable future would the County need 1,400 acres to manage and administer the Bluff airport. The land running north and south of the airport that is not associated with the facilities and airstrip should remain under the management of the BLM.

> *Suggested language:* (9) BLUFF AIRPORT.—The approximately ~~1,406~~ 300 acres immediately surrounding the Bluff Airport, generally depicted on the map entitled Utah PLI Land Conveyances Map and dated _____ as "Bluff Airport," to San Juan County, Utah, for a municipal airport.

Grazing in wilderness and NCAs receives a higher level of protection than in other BLM areas, with no leeway for management to protect cultural resources or respond to long-term droughts

Language in the bill prioritizes the protection of grazing over land and ecological health in new Wilderness and NCAs. Unlike other NCA bills that allow for the continuation of existing uses, this bill mandates AUMs to be continued at existing levels or increased. This ignores the increasing likelihood of long-term droughts in the area and the realities on the ground of continuing damage to cultural resources by cattle at sensitive archaeological sites.

We do not support weakening the provisions of the 1964 Wildness Act, which provide for reasonable access to grazing improvements.

While we understand the interest of local ranching families to continue their operations within the NCA and wilderness, the grazing section should include language that would allow for voluntary retirement of grazing permits (or portions of permits near archaeological sites) by willing sellers who agree to compensation provided by private parties (per language in other bills and the Rural Economic Vitalization Act).

Exemption of plant and animal viability requirements of section 219 of title 36 contradicts the US Forest Service's sustainable multiple-use mandate

With regards to grazing administration in the wilderness, NCA and SMA sections of the draft (see Title I Wilderness Section 103(d)(3), Title II National Conservation Areas Sec. 204(d)(3) and Title II Special Management Areas Sec. 303 (g)(3)) and elsewhere in the working draft, grazing on Forest Service lands is exempt from being managed in accordance with plant and animal ecological sustainability imperatives set forth in section 219 of title 36. This significant planning chapter requires the evaluation of species diversity and ecological conditions that, if ignored, would compromise the ecological integrity of ecosystems upon which grazing depends.

Suggested language: Remove all section 219 exemption language from the legislation.

The National Conservation Area administration section fails to promote recreation or secure access for recreation

Suggested language: Add to Section 204 (x) RECREATION.—The Secretary shall continue to authorize, maintain, and enhance the recreational use of the conservation area, including hunting, fishing, camping, hiking, backpacking, cross-country skiing, hang gliding, paragliding, rock climbing, canyoneering, sightseeing, nature study, horseback riding, mountain biking, rafting, motorized recreation on authorized routes, and other recreational activities, so long as such recreational use is consistent with the purposes of the conservation area, this section, other applicable law (including regulations), and applicable management plans.

The bill does not explicitly maintain recreational access at the North and South Six-Shooter Peaks

The Dugout Ranch Transfer provision of the bill was a completely new idea to us, which we would need to hear much more detail about before feeling comfortable with the idea. The current language granting several thousands acres of land including the North and South Six-Shooter Peaks to the Utah State University for research neglects to specify the purpose and need of this land transfer, nor does it guarantee continued recreational access, including rock climbing, to these famous climbing destinations. We also wonder who would patrol this remote area to ensure protection of cultural sites and protection of the natural environment. Finally, we are concerned about the construction of buildings and facilities in this area known for its scenic and wild values.

Native American Economic Development Provisions

No details have been publically released for this title. We would support transfer of mineral rights to the Utah Navajo Trust Land for lands in the McCracken Mesa area. However, we would need to see details around the "land transfers on the San Juan River" language before we could support such provisions. The San Juan River is an international destination for river runners, and changes in ownership near the river should be carefully studied.

Mapping Data Clarifications/Errors

1. Several private parcels in the Cedar Mesa area are inappropriately labeled as being SITLA parcels where SITLA would maintain surface rights but trade out minerals.
2. Several key disputed roads (closed in the 2008 RMP or non-existent on the ground) are shown on the PLI maps with the label "Roads to be added – closed in RMP." These mapped roads are inconsistent with what we believed to be the proposal for not granting R.S. 2477 rights on roads within wilderness or NCA areas. A number of these roads, if reopened, would be very problematic for cultural resource preservation and would dramatically impact the wilderness experience. At least one of these roads was driven on illegally during a recent grave-robbing incident.
3. The Hole in the Rock Trail data is grossly inaccurate, in some cases putting the trail miles from its actual route. See our comments above concerning the need for research into the actual route and our proposal for this trail to be given the recognition it deserves as a National Historic Trail.

Language concerning future National Monument designations

As we noted above, there are very important archaeological areas, with true antiquities, that are left out of protection as an NCA or wilderness area, and we have only commented on areas of direct concern to San Juan County (other counties are not in our mission). If other tools, such as Master Leasing Plans, cannot protect critical areas, such as Montezuma Canyon, we cannot support a permanent exemption from the Antiquities Act. We would be willing to consider giving the NCA and other agency management tools ten years to see if it results in the balance of protection needed. However, if antiquities are being threatened by irresponsible development, we may be forced to advocate for national monument additions or new unit creations in the future.

Conclusion

We know these FCM comments and concerns represent a small portion of those you're receiving on this bill. We hope you will consider addressing these issues so a PLI bill can be introduced that we can support. We'd welcome further discussion on the points we've raised and are happy to answer any questions you might have. We understand it's an enormous task to compile all the feedback and draft a bill that might find the right balance necessary to gain the support of the Senate and the President.

We respectfully request your consideration of FCM's recommendations for the inclusion in final legislation. We would like nothing more than to be able to support the final version of this bill. Thank you again for the opportunity to participate in the process.

Sincerely,

Josh Ewing
Executive Director
Friends of Cedar Mesa

Vaughn Hadenfeldt
Board President
Friends of Cedar Mesa

Cc:
Senator Mike Lee
Senator Orin Hatch

Conversation Contents

Fwd: Prior Land Exchange Agreements - Utah/DOI

Attachments:

/95. Fwd: Prior Land Exchange Agreements - Utah/DOI/1.1 West Desert Exchange Agreement.pdf
/95. Fwd: Prior Land Exchange Agreements - Utah/DOI/1.2 PLAW-106publ301.pdf
/95. Fwd: Prior Land Exchange Agreements - Utah/DOI/1.3 GSENM - 1998 Agreement.pdf
/95. Fwd: Prior Land Exchange Agreements - Utah/DOI/1.4 P.L. 105-335 MOU.pdf
/95. Fwd: Prior Land Exchange Agreements - Utah/DOI/1.5 P.L. 105-335 MOU Amendment.pdf
/95. Fwd: Prior Land Exchange Agreements - Utah/DOI/1.6 PLAW-105publ335 (1).pdf
/95. Fwd: Prior Land Exchange Agreements - Utah/DOI/6.1 West Desert Exchange Agreement.pdf
/95. Fwd: Prior Land Exchange Agreements - Utah/DOI/6.2 PLAW-106publ301.pdf
/95. Fwd: Prior Land Exchange Agreements - Utah/DOI/6.3 GSENM - 1998 Agreement.pdf
/95. Fwd: Prior Land Exchange Agreements - Utah/DOI/6.4 P.L. 105-335 MOU.pdf
/95. Fwd: Prior Land Exchange Agreements - Utah/DOI/6.5 P.L. 105-335 MOU Amendment.pdf
/95. Fwd: Prior Land Exchange Agreements - Utah/DOI/6.6 PLAW-105publ335 (1).pdf

"Pidot, Justin" <justin.pidot@sol.doi.gov>

From:	"Pidot, Justin" <justin.pidot@sol.doi.gov>
Sent:	Thu Sep 22 2016 10:41:38 GMT-0600 (MDT)
To:	Nicole Buffa <nikki_buffa@ios.doi.gov>
Subject:	Fwd: Prior Land Exchange Agreements - Utah/DOI
Attachments:	West Desert Exchange Agreement.pdf PLAW-106publ301.pdf GSENM - 1998 Agreement.pdf P.L. 105-335 MOU.pdf P.L. 105-335 MOU Amendment.pdf PLAW-105publ335 (1).pdf

I think these documents that SITLA sent me respond to your request for the MOU used

for Escalante (although I have not fully digetsed them yet).

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

---------- Forwarded message ----------
From: **John Andrews** <jandrews@utah.gov>
Date: Wed, Sep 21, 2016 at 1:42 PM
Subject: Prior Land Exchange Agreements - Utah/DOI
To: Justin Pidot <justin.pidot@sol.doi.gov>
Cc: Allen Freemyer <allen@adfpc.com>, David Ure <dure@utah.gov>

Justin;

At the PLI hearing last week, Neil Kornze asked Allen Freemyer to have us get in touch with you concerning how prior land exchanges between Utah/SITLA and DOI were structured.

I have attached the agreements and legislation from the 1998 Grand Staircase Exchange, and the 2000 West Desert Exchange.

You will note that the latter legislation contains some provisions regarding valuation review that were not contained in the 1998 exchange.

On another matter, I heard from Rob Bishop's office that Nikki Buffa was addressing some of the tribal claim issues we mentioned when we last met. I would be happy to provide input on that issue, as we are very familiar with some deep background on that that your team may not be aware of.

I think Allen Freemyer is going to reach out to your office about scheduling a follow-up meeting.

Thanks.

John Andrews

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500

Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

"Pidot, Justin" <justin.pidot@sol.doi.gov>

From:	"Pidot, Justin" <justin.pidot@sol.doi.gov>
Sent:	Thu Sep 22 2016 10:58:01 GMT-0600 (MDT)
To:	Nicole Buffa <nikki_buffa@ios.doi.gov>
Subject:	Fwd: Prior Land Exchange Agreements - Utah/DOI

Hi Nikki,

I just received this from John. We are going to meet on October 5 and he wants to discuss the Ute tribe issue as well. I've inquired as to what he means by that. Also, do you have a sense as to who would be the appropriate people to involve in this meeting? Liz?

Thanks,

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

---------- Forwarded message ----------
From: **John Andrews** <jandrews@utah.gov>
Date: Thu, Sep 22, 2016 at 12:51 PM
Subject: Re: Prior Land Exchange Agreements - Utah/DOI
To: "Pidot, Justin" <justin.pidot@sol.doi.gov>
Cc: Allen Freemyer <allen@adfpc.com>, David Ure <dure@utah.gov>

Justin;

The morning of the 5th would work for us. Let's start reasonably early so we have enough time before your travel. I do think that some of these matters will be political as

well as legal, so having a client there on your side might be good.

Also, could we put the current Ute Tribe issue on the table for discussion as well?

Thanks.

John Andrews

Sent from my iPad

On Sep 21, 2016, at 1:36 PM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

> Allan,
>
> Would you be available on the morning of the 5th? I am likely to need to travel to Albuquerque the afternoon of the 5th and wouldn't want to have to cancel our meeting.
>
> Best,
>
> Justin
>
> Justin Pidot
> Deputy Solicitor for Land Resources, Office of the Solicitor
> U.S. Department of the Interior
> (202) 208-4423 Main
> (202) 208-5584 Fax
>
> NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.
>
> On Wed, Sep 21, 2016 at 2:32 PM, Allen Freemyer <allen@adfpc.com> wrote:
>
> > Justin,
> >
> > Thank you for your engagement in these issues. Would you have some time to meet with John and I the week of October 3rd? We would propose the 5th or 6th. Let us know your availability. I do think this could take longer than the typical meeting so if we could block out a longer period of time that might help us get through as many issues as possible. Thank you. Allen
> >
> > Allen D. Freemyer

Freemyer & Associates

3333 K Street NW, Suite 115

Washington DC 20007

202-293-6496

From: Pidot, Justin [mailto:justin.pidot@sol.doi.gov]
Sent: Wednesday, September 21, 2016 2:06 PM
To: John Andrews
Cc: Allen Freemyer; David Ure
Subject: Re: Prior Land Exchange Agreements - Utah/DOI

John,

Thanks for all of these materials. I look forward to having a follow-up meeting.

Best,

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Wed, Sep 21, 2016 at 1:42 PM, John Andrews <jandrews@utah.gov> wrote:

Justin;

At the PLI hearing last week, Neil Kornze asked Allen Freemyer to have us get in touch with you concerning how prior land exchanges between Utah/SITLA and DOI were structured.

I have attached the agreements and legislation from the 1998 Grand Staircase Exchange, and the 2000 West Desert Exchange.

You will note that the latter legislation contains some provisions regarding valuation review that were not contained in the 1998 exchange.

On another matter, I heard from Rob Bishop's office that Nikki Buffa was addressing some of the tribal claim issues we mentioned when we last met. I would be happy to provide input on that issue, as we are very familiar with some deep background on that that your team may not be aware of.

I think Allen Freemyer is going to reach out to your office about scheduling a follow-up meeting.

Thanks.

John Andrews

--

John W. Andrews

Associate Director & Chief Legal Counsel

Utah School and Institutional Trust Lands Administration

675 East 500 South, Suite 500

Salt Lake City, Utah 84102

(801) 538-5180 (o)

(801) 538-5118 (fax)

(801) 243-8611 (mobile)

"Pidot, Justin" <justin.pidot@sol.doi.gov>

From:	"Pidot, Justin" <justin.pidot@sol.doi.gov>
Sent:	Thu Sep 22 2016 11:03:47 GMT-0600 (MDT)
To:	Nicole Buffa <nikki_buffa@ios.doi.gov>
Subject:	Fwd: Prior Land Exchange Agreements - Utah/DOI

FYI.

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

---------- Forwarded message ----------
From: **John Andrews** <jandrews@utah.gov>
Date: Thu, Sep 22, 2016 at 1:01 PM
Subject: Re: Prior Land Exchange Agreements - Utah/DOI
To: "Pidot, Justin" <justin.pidot@sol.doi.gov>
Cc: Allen Freemyer <allen@adfpc.com>, David Ure <dure@utah.gov>

Thank you, Justin. We'll look forward to the 5th. As to the Ute Tribe, it is more the former, but possibly the latter as well.

Sent from my iPad

On Sep 22, 2016, at 10:56 AM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

John,

I am happy to start as early as you'd like and will see if someone from BLM is available. Just so that I understand, do you want separately discuss the Ute tribe issue, or is SITLA adjusting its thinking about a theoretical exchange and now of the view that such a theoretical exchange should include lands within the area related to the Ute Trube?

Best,

justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Thu, Sep 22, 2016 at 12:51 PM, John Andrews <jandrews@utah.gov> wrote:

> Justin;
>
> The morning of the 5th would work for us. Let's start reasonably early so we have enough time before your travel. I do think that some of these matters will be political as well as legal, so having a client there on your side might be good.
>
> Also, could we put the current Ute Tribe issue on the table for discussion as well?
>
> Thanks.
>
> John Andrews
>
> Sent from my iPad
>
> On Sep 21, 2016, at 1:36 PM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

Allan,

Would you be available on the morning of the 5th? I am likely to need to travel to Albuquerque the afternoon of the 5th and wouldn't want to have to cancel our meeting.

Best,

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Wed, Sep 21, 2016 at 2:32 PM, Allen Freemyer <allen@adfpc.com> wrote:

> Justin,
>
> Thank you for your engagement in these issues. Would you have some time to meet with John and I the week of October 3rd? We would propose the 5th or 6th. Let us know your availability. I do think this could take longer than the typical meeting so if we could block out a longer period of time that might help us get through as many issues as possible. Thank you. Allen
>
> Allen D. Freemyer
>
> Freemyer & Associates
>
> 3333 K Street NW, Suite 115
>
> Washington DC 20007
>
> 202-293-6496

From: Pidot, Justin [mailto:justin.pidot@sol.doi.gov]
Sent: Wednesday, September 21, 2016 2:06 PM
To: John Andrews
Cc: Allen Freemyer; David Ure
Subject: Re: Prior Land Exchange Agreements - Utah/DOI

John,

Thanks for all of these materials. I look forward to having a follow-up meeting.

Best,

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Wed, Sep 21, 2016 at 1:42 PM, John Andrews <jandrews@utah.gov> wrote:

Justin;

At the PLI hearing last week, Neil Kornze asked Allen Freemyer to have us get in touch with you concerning how prior land exchanges between Utah/SITLA and DOI were structured.

I have attached the agreements and legislation from the 1998 Grand Staircase Exchange, and the 2000 West Desert Exchange.

You will note that the latter legislation contains some provisions regarding valuation review that were not contained in the 1998 exchange.

On another matter, I heard from Rob Bishop's office that Nikki Buffa was addressing some of the tribal claim issues we mentioned when we last met. I would be happy to provide input on that issue, as we are very familiar with some deep background on that that your team may not be aware of.

I think Allen Freemyer is going to reach out to your office about scheduling a follow-up meeting.

Thanks.

John Andrews

--

John W. Andrews

Associate Director & Chief Legal Counsel

Utah School and Institutional Trust Lands Administration

675 East 500 South, Suite 500

Salt Lake City, Utah 84102

(801) 538-5180 (o)

(801) 538-5118 (fax)

(801) 243-8611 (mobile)

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Thu Sep 22 2016 11:32:48 GMT-0600 (MDT)
To: "Pidot, Justin" <justin.pidot@sol.doi.gov>
Subject: Re: Prior Land Exchange Agreements - Utah/DOI

Me and Liz please. And Tommy may want to come too. He's super interested in all of this.

On Sep 22, 2016, at 12:58 PM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

> Hi Nikki,
>
> I just received this from John. We are going to meet on October 5 and he wants to discuss the Ute tribe issue as well. I've inquired as to what he means by that. Also, do you have a sense as to who would be the appropriate people to involve in this meeting? Liz?
>
> Thanks,
>
> Justin
>
> Justin Pidot
> Deputy Solicitor for Land Resources, Office of the Solicitor
> U.S. Department of the Interior
> (202) 208-4423 Main
> (202) 208-5584 Fax
>
> NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.
>
> ---------- Forwarded message ----------
> From: **John Andrews** <jandrews@utah.gov>

Date: Thu, Sep 22, 2016 at 12:51 PM
Subject: Re: Prior Land Exchange Agreements - Utah/DOI
To: "Pidot, Justin" <justin.pidot@sol.doi.gov>
Cc: Allen Freemyer <allen@adfpc.com>, David Ure <dure@utah.gov>

Justin;

The morning of the 5th would work for us. Let's start reasonably early so we have enough time before your travel. I do think that some of these matters will be political as well as legal, so having a client there on your side might be good.

Also, could we put the current Ute Tribe issue on the table for discussion as well?

Thanks.

John Andrews

Sent from my iPad

On Sep 21, 2016, at 1:36 PM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

> Allan,
>
> Would you be available on the morning of the 5th? I am likely to need to travel to Albuquerque the afternoon of the 5th and wouldn't want to have to cancel our meeting.
>
> Best,
>
> Justin
>
> Justin Pidot
> Deputy Solicitor for Land Resources, Office of the Solicitor
> U.S. Department of the Interior
> (202) 208-4423 Main
> (202) 208-5584 Fax
>
> NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.
>
> On Wed, Sep 21, 2016 at 2:32 PM, Allen Freemyer <allen@adfpc.com> wrote:

Justin,

Thank you for your engagement in these issues. Would you have some time to meet with John and I the week of October 3rd? We would propose the 5th or 6th. Let us know your availability. I do think this could take longer than the typical meeting so if we could block out a longer period of time that might help us get through as many issues as possible. Thank you. Allen

Allen D. Freemyer

Freemyer & Associates

3333 K Street NW, Suite 115

Washington DC 20007

202-293-6496

From: Pidot, Justin [mailto:justin.pidot@sol.doi.gov]
Sent: Wednesday, September 21, 2016 2:06 PM
To: John Andrews
Cc: Allen Freemyer; David Ure
Subject: Re: Prior Land Exchange Agreements - Utah/DOI

John,

Thanks for all of these materials. I look forward to having a follow-up meeting.

Best,

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor

U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Wed, Sep 21, 2016 at 1:42 PM, John Andrews <jandrews@utah.gov> wrote:

Justin;

At the PLI hearing last week, Neil Kornze asked Allen Freemyer to have us get in touch with you concerning how prior land exchanges between Utah/SITLA and DOI were structured.

I have attached the agreements and legislation from the 1998 Grand Staircase Exchange, and the 2000 West Desert Exchange.

You will note that the latter legislation contains some provisions regarding valuation review that were not contained in the 1998 exchange.

On another matter, I heard from Rob Bishop's office that Nikki Buffa was addressing some of the tribal claim issues we mentioned when we last met. I would be happy to provide input on that issue, as we are very familiar with some deep background on that that your team may not be aware of.

I think Allen Freemyer is going to reach out to your office about scheduling a follow-up meeting.

Thanks.

John Andrews

--

John W. Andrews

Associate Director & Chief Legal Counsel

Utah School and Institutional Trust Lands Administration

675 East 500 South, Suite 500

Salt Lake City, Utah 84102

(801) 538-5180 (o)

(801) 538-5118 (fax)

(801) 243-8611 (mobile)

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

From:	Justin Pidot <justin.pidot@sol.doi.gov>
Sent:	Thu Sep 22 2016 13:51:55 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Prior Land Exchange Agreements - Utah/DOI

Great.

Sent from my iPhone

On Sep 22, 2016, at 1:33 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

Me and Liz please. And Tommy may want to come too. He's super interested in all of this.

On Sep 22, 2016, at 12:58 PM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

Hi Nikki,

I just received this from John. We are going to meet on October 5 and he wants to discuss the Ute tribe issue as well. I've inquired as to what he means by that. Also, do you have a sense as to who would be the appropriate people to involve in this meeting? Liz?

Thanks,

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

---------- Forwarded message ----------
From: **John Andrews** <jandrews@utah.gov>
Date: Thu, Sep 22, 2016 at 12:51 PM
Subject: Re: Prior Land Exchange Agreements - Utah/DOI
To: "Pidot, Justin" <justin.pidot@sol.doi.gov>
Cc: Allen Freemyer <allen@adfpc.com>, David Ure <dure@utah.gov>

Justin;

The morning of the 5th would work for us. Let's start reasonably early so we have enough time before your travel. I do think that some of these matters will be political as well as legal, so having a client there on your side might be good.

Also, could we put the current Ute Tribe issue on the table for discussion as well?

Thanks.

John Andrews

Sent from my iPad

On Sep 21, 2016, at 1:36 PM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

> Allan,
>
> Would you be available on the morning of the 5th? I am likely to need to travel to Albuquerque the afternoon of the 5th and wouldn't want to have to cancel our meeting.
>
> Best,
>
> Justin
>
> Justin Pidot
> Deputy Solicitor for Land Resources, Office of the Solicitor
> U.S. Department of the Interior
> (202) 208-4423 Main
> (202) 208-5584 Fax
>
> NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.
>
> On Wed, Sep 21, 2016 at 2:32 PM, Allen Freemyer <allen@adfpc.com> wrote:
>
> > Justin,
> >
> > Thank you for your engagement in these issues. Would you have some time to meet with John and I the week of October 3rd? We would propose the 5th or 6th. Let us know your availability. I do think this could take longer than the typical meeting so if we could block out a longer period of time that might help us get through as many issues as possible. Thank you. Allen
> >
> > Allen D. Freemyer

Freemyer & Associates

3333 K Street NW, Suite 115

Washington DC 20007

202-293-6496

From: Pidot, Justin [mailto:justin.pidot@sol.doi.gov]
Sent: Wednesday, September 21, 2016 2:06 PM
To: John Andrews
Cc: Allen Freemyer; David Ure
Subject: Re: Prior Land Exchange Agreements - Utah/DOI

John,

Thanks for all of these materials. I look forward to having a follow-up meeting.

Best,

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Wed, Sep 21, 2016 at 1:42 PM, John Andrews <jandrews@utah.gov> wrote:

Justin;

At the PLI hearing last week, Neil Kornze asked Allen Freemyer to have us get in touch with you concerning how prior land exchanges between Utah/SITLA and DOI were structured.

I have attached the agreements and legislation from the 1998 Grand Staircase Exchange, and the 2000 West Desert Exchange.

You will note that the latter legislation contains some provisions regarding valuation review that were not contained in the 1998 exchange.

On another matter, I heard from Rob Bishop's office that Nikki Buffa was addressing some of the tribal claim issues we mentioned when we last met. I would be happy to provide input on that issue, as we are very familiar with some deep background on that that your team may not be aware of.

I think Allen Freemyer is going to reach out to your office about scheduling a follow-up meeting.

Thanks.

John Andrews

–

FOR COMMITTEE USE ONLY

John W. Andrews

Associate Director & Chief Legal Counsel

Utah School and Institutional Trust Lands Administration

675 East 500 South, Suite 500

Salt Lake City, Utah 84102

(801) 538-5180 (o)

(801) 538-5118 (fax)

(801) 243-8611 (mobile)

"Pidot, Justin" <justin.pidot@sol.doi.gov>

From:	"Pidot, Justin" <justin.pidot@sol.doi.gov>
Sent:	Thu Sep 22 2016 15:20:43 GMT-0600 (MDT)
To:	Nicole Buffa <nikki_buffa@ios.doi.gov>, "Laura (Liz) Pardue" <lpardue@blm.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Aaron Moody <aaron.moody@sol.doi.gov>
Subject:	Fwd: Prior Land Exchange Agreements - Utah/DOI
Attachments:	West Desert Exchange Agreement.pdf PLAW-106publ301.pdf GSENM - 1998 Agreement.pdf P.L. 105-335 MOU.pdf P.L. 105-335 MOU Amendment.pdf PLAW-105publ335 (1).pdf

Nikki, Tommy, and Liz,

The SITLA team plans to return to D.C. on the morning of October 5 to further discuss potential land exchanges (see email below and attached documents). They have also indicated that they would like to discuss issues surrounding the Ute Tribe.

I have indicated that I am available to meet with them starting at 9:00 AM. Nikki thought that this group would be interested in participating, if the meeting works with people's schedules. If you can let me know if you want to participate, and if so, whether 9:00 AM on October 5 works, that would be great.

Best,

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

---------- Forwarded message ----------
From: **John Andrews** <jandrews@utah.gov>
Date: Wed, Sep 21, 2016 at 1:42 PM
Subject: Prior Land Exchange Agreements - Utah/DOI
To: Justin Pidot <justin.pidot@sol.doi.gov>
Cc: Allen Freemyer <allen@adfpc.com>, David Ure <dure@utah.gov>

Justin;

At the PLI hearing last week, Neil Kornze asked Allen Freemyer to have us get in touch with you concerning how prior land exchanges between Utah/SITLA and DOI were structured.

I have attached the agreements and legislation from the 1998 Grand Staircase Exchange, and the 2000 West Desert Exchange.

You will note that the latter legislation contains some provisions regarding valuation review that were not contained in the 1998 exchange.

On another matter, I heard from Rob Bishop's office that Nikki Buffa was addressing some of the tribal claim issues we mentioned when we last met. I would be happy to provide input on that issue, as we are very familiar with some deep background on that that your team may not be aware of.

I think Allen Freemyer is going to reach out to your office about scheduling a follow-up meeting.

Thanks.

John Andrews

--

FOR COMMITTEE USE ONLY

John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Fri Sep 23 2016 07:48:43 GMT-0600 (MDT)
To:	"Pidot, Justin" <justin.pidot@sol.doi.gov>
CC:	Gisella Ojeda-dodds <gisella_ojeda-dodds@ios.doi.gov>
Subject:	Re: Prior Land Exchange Agreements - Utah/DOI

I'd like to be there and Gisella can help you schedule, if you'd like.

On Sep 22, 2016, at 5:21 PM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

> Nikki, Tommy, and Liz,
>
> The SITLA team plans to return to D.C. on the morning of October 5 to further discuss potential land exchanges (see email below and attached documents). They have also indicated that they would like to discuss issues surrounding the Ute Tribe.
>
> I have indicated that I am available to meet with them starting at 9:00 AM. Nikki thought that this group would be interested in participating, if the meeting works with people's schedules. If you can let me know if you want to participate, and if so, whether 9:00 AM on October 5 works, that would be great.
>
> Best,
>
> Justin
>
> Justin Pidot
> Deputy Solicitor for Land Resources, Office of the Solicitor
> U.S. Department of the Interior
> (202) 208-4423 Main
> (202) 208-5584 Fax

FOR COMMITTEE USE ONLY

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

---------- Forwarded message ----------
From: **John Andrews** <jandrews@utah.gov>
Date: Wed, Sep 21, 2016 at 1:42 PM
Subject: Prior Land Exchange Agreements - Utah/DOI
To: Justin Pidot <justin.pidot@sol.doi.gov>
Cc: Allen Freemyer <allen@adfpc.com>, David Ure <dure@utah.gov>

Justin;

At the PLI hearing last week, Neil Kornze asked Allen Freemyer to have us get in touch with you concerning how prior land exchanges between Utah/SITLA and DOI were structured.

I have attached the agreements and legislation from the 1998 Grand Staircase Exchange, and the 2000 West Desert Exchange.

You will note that the latter legislation contains some provisions regarding valuation review that were not contained in the 1998 exchange.

On another matter, I heard from Rob Bishop's office that Nikki Buffa was addressing some of the tribal claim issues we mentioned when we last met. I would be happy to provide input on that issue, as we are very familiar with some deep background on that that your team may not be aware of.

I think Allen Freemyer is going to reach out to your office about scheduling a follow-up meeting.

Thanks.

John Andrews

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

FOR COMMITTEE USE ONLY

<West Desert Exchange Agreement.pdf>

<PLAW-106publ301.pdf>

<GSENM - 1998 Agreement.pdf>

<P.L. 105-335 MOU.pdf>

<P.L. 105-335 MOU Amendment.pdf>

<PLAW-105publ335 (1).pdf>

"Pidot, Justin" <justin.pidot@sol.doi.gov>

From:	"Pidot, Justin" <justin.pidot@sol.doi.gov>
Sent:	Fri Sep 23 2016 09:05:08 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
CC:	Gisella Ojeda-dodds <gisella_ojeda-dodds@ios.doi.gov>
Subject:	Re: Prior Land Exchange Agreements - Utah/DOI

Nikki and Gisella,

SITLA would like to have the meeting last at least 90 minutes (and maybe a little more, in their words). I am going to block off two hours on my calendar, but it would be great to have you participate for as long as you can.

Gisella -- I can make any time work before 1:00. What time would work best with Nikki's schedule?

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Fri, Sep 23, 2016 at 9:48 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> I'd like to be there and Gisella can help you schedule, if you'd like.
>
> On Sep 22, 2016, at 5:21 PM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:
>
> Nikki, Tommy, and Liz,

The SITLA team plans to return to D.C. on the morning of October 5 to further discuss potential land exchanges (see email below and attached documents). They have also indicated that they would like to discuss issues surrounding the Ute Tribe.

I have indicated that I am available to meet with them starting at 9:00 AM. Nikki thought that this group would be interested in participating, if the meeting works with people's schedules. If you can let me know if you want to participate, and if so, whether 9:00 AM on October 5 works, that would be great.

Best,

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

---------- Forwarded message ----------
From: **John Andrews** <jandrews@utah.gov>
Date: Wed, Sep 21, 2016 at 1:42 PM
Subject: Prior Land Exchange Agreements - Utah/DOI
To: Justin Pidot <justin.pidot@sol.doi.gov>
Cc: Allen Freemyer <allen@adfpc.com>, David Ure <dure@utah.gov>

Justin;

At the PLI hearing last week, Neil Kornze asked Allen Freemyer to have us get in touch with you concerning how prior land exchanges between Utah/SITLA and DOI were structured.

I have attached the agreements and legislation from the 1998 Grand Staircase Exchange, and the 2000 West Desert Exchange.

You will note that the latter legislation contains some provisions regarding valuation review that were not contained in the 1998 exchange.

On another matter, I heard from Rob Bishop's office that Nikki Buffa was addressing some of the tribal claim issues we mentioned when we last met.

I would be happy to provide input on that issue, as we are very familiar with some deep background on that that your team may not be aware of.

I think Allen Freemyer is going to reach out to your office about scheduling a follow-up meeting.

Thanks.

John Andrews

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

<West Desert Exchange Agreement.pdf>

<PLAW-106publ301.pdf>

<GSENM - 1998 Agreement.pdf>

<P.L. 105-335 MOU.pdf>

<P.L. 105-335 MOU Amendment.pdf>

<PLAW-105publ335 (1).pdf>

"Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>

From:	"Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>
Sent:	Fri Sep 23 2016 09:13:07 GMT-0600 (MDT)
To:	"Pidot, Justin" <justin.pidot@sol.doi.gov>
CC:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Prior Land Exchange Agreements - Utah/DOI

HI Justin,

As requested, I've blocked off from 10AM-12PM on Wednesday, October 5. Let me know if you need me to send out a formal invite.

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

On Fri, Sep 23, 2016 at 11:05 AM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

> Nikki and Gisella,
>
> SITLA would like to have the meeting last at least 90 minutes (and maybe a little more, in their words). I am going to block off two hours on my calendar, but it would be great to have you participate for as long as you can.
>
> Gisella -- I can make any time work before 1:00. What time would work best with Nikki's schedule?
>
> Justin
>
> Justin Pidot
> Deputy Solicitor for Land Resources, Office of the Solicitor
> U.S. Department of the Interior
> (202) 208-4423 Main
> (202) 208-5584 Fax
>
> NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Fri, Sep 23, 2016 at 9:48 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
I'd like to be there and Gisella can help you schedule, if you'd like.

On Sep 22, 2016, at 5:21 PM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

Nikki, Tommy, and Liz,

The SITLA team plans to return to D.C. on the morning of October 5 to further discuss potential land exchanges (see email below and attached documents). They have also indicated that they would like to discuss issues surrounding the Ute Tribe.

I have indicated that I am available to meet with them starting at 9:00 AM. Nikki thought that this group would be interested in participating, if the meeting works with people's schedules. If you can let me know if you want to participate, and if so, whether 9:00 AM on October 5 works, that would be great.

Best,

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

---------- Forwarded message ----------
From: **John Andrews** <jandrews@utah.gov>
Date: Wed, Sep 21, 2016 at 1:42 PM
Subject: Prior Land Exchange Agreements - Utah/DOI
To: Justin Pidot <justin.pidot@sol.doi.gov>
Cc: Allen Freemyer <allen@adfpc.com>, David Ure <dure@utah.gov>

Justin;

At the PLI hearing last week, Neil Kornze asked Allen Freemyer to have us get in touch with you concerning how prior land exchanges between Utah/SITLA and DOI were structured.

I have attached the agreements and legislation from the 1998 Grand

Staircase Exchange, and the 2000 West Desert Exchange.

You will note that the latter legislation contains some provisions regarding valuation review that were not contained in the 1998 exchange.

On another matter, I heard from Rob Bishop's office that Nikki Buffa was addressing some of the tribal claim issues we mentioned when we last met. I would be happy to provide input on that issue, as we are very familiar with some deep background on that that your team may not be aware of.

I think Allen Freemyer is going to reach out to your office about scheduling a follow-up meeting.

Thanks.

John Andrews

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

<West Desert Exchange Agreement.pdf>

<PLAW-106publ301.pdf>

<GSENM - 1998 Agreement.pdf>

<P.L. 105-335 MOU.pdf>

<P.L. 105-335 MOU Amendment.pdf>

<PLAW-105publ335 (1).pdf>

"Pidot, Justin" <justin.pidot@sol.doi.gov>

From: "Pidot, Justin" <justin.pidot@sol.doi.gov>

FOR COMMITTEE USE ONLY

Sent: Fri Sep 23 2016 09:52:02 GMT-0600 (MDT)
To: "Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>
CC: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Re: Prior Land Exchange Agreements - Utah/DOI

That's great. Nikki -- do you want us to gather in one of the conference rooms down there? Our main conference room is booked with a deposition, but I will arrange another space if that makes sense.

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Fri, Sep 23, 2016 at 11:13 AM, Ojeda-dodds, Gisella <gisella_ojeda-dodds@ios.doi.gov> wrote:

> HI Justin,
>
> As requested, I've blocked off from 10AM-12PM on Wednesday, October 5. Let me know if you need me to send out a formal invite.
>
> 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

On Fri, Sep 23, 2016 at 11:05 AM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

Nikki and Gisella,

SITLA would like to have the meeting last at least 90 minutes (and maybe a little more, in their words). I am going to block off two hours on my calendar, but it would be great to have you participate for as long as you can.

Gisella -- I can make any time work before 1:00. What time would work best with Nikki's schedule?

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Fri, Sep 23, 2016 at 9:48 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

I'd like to be there and Gisella can help you schedule, if you'd like.

On Sep 22, 2016, at 5:21 PM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

Nikki, Tommy, and Liz,

The SITLA team plans to return to D.C. on the morning of October 5 to further discuss potential land exchanges (see email below and attached documents). They have also indicated that they would like to discuss issues surrounding the Ute Tribe.

I have indicated that I am available to meet with them starting at 9:00 AM. Nikki thought that this group would be interested in participating, if the meeting works with people's schedules. If you can let me know if you want to participate, and if so, whether 9:00 AM on October 5 works, that would be great.

Best,

Justin

Justin Pidot

Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

---------- Forwarded message ----------
From: **John Andrews** <jandrews@utah.gov>
Date: Wed, Sep 21, 2016 at 1:42 PM
Subject: Prior Land Exchange Agreements - Utah/DOI
To: Justin Pidot <justin.pidot@sol.doi.gov>
Cc: Allen Freemyer <allen@adfpc.com>, David Ure <dure@utah.gov>

Justin;

At the PLI hearing last week, Neil Kornze asked Allen Freemyer to have us get in touch with you concerning how prior land exchanges between Utah/SITLA and DOI were structured.

I have attached the agreements and legislation from the 1998 Grand Staircase Exchange, and the 2000 West Desert Exchange.

You will note that the latter legislation contains some provisions regarding valuation review that were not contained in the 1998 exchange.

On another matter, I heard from Rob Bishop's office that Nikki Buffa was addressing some of the tribal claim issues we mentioned when we last met. I would be happy to provide input on that issue, as we are very familiar with some deep background on that that your team may not be aware of.

I think Allen Freemyer is going to reach out to your office about scheduling a follow-up meeting.

Thanks.

John Andrews

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500

Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

<West Desert Exchange Agreement.pdf>

<PLAW-106publ301.pdf>

<GSENM - 1998 Agreement.pdf>

<P.L. 105-335 MOU.pdf>

<P.L. 105-335 MOU Amendment.pdf>

<PLAW-105publ335 (1).pdf>

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Fri Sep 23 2016 10:50:32 GMT-0600 (MDT)
To:	"Pidot, Justin" <justin.pidot@sol.doi.gov>
CC:	"Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>
Subject:	Re: Prior Land Exchange Agreements - Utah/DOI

We can use my office if there's enough room. May be hard to book SJ's conference room for 2 full hours. Gisella can help advise us.

On Sep 23, 2016, at 10:52 AM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

> That's great. Nikki -- do you want us to gather in one of the conference rooms down there? Our main conference room is booked with a deposition, but I will arrange another space if that makes sense.
>
> Justin Pidot
> Deputy Solicitor for Land Resources, Office of the Solicitor
> U.S. Department of the Interior
> (202) 208-4423 Main
> (202) 208-5584 Fax
>
> NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this

message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Fri, Sep 23, 2016 at 11:13 AM, Ojeda-dodds, Gisella <gisella_ojeda-dodds@ios.doi.gov> wrote:

> HI Justin,
>
> As requested, I've blocked off from 10AM-12PM on Wednesday, October 5. Let me know if you need me to send out a formal invite.
>
> 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***

On Fri, Sep 23, 2016 at 11:05 AM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

> Nikki and Gisella,
>
> SITLA would like to have the meeting last at least 90 minutes (and maybe a little more, in their words). I am going to block off two hours on my calendar, but it would be great to have you participate for as long as you can.
>
> Gisella -- I can make any time work before 1:00. What time would work best with Nikki's schedule?
>
> Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Fri, Sep 23, 2016 at 9:48 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

I'd like to be there and Gisella can help you schedule, if you'd like.

On Sep 22, 2016, at 5:21 PM, Pidot, Justin <justin.pidot@sol.doi.gov> wrote:

Nikki, Tommy, and Liz,

The SITLA team plans to return to D.C. on the morning of October 5 to further discuss potential land exchanges (see email below and attached documents). They have also indicated that they would like to discuss issues surrounding the Ute Tribe.

I have indicated that I am available to meet with them starting at 9:00 AM. Nikki thought that this group would be interested in participating, if the meeting works with people's schedules. If you can let me know if you want to participate, and if so, whether 9:00 AM on October 5 works, that would be great.

Best,

Justin

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this

message in error, please notify the sender immediately and destroy all copies.

---------- Forwarded message ----------
From: **John Andrews** <jandrews@utah.gov>
Date: Wed, Sep 21, 2016 at 1:42 PM
Subject: Prior Land Exchange Agreements - Utah/DOI
To: Justin Pidot <justin.pidot@sol.doi.gov>
Cc: Allen Freemyer <allen@adfpc.com>, David Ure <dure@utah.gov>

Justin;

At the PLI hearing last week, Neil Kornze asked Allen Freemyer to have us get in touch with you concerning how prior land exchanges between Utah/SITLA and DOI were structured.

I have attached the agreements and legislation from the 1998 Grand Staircase Exchange, and the 2000 West Desert Exchange.

You will note that the latter legislation contains some provisions regarding valuation review that were not contained in the 1998 exchange.

On another matter, I heard from Rob Bishop's office that Nikki Buffa was addressing some of the tribal claim issues we mentioned when we last met. I would be happy to provide input on that issue, as we are very familiar with some deep background on that that your team may not be aware of.

I think Allen Freemyer is going to reach out to your office about scheduling a follow-up meeting.

Thanks.

John Andrews

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)

(801) 243-8611 (mobile)

<West Desert Exchange Agreement.pdf>

<PLAW-106publ301.pdf>

<GSENM - 1998 Agreement.pdf>

<P.L. 105-335 MOU.pdf>

<P.L. 105-335 MOU Amendment.pdf>

<PLAW-105publ335 (1).pdf>

FOR COMMITTEE USE ONLY

Michael O. Leavitt
Governor

AGREEMENT FOR EXCHANGE OF LANDS
WEST DESERT STATE-FEDERAL LAND CONSOLIDATION

THIS AGREEMENT FOR EXCHANGE OF LANDS is entered this 30th day of May, 2000 by and between the State of Utah and the United States of America, Department of the Interior.

PURPOSE: The purpose of this instrument is to document an agreement, subject to ratification by the Congress of the United States, to exchange federal and state lands and interests therein, of approximately equal value, located in the West Desert area of the State of Utah.

SECTION 1: DEFINITIONS

As used in this Agreement:

(A) BLM means the Bureau of Land Management of the Department of the Interior.

(B) Department means the Department of the Interior and its subsidiary agencies, including the BLM.

(C) FLPMA means the Federal Land Policy and Management Act, Act of October 21, 1976, Pub. L. 94-579, 90 Stat. 2743, as amended.

(D) Mineral Interest means all right, title and interest in the mineral estate, including but not limited to metals, ores, oil and gas, carbon dioxide, helium, coal, lignite, peat, gas contained in or taken from coal seams (coalbed methane), geothermal steam and heat, rock, stone, gravel, sand and quartz, subject to valid existing rights in third parties as of the date of this Agreement.

(E) State means the State of Utah and its subsidiary agencies, including the Utah School and Institutional Trust Lands Administration.

(F) Secretary means the Secretary of the Interior.

(G) Trust Lands means all right, title and interest of the State on the date this

Agreement is executed in lands granted by the United States pursuant to sections 6, 7, 8 and 12 of the Utah Enabling Act, ch. 138, 28 Stat. 107 (1894) to the State in trust, and in other lands owned by the State on the date of this Agreement which under State law must be managed for the benefit of the public school system or the institutions of the State which are designated by the Utah Enabling Act.

(H) Trust Lands Administration means the Utah School and Institutional Trust Lands Administration.

(I) Wilderness Act means the Wilderness Act of 1964, 16 U.S.C. § 1131 *et seq.*

SECTION 2: STATE LANDS AND MINERAL INTERESTS TO BE CONVEYED TO THE UNITED STATES

Subject to the terms and conditions of this Agreement, the State shall convey to the United States all right, title and interest of the State in the Trust Lands and Mineral Interests generally depicted on the map entitled "West Desert Exchange -- Utah Trust Lands" dated May 19, 2000, and more specifically described in Exhibit "A" to this Agreement, which lands include the following Trust Lands and Mineral Interests:

(A) Approximately 5760.84 acres of Trust Lands in the Silver Island Mountains area in Box Elder and Tooele Counties, Utah.

(B) Approximately 7827.60 acres of Mineral Interests in the Cedar Mountains area in Tooele County, Utah.

(C) Approximately 12,325.46 acres of Trust Lands and 2560 acres of additional Mineral Interests in the Deep Creek Mountains in Tooele and Juab Counties, Utah.

(D) Approximately 7680.80 acres of Trust Lands in the Fish Springs Mountains in Juab County, Utah.

(E) Approximately 3879.92 acres of Trust Lands in the Pilot Peak Range in Box Elder County, Utah.

(F) Approximately 11,612.74 acres of Trust Lands in the Swasey Mountain area in Juab and Millard Counties, Utah.

(G) Approximately 8241.07 acres of Trust Lands in the Notch Peak area in Millard County, Utah.

(H) Approximately 3839.28 acres of Trust Lands in the Howell Peak area in Millard County, Utah.

(I) Approximately 9906.64 acres of Trust Lands in the King Top area in Millard County, Utah.

(J) Approximately 7959.04 acres of Trust Lands in the North Wah Wah Mountains in Millard and Beaver Counties, Utah.

(K) Approximately 6910.61 acres of Trust Lands in the Central Wah Wah Mountains in Beaver County, Utah.

(L) Approximately acres of 3933.16 Trust Lands in the Granite Peak area in Beaver County, Utah.

(M) Approximately 2162.64 acres of Trust Lands in the Red Mountain area in Washington County, Utah.

(N) Approximately 80 acres of Trust Lands and an additional 240 acres of Mineral Interests in the Deep Creek area in Washington County, Utah.

(O) Approximately 1920 acres of Trust Lands in the Black Ridge area in Washington County, Utah.

(P) Approximately 5608.50 acres of Trust Lands and an additional 560 acres of Mineral Interests in the Canaan Mountain area in Kane and Washington Counties, Utah.

(Q) Approximately 960 acres of Trust Lands in the Cottonwood Canyon area in Washington County, Utah.

(R) Approximately 640 acres of Trust Lands in the Red Butte area in Washington County, Utah.

(S) Approximately 483.28 acres of Trust Lands within the Red Cliffs Desert Reserve in Washington County, Utah.

(T) Approximately 1191.21 acres of Trust Lands wholly or partially within the exterior boundary of the Beaver Dam Wash Wilderness, in Washington County, Utah.

SECTION 3. FEDERAL LANDS AND MINERAL INTERESTS TO BE CONVEYED TO THE STATE

Subject to the terms and conditions of this Agreement, the Department shall convey to the State or its nominee all right, title and interest of the United States in the BLM lands and Mineral Interests generally depicted on the map entitled "West Desert Exchange - BLM Lands" dated May 19, 2000, and more specifically described in Exhibit "B" to this Agreement, which lands include the following BLM lands and Mineral Interests:

(A) I-80 Corridor tracts, comprising approximately 11,854.53 Acres of BLM land in Tooele County, Utah.

(B) St. John tract, comprising approximately 8678.14 acres of BLM land in Tooele County, Utah.

(C) Tooele Army Depot No. 1 tract, comprising approximately 6880.63 acres of BLM land in Tooele County, Utah.

(D) Tintic Valley tract, comprising approximately 14,253.51 acres of BLM land in Juab County, Utah.

(E) Brush Wellman tracts, comprising approximately 6173.70 acres of BLM land in Juab County, Utah.

(F) Intermountain Power Plant tract, comprising approximately 17,625.97 acres of BLM land and an additional 940.61 acres of BLM Mineral Interests in Millard County, Utah.

(G) Continental Lime tract, comprising approximately 1849.21 acres of BLM land in Millard County, Utah.

(H) Oak City tracts, comprising approximately 13,625.36 acres of BLM land in Millard County, Utah.

(I) Milford tract, comprising approximately 22,123.32 acres of BLM land in Beaver County, Utah.

(J) Beaver tract, comprising approximately 720 acres of BLM land in Beaver

County, Utah.

(K) Cedar City GC tract, comprising approximately 137.12 acres of BLM land in Iron County, Utah.

(L) Cross Hollow Hills tract, comprising approximately 357.50 acres of BLM land in Iron County, Utah.

(M) Quichapa Creek tract, comprising approximately 743.76 acres of BLM land in Iron County, Utah.

(N) La Verkin tract, comprising approximately 315 acres of BLM land in Washington County, Utah.

(O) Warner Valley tract, comprising approximately 600 acres of BLM land in Washington County, Utah.

(P) Anderson Junction tract, comprising approximately 80 acres of BLM land in Washington County, Utah.

(Q) Ivins tract, comprising approximately 40 acres of BLM land in Washington County, Utah.

SECTION 4: LEGISLATION

This agreement shall not be terminated before January 1, 2001. Beginning on January 1, 2001, either party may, but is not obligated to, terminate this Agreement unless legislation shall have been enacted by the United States authorizing and ratifying this Agreement.

SECTION 5: CLOSING AND TRANSFER OF TITLE

The following provisions shall govern conveyances of lands to be exchanged pursuant to this Agreement:

(A) All conveyances by the United States and the State shall be subject to valid existing rights and interests outstanding in third parties; provided, however, that all conveyances by the State to the United States shall be subject only to those valid existing surface and mineral leases, grazing permits and leases, easements, rights of way, and other interests outstanding in third parties found acceptable under the Attorney General's title regulations.

(B) All conveyances by the State shall be in a form acceptable to the Secretary and in conformity with applicable title standards of the Attorney General of the United States.

SECTION 6: MANAGEMENT OF LANDS ACQUIRED BY THE UNITED STATES

All lands or interests therein acquired by the United States pursuant to section 2 of this Agreement shall be administered by the BLM and shall be subject to all applicable laws and regulations, subject to valid existing rights. Notwithstanding the foregoing, if any portion of the transferred lands are wholly or partially encompassed within a wilderness study area created pursuant to Section 603 of FLPMA or other authority if applicable, or within a wilderness area created by Congress under authority of the Wilderness Act, then those lands shall be administered, subject to valid existing rights, pursuant to applicable statutes and regulations governing wilderness study areas or wilderness areas, respectively.

SECTION 7: MANAGEMENT OF LANDS ACQUIRED BY THE STATE

All lands or interests therein acquired by the State pursuant to section 3 of this Agreement shall be managed by the Trust Lands Administration as Trust Lands pursuant to Title 53C of the Utah Code.

SECTION 8: WATER RIGHTS

All water rights, if any, held by the transferor that are appurtenant to the lands exchanged pursuant to this Agreement shall be conveyed with the land. Nothing contained in this Agreement shall impair valid existing water rights owned by private parties. Nothing in this Agreement shall expand or diminish Federal or State jurisdiction, responsibilities, interests, or rights, in water resource adjudication, allocation, development, or control.

SECTION 9: GRAZING PERMITS

(A) On all lands acquired by the United States under section 2, the Secretary shall honor, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Trust Lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Upon expiration of any lease or permit, the holder shall be entitled to a preference right to renew such lease or permit to the extent provided by Federal law.

(B) In any instance where lands conveyed by the State under section 2 are used by a grazing permittee or lessee to meet the base property requirements for a federal grazing permit or lease, such lands shall continue to qualify as base properties for the remaining term of the lease or permit and any renewal or extensions thereof.

(C) Title to, or any interest in, any range improvement held by the United States or the State on any lands exchanges under this Agreement shall be transferred with such lands. Nothing in this Agreement shall operate to divest title to, or any interest in, any range improvement held by any person on such lands.

(D) On all lands acquired by the State under section 3, the State shall continue, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Federal lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Such leases, permits and contracts shall be subject to compliance with terms and conditions of the leases, permits or contracts, together with such reasonable regulations as the State may prescribe concerning range conditions. Upon expiration of any lease or permit, the holder shall be entitled to a right of first refusal for the renewal of such lease or permit under state law. Nothing in this Agreement shall prevent the State from canceling any grazing permit when the underlying land is sold or leased for non-grazing purposes by the State.

SECTION 10: SURFACE AGREEMENTS AND PERMITS

(A) The United States shall assume all rights and duties of the State under all State rights-of-way and special use agreements on lands conveyed to the United States pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way and agreements shall be managed and enforced by the United States. The rents, fees and other payments formerly due to the State under the terms of such rights-of-way and agreements shall be payable by the holder to the United States.

(B) The State shall assume all rights and duties of the United States under all Federal rights-of-way, surface use permits and agreements on lands conveyed to the State pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way,

permits and agreements shall be managed and enforced by the State. The rents, fees, and other payments formerly due to the United States under the terms of such rights-of-way, permits and agreements shall be payable by the holder to the State.

(C) Nothing in this Act shall expand or diminish the rights of any person or entity in any pre-existing rights-of-way established under State or Federal law, and the conveyances to be made under this Agreement shall be subject to such pre-existing rights-of-way, if any, as valid existing rights.

SECTION 11: MINERAL LEASES AND LANDS

In connection with mineral lands and interests conveyed pursuant to this Agreement:

(A) The State shall succeed the United States as lessor of all federal mineral leases on lands conveyed to the State pursuant to this Agreement. All rights, terms, and agreements under such leases (including authorizations for easements, facilities, operations, or other appurtenances on such lands) shall remain in effect after such conveyance except that such rights, terms, and agreements shall be managed and enforced by the State. The rents, royalties, fees and other payments formerly due the United States under such terms shall be payable by the Lessee to the State. The Leaseholder shall be entitled to Lease extension and renewal to the extent provided under Federal law, regulations, and the Lease Agreement.

(B) The Secretary shall succeed the State as lessor of all State mineral leases on lands conveyed to the Secretary pursuant to this Agreement. All rights, terms and agreements under such Lease (including authorizations for easements, facilities, operations, or other appurtenances on such lands) shall remain in effect after such conveyance, except that such rights, terms and agreements shall be managed and enforced by the Secretary. The rents, royalties, fees, and other payments formerly due to the State under such terms shall be payable by the Lessee to the United States.

(C) If any of the lands conveyed to the State under this Agreement are encumbered by mining claims, mill sites or tunnel sites located under the Mining Law of 1872, 30 U.S.C. § 22 *et seq*, the State will recognize the mining claimants' and site holders' interests in all valid mining claims and site locations and allow them to develop those minerals or use the sites so long as they comply with applicable laws and regulations, including without limitation applicable state filing and claim maintenance requirements; provided, however, that nothing herein shall preclude the State and any claimant or siteholder from agreeing to the relinquishment of any claim or site on mutually acceptable terms. The State shall further adjudicate any mining claim or site validity issues in the appropriate state or Federal court according to the Mining Law of 1872, as amended, and case law and administrative guidance interpreting that law. The BLM will provide notice to each mining claimant and site holder that its mining claims or site locations: (1) will be administered by the Trust Lands Administration and that compliance with state filing and claim maintenance requirements contained in Utah Code Ann. §53C-2-104 will be required to avoid abandonment of such claim under state law; (2) will no longer be administered by the United States; (3) will no longer be subject to Federal filing or fee requirements or BLM surface management requirements; and (4) that the Secretary no longer has jurisdiction to adjudicate the validity of any mining claim or site.

SECTION 12: HAZARDOUS WASTE

(A) Notwithstanding the transfer to the United States of the lands and interests therein described in section 2, the State shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

(B) Notwithstanding the transfer to the State of the lands and interests therein described in section 3, the United States shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from the ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

SECTION 13: GENERAL PROVISIONS

In addition to the foregoing, the Department and the State agree as follows:

(A) Nothing in this Agreement shall prevent the parties from mutually agreeing to the correction of technical errors and omissions in maps and legal descriptions contained or incorporated herein.

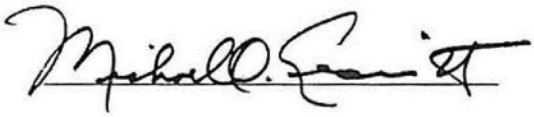
(B) The parties agree to use reasonable diligence and efforts to fulfill their respective obligations under this Agreement, at all times that this Agreement is in effect.

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused to be affixed the Great Seal of the State of Utah on the date first above written.

UNITED STATES DEPARTMENT
OF THE INTERIOR

Bruce Babbitt
Secretary of the Interior

STATE OF UTAH



Michael O. Leavitt
Governor

FOR COMMITTEE USE ONLY

Public Law 106–301
106th Congress

An Act

To provide for the exchange of certain lands within the State of Utah.

Oct. 13, 2000
[H.R. 4579]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Utah West Desert Land Exchange Act of 2000.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Utah West Desert Land Exchange Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The State of Utah owns approximately 95,095.19 acres of land, as well as approximately 11,187.60 acres of mineral interests, located in the West Desert region of Utah and contained wholly or partially within certain wilderness study areas created pursuant to section 603 of the Federal Lands Policy and Management Act of 1976, or proposed by the Bureau of Land Management for wilderness study area status pursuant to section 202 of that Act. These lands were granted by the Congress to the State of Utah pursuant to the Utah Enabling Act of 1894 (chapter 138; 23 Stat. 107), to be held in trust for the benefit of the State's public school system and other public institutions. The lands are largely scattered in checkerboard fashion amidst the Federal lands comprising the remainder of such existing and proposed wilderness study areas.

(2) Development of surface and mineral resources on State trust lands within existing or proposed wilderness study areas, or the sale of such lands into private ownership, could be incompatible with management of such lands for nonimpairment of their wilderness characteristics pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976 or with future congressional designation of the lands as wilderness.

(3) The United States owns lands and interests in lands outside of existing and proposed wilderness study areas that can be transferred to the State of Utah in exchange for the West Desert wilderness inholdings without jeopardizing Federal management objectives or needs.

(4) The large presence of State trust land inholdings in existing and proposed wilderness study areas in the West Desert region makes land and resource management in these areas difficult, costly, and controversial for both the State of Utah and the United States.

FOR COMMITTEE USE ONLY

(5) It is in the public interest to reach agreement on exchange of such inholdings, on terms fair to both the State of Utah and the United States. Such an agreement, subject to ratification by the Congress, would save much time and delay in meeting the legitimate expectations of the State school and institutional trusts, in simplifying management of Federal lands, and in avoiding the significant time and expense associated with administrative land exchanges.

(6) The State of Utah and the United States have reached an agreement under which the State would exchange certain State trust lands within specified wilderness study areas and areas identified as having wilderness characteristics in the West Desert region for various Federal lands and interests in lands outside of those areas but in the same region of Utah. The agreement also provides for the State to convey to the United States approximately 483 acres of land in Washington County, Utah, that has been designated as critical habitat for the Desert Tortoise, a threatened species, for inclusion in the Red Cliffs Desert Reserve.

(7) Because the inholdings to be acquired by the Federal Government include properties within some of the most spectacular wild areas in the western United States, and because a mission of the Utah School and Institutional Trust Lands Administration is to produce economic benefits for Utah's public schools and other beneficiary institutions, the exchange of lands called for in this agreement will resolve longstanding environmental conflicts with respect to the existing and proposed wilderness study areas, place important natural lands into public ownership, and further the interests of the State trust lands, the school children of Utah, and these conservation resources.

(8) Under this agreement taken as a whole, the State interests to be conveyed to the United States by the State of Utah, and the Federal interests to be conveyed to the State of Utah by the United States, will be approximately equal in value.

(b) PURPOSE.—The purpose of this Act is to enact into law and direct prompt implementation of this agreement, and thereby to further the public interest by consolidating State and Federal lands into manageable units while facilitating the protection of lands with significant scientific, cultural, and natural resources.

SEC. 3. RATIFICATION OF THE AGREED EXCHANGE BETWEEN THE STATE OF UTAH AND THE DEPARTMENT OF THE INTERIOR.

(a) AGREEMENT.—The State of Utah and the Department of the Interior have agreed to exchange certain Federal lands and mineral interests in the State of Utah for lands and mineral interests of approximately equal value managed by the Utah School and Institutional Trust Lands Administration wholly or partially within certain existing and proposed wilderness study areas in the West Desert region of Utah.

(b) RATIFICATION.—All terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled "Agreement for Exchange of Lands—West Desert State-Federal Land Consolidation", dated May 30, 2000 (in this Act referred to as "the Agreement"), are hereby incorporated in this Act, are

FOR COMMITTEE USE ONLY

ratified and confirmed, and set forth the obligations of the United States, the State of Utah, and the Utah School and Institutional Trust Lands Administration, as a matter of Federal law.

(c) CONDITION.—Before exchanging any lands under this Act, the Secretary of the Interior and the State of Utah shall each document in a statement of value how the determination of approximately equal value was made in accordance with section 206(h) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(h)), provided that the provisions of paragraph (1)(A) of section 206(h) of such Act shall not apply. In addition, the Secretary and the State shall select an independent qualified appraiser who shall review the statements of value as prepared by the Secretary and the State of Utah and all documentation and determine if the lands are of approximately equal value. If there is a finding of a difference in value, then the Secretary and the State shall adjust the exchange to achieve approximately equal value.

SEC. 4. CONVEYANCES.

(a) CONVEYANCES.—All conveyances under sections 2 and 3 of the Agreement shall be completed within 70 days after the date on which the condition set forth in section 3(c) is met. Deadline.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—The maps and legal descriptions referred to in the Agreement depict the lands subject to the conveyances under the Agreement.

(2) PUBLIC AVAILABILITY.—The maps and descriptions referred to in the Agreement shall be on file and available for public inspection in the offices of the Secretary of the Interior and the Utah State Director of the Bureau of Land Management.

(3) CONFLICT.—In case of any conflict between the maps and the legal descriptions in the Agreement, the legal descriptions shall control.

SEC. 5. COSTS.

The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this Act.

Approved October 13, 2000.

LEGISLATIVE HISTORY—H.R. 4579:

SENATE REPORTS: No. 106–463 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 146 (2000):
July 11, considered and passed House.
Oct. 3, considered and passed Senate.

FOR COMMITTEE USE ONLY

Michael O. Leavitt

AGREEMENT TO EXCHANGE UTAH SCHOOL TRUST LANDS BETWEEN THE STATE OF UTAH AND THE UNITED STATES OF AMERICA

PURPOSE: The Purpose is to document an agreement, subject to ratification by Congress, to exchange federal and state lands and interests therein of approximately equal value in the State of Utah.

SECTION 1. DEFINITIONS.

As used in this Agreement:

(A) MONUMENT. The term "Monument" means the Grand Staircase-Escalante National Monument, established by Presidential proclamation on September 18, 1996 pursuant to section 2 of the Antiquities Act of 1906 (16 U.S. C. § 431).

(B) SCHOOL AND INSTITUTIONAL TRUST LANDS. The term "School and Institutional Trust Lands" means all right, title and interest of the State of Utah on the date this agreement is executed in lands granted by the United States pursuant to section 6 of the Utah Enabling Act, ch. 138, 28 Stat. 107 (1894) to the State of Utah in trust, and in other lands owned by the State of Utah on the date of this agreement which under State law must be managed for the benefit of the public school system or the institutions of the State which are designated by the Utah Enabling Act, provided that to the extent the estate in said lands is less than fee simple absolute, it is found acceptable to the United States under the title regulations of the Attorney General of the United States.

(C) MINERAL INTEREST. The term "mineral interest" means all right, title and interest in the mineral estate, as of the date of this agreement, in metals, ores, oil and gas, carbon dioxide, helium, coal, lignite, peat, gas contained in or taken from coal seams (coalbed methane), geothermal steam and heat, rock, stone, gravel, sand and quartz, subject to valid existing rights in third parties as of the date of this Agreement.

(D) SECRETARY. The term "Secretary" means the Secretary of the Interior.

SECTION 2. LANDS AND INTERESTS TO BE CONVEYED TO THE UNITED STATES

The State of Utah shall convey to the United States the School and Institutional Trust Lands and mineral interests therein in the following properties, described generally as:

(A) Lands within the Navajo Indian Reservation in the State of Utah, comprising approximately 38,500 acres and the mineral interest in approximately an additional 9,500 acres, designated as tracts 322 through 358, 363 through 392, and 394 through 407, and generally depicted on the map entitled "Utah-Navajo Land Exchange." dated May 7, 1998. Parcel 339 is subject to deletion after consultation with the Navajo Nation. The legal description for tracts 322 through 337,

22339 through 340, 342, 344 through 358, 362 through 392, 394 through 407 is contained in the document entitled "Public Law 103-93 Utah Schools and Lands Improvement Act of 1993" (1995). The legal description of tract 338 is T40S, R24E,SLB&M, Section 16: all [mineral]. The legal description of tract 341 is T40S,R25E,SLB&M, Section 32: SE1/4NW1/4SW1/4SE1/4. The legal description of tract 343 is T40S,R26E,SLB&M, Section 16: all [mineral].

(B) Lands within the Goshute Indian Reservation in the State of Utah, comprising approximately 8,980 acres and the mineral interest in approximately an additional 480 acres, designated as tracts 408 through 410 and 800-818, and, generally depicted on the map entitled "Utah- Goshute Land Exchange," dated May 7, 1998.

(C) Four tracts, consisting of approximately 2,560 acres, as generally depicted on the map entitled "Alton Tracts," dated May 7, 1998.

(D) Lands within the exterior boundaries of the National Forest System comprising approximately 70,000 acres, designated as tracts 145 through 177, 184, 194 through 196, 198, 200 through 241, 247 through 321, 413 through 451, 453 through 497, 499 through 513, 515 through 519, 521 through 572, and as generally depicted on a map entitled "Utah Forest Land Exchange," dated May 7, 1998. The legal descriptions for these tracts are contained in the document entitled "Public Law 103-93 Utah Schools and Lands Improvement Act of 1993" (1995).

(E) All lands within the exterior boundaries of the Monument, comprising approximately 176,698.63 acres of land and the mineral interest in approximately an additional 24,000 acres.

(F) All lands within the exterior boundaries of all units of the National Park System, comprising approximately 80,000 acres.

SECTION 3. LANDS AND INTERESTS OF THE UNITED STATES TO BE CONVEYED TO THE STATE OF UTAH

The United States shall convey to the State of Utah all right, title and interest of the United States to the following properties described generally as:

(A) Blue Mountain Telecommunications Site, comprising approximately 640 acres, as generally depicted on the map entitled "Blue Mountain Telecommunications Site" dated May 7, 1998.

(B) Beaver Mountain Ski Resort site, comprising approximately 3,000 acres, as generally depicted on the map entitled "Beaver Mountain Ski Resort," dated May 7, 1998.

(C) Warner Valley Tract, comprising approximately 1,920 acres, as generally depicted on the map entitled "Warner Valley Tract," dated May 7, 1998.

(D) Hatch Tract, comprising approximately 12,677.5 acres, as generally depicted on the map entitled "Hatch Tract," dated May 7, 1998.

(E) Big Water Tract, comprising approximately 33,208 acres, as generally depicted on the map entitled "Big Water Tract," dated May 7, 1998.

(F) The United States' mineral interest in the coal located in the Cottonwood Tract, as generally depicted on the map entitled "Cottonwood Tract," dated May 7, 1998, subject to reversion as provided in this paragraph. If the State disposes of all or part of the coal mineral interest conveyed as provided by subparagraph (P) (i) hereof, the entire coal mineral interest conveyed to the State under this paragraph shall revert to the United States when the State has received the sum of $13,006,105 in royalty and rental income. Valuation of royalty and rental income and interest to the extent applicable shall be calculated pursuant to the language contained in Public Law 103-93, section 8 (c) and (d).

(G) Approximately 881 acres of the Westridge Coal Tract, as generally depicted on the map entitled "Westridge Coal Tract" dated May 7, 1998.

(H) Approximately 2,600 acres of the Uintah County Tract, as generally depicted on the maps entitled "Uintah County Tract No. 1" and "Uintah County Tract No. 2" dated May 7, 1998 .

(I) Approximately 2,000 acres of the Millard County Tract, as generally depicted on the map entitled "Millard County Tract" dated May 7, 1998.

(J) Approximately 58,000 acres of the Ferron Field, as generally depicted on the map entitled "Ferron Field" dated May 7, 1998.

(K) The United States' mineral interest in the coal located in the Mill Fork Tract, as generally depicted on the map entitled "Mill Fork Tract," dated May 7, 1998, subject to reversion as provided in this paragraph. If the State disposes of all or part of the coal mineral interest conveyed as provided by subparagraph (P)(i) hereof, the entire coal mineral interest shall revert to the United States when 22.3 million tons of coal have been produced from the Tract.

(L) Approximately 2,560 acres of the Dugout Canyon Tract, as generally depicted on the map entitled "Dugout Canyon Tract" dated May 7, 1998, and the United States' mineral interest in the coal in approximately 2,560 acres located in the Muddy Tract, as generally depicted on the map entitled "Muddy Tract" dated May 7, 1998, subject to reversion as provided in this paragraph. If the State disposes of all or part of the coal mineral interest in either or both Tracts as provided by subparagraph (P)(i) hereof, the entire coal mineral interest in both Tracts shall revert to the United States when a total of 34 million tons of coal have been produced from either or both Tracts.

(M) The United States' mineral interest in the coal underlying approximately 9,600 acres located in the North Horn Coal Tract, as generally depicted on the map entitled "North Horn Coal Tract" dated May 7, 1998, subject to reversion as provided in this paragraph. If the State disposes of all or part of the coal mineral interest conveyed as provided by subparagraph (P)(i) hereof, the entire coal mineral interest shall revert to the United States when 100 million tons of coal have been produced from the Tract.

(N) Duchesne County Tract comprising approximately 4,000 acres, as generally depicted on the map entitled "Duchesne County Tract," dated May 7, 1998.

(O) $50,000,000 in cash.

(P) GENERAL PROVISIONS

(i) If the State disposes of all or any part of the mineral interest in coal, oil and gas, or coalbed methane, including interests subsumed within fee interests, conveyed under paragraphs (F), (G), (J), (K), (L), or (M) of this section, the State agrees to do so only by offering the mineral interest for lease on a competitive basis (or a substantially equivalent non-competitive basis) for a bonus bid and a reserved royalty of not more than 8 percent (for coal) or 12 ½ percent (for oil and gas and coalbed methane) (or the prevailing Federal royalty rates at the time the lease is issued) of the value of the production removed or sold from the lease.

(ii) The State agrees to pay to the United States 50 percent of the bonus bid it receives when it issues each lease under subparagraph (i), reduced by 50 percent of those administrative costs the State incurs in issuing the lease that are of the same type that the United States includes in calculating the administrative cost deduction under 30 U.S.C. 191(b). The amount paid to the United States shall be deposited 80 percent to the Reclamation Fund and 20 percent to miscellaneous receipts.

(iii) All mineral interests that revert to the United States under this section shall be restored to the public domain and the United States shall succeed the State as lessor for any lease issued by the State. Upon reversion, all revenues which the United States receives from any lease issued by the State to which the reversion is subject shall be distributed in the same manner as other revenues derived from mineral leases on the public domain under section 35 of the Mineral Leasing Act, as amended, 30 U.S.C. 191.

SECTION 4. TRANSFER OF TITLE

(A) All conveyances described herein by the United States to the State of Utah shall be subject to valid existing rights and interests outstanding in third parties. Where the United States is conveying only the mineral interest or other interest less than fee simple, the Secretary shall reserve to the United States all remaining right, title and interest.

(B) All conveyances herein by the State of Utah to the United States shall be subject only to those valid existing surface and mineral leases, grazing permits and leases, easements, rights of way, and other interests outstanding in third parties found acceptable under the Attorney General's title regulations.

(C) Conveyance of all lands and interests in lands described shall take place within 90 days following enactment of the legislation authorizing and ratifying this Agreement.

(D) DEED. — The conveyance of the lands and interests therein by the State of Utah to the United States under this section shall be in the form of a conveyance acceptable to the Secretary and in conformity with applicable title standards of the Attorney General of the United States.

(E) ACCEPTABILITY OF TITLE. — The United States shall not carry out the exchange described in sections 2 and 3 unless the title to the lands and interests described in section 2 to be conveyed to the United States, and the form and procedures of conveyance are acceptable under the Attorney General's title regulations.

(F) Upon completion of all conveyances described in sections 2 and 3(A)-(N), the $50,000,000 identified in section 3(O) is immediately available for expenditure and payment from the General Fund of the Treasury to the State of Utah without fiscal year limitations.

SECTION 5. MANAGEMENT OF FEDERALLY ACQUIRED LANDS.

(A) GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT. — Any lands and interests therein acquired by the United States within the exterior boundaries of the Monument pursuant to section 2(E) shall become a part of the Grand Staircase- Escalante National Monument, and shall be subject to all the laws and regulations applicable to the Monument.

(B) NATIONAL FOREST SYSTEM. — Any lands and interests therein acquired by the United States within the exterior boundaries of the National Forest System pursuant to section 2(D) shall become a part of the national forest within which such lands are located and shall be subject to all the laws and regulations applicable to the National Forest System.

(C) NATIONAL PARK SYSTEM. — Any lands and interests therein acquired by the United States within the exterior boundaries of the National Park System pursuant to section 2(F) shall become a part of the appropriate unit of the National Park System within which such lands are located, and shall be subject to all laws and regulations applicable to that unit of the National Park System.

(D) NAVAJO INDIAN RESERVATION. — Any lands and interests acquired by the United States within the exterior boundaries of the Navajo Indian Reservation pursuant to section 2(A) are taken into trust and held for the benefit of the Navajo Nation, and are hereby declared to be part of the Navajo Indian Reservation in the State of Utah.

(E) GOSHUTE INDIAN RESERVATION. — Any lands and interests acquired by the United States within the exterior boundaries of the Goshute Indian Reservation pursuant to section 2(B) are taken into trust and held for the benefit of the Goshute Indian Tribe and are hereby declared to be part of the Goshute Indian Reservation in the State of Utah.

(F) ALL OTHER LANDS. — Any other lands or interests therein acquired by the United States pursuant to section 2 and not otherwise described in this section shall be administered by the Bureau of Land Management and subject to all applicable laws and regulations.

SECTION 6. WATER RIGHTS

In connection with water rights appurtenant to the lands to be exchanged under this agreement:

(A) All water rights, if any, held by the transferor that are appurtenant to the lands exchanged pursuant to this agreement shall be conveyed with the land. Nothing contained in this agreement shall impair valid existing water rights owned by private parties.

(B) Nothing in this agreement shall expand or diminish Federal or State jurisdiction, responsibilities, interests, or rights, in water resource adjudication, allocation, development, or control.

SECTION 7. GRAZING PERMITS.

(A) On all lands acquired by the United States under section 2, the Secretary shall honor, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on School and Institutional Trust Lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Upon expiration of any lease or permit, the holder shall be entitled to a preference right to renew such lease or permit to the extent provided by Federal law.

(B) In any instance where lands conveyed by the State of Utah under section 2 are used by a grazing permittee or lessee to meet the base property requirements for a federal grazing permit or lease, such lands shall continue to qualify as base properties for the remaining term of the lease or permit and any renewal or extensions thereof.

(C) Title to, or any interest in, any range improvement held by the United States or the State on any lands exchanged under this agreement shall be transferred with such lands. Nothing in this Act shall operate to divest title to, or any interest in, any range improvement held by any person on such lands.

(D) On all lands to be acquired by the State of Utah under section 3, the State shall continue, for a period of time equal to the lifetime of the permittee as of the date of this agreement and any direct descendants of the permittee born before that date, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Federal lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Such leases, permits and contracts shall be subject to periodic renewal and to compliance with the terms and conditions of the leases, permits or contracts, together with such reasonable regulations as the State may prescribe concerning range conditions. This provision shall not prevent the state from canceling any grazing permit when the underlying land is sold or leased for non-grazing purposes by the state.

SECTION 8. HAZARDOUS WASTE.

(A) Notwithstanding the transfer to the United States of the lands and interests therein described in section 2, the State of Utah shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

(B) Notwithstanding the transfer to the State of Utah of the lands and interests therein described in section 3, the United States shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from the ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

SECTION 9. SURFACE USE AND RIGHTS OF WAY

(A) The State shall assume all rights and duties of the United States under all Federal rights-of-way, surface use permits and agreements on lands conveyed to the State pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way, permits and agreements shall be managed and enforced by the State. The rents, fees, and other payments formerly due to the United States under the terms of such rights-of-way, permits and agreements shall be payable by the holder to the State.

(B) The United States shall assume all rights and duties of the State under all State rights-of-way and special use agreements on lands conveyed to the United States pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except such rights-of-way and agreements shall be managed and enforced by the United States. The rents, fees, and other payments formerly due to the State under the terms of such rights-of-way and agreements shall be payable by the holder to the United States.

(C) Nothing in this Act shall expand or diminish the rights of any person or entity in any pre-existing rights-of-way established under State or Federal law, and the conveyances to be made under this Agreement shall be subject to such pre-existing rights-of-way, if any, as valid existing rights.

SECTION 10. SPECIAL PROVISIONS

(A) MINERAL DEVELOPMENT IN GENERAL.

(i) Development of any mineral interests transferred to the State of Utah pursuant to this agreement where the United States retains ownership interests in the land shall be subject to all laws, rules, and regulations applicable to development of non-Federal mineral interests underlying Federally-owned surface, including, where appropriate, laws, rules and regulations applicable to such development within the National Forest System.

(ii) Extraction of any coal resources transferred to the State of Utah pursuant to this Agreement shall occur only through underground coal mining operations.

(B) PRICE COALBED METHANE.--The Bureau of Land Management has prepared an Environmental Impact Statement for the River Gas portion of the Price Coalbed Methane area and a Record of Decision has been issued with respect to certain actions considered in the Environmental Impact Statement. The State of Utah shall adopt all conditions, mitigation measures and restrictions imposed on lessees by the Record of Decision in the State's administration of Federal Mineral Leases acquired in Townships 14, 15, and 16 South and Ranges 8 and 9 East, SLBM.

(C) MILL FORK. -- The Bureau of Land Management and the Manti-La Sal National Forest have prepared an Environmental Assessment for the proposed leasing of coal within the Mill Fork tract. The State of Utah shall adopt the mitigation measures imposed on lessees by the Record of Decision in the State's administration of the Mill Fork tract.

(D) MINERAL LEASES IN LAND CONVEYED TO THE UNITED STATES. — Notwithstanding any other provision of law, including 30 U.S.C. 355, any rentals and royalties or bonus bids derived from existing or future mineral leases on lands and interests therein conveyed by the State of Utah to the United States shall be deposited in the Treasury as miscellaneous receipts, except that any rentals and royalties or bonus bids from existing or future mineral leases on lands and interests acquired under sections 2(A) and 2(B) in trust for the Navajo Nation and the Goshute Indian Tribe shall be distributed in accordance with the terms of any federal law specifically directing distribution of such moneys.

(E) RENTS AND ROYALTIES ON LAND CONVEYED TO THE STATE OF UTAH. Any rentals and royalties derived from existing or future mineral leases on lands and interests conveyed by the United States to the State of Utah under section 3 shall be shared equally by the State and the School and Institutional Trust Lands Administration.

FOR COMMITTEE USE ONLY

SECTION 11. MAPS AND LEGAL DESCRIPTIONS

The State of Utah and the Secretary shall each provide to the other the legal descriptions and maps of the lands under their respective jurisdictions which are to be exchanged under this agreement.

SECTION 12. LITIGATION

(A) Upon execution of this agreement, the parties to the civil action captioned *State of Utah v. United States*, Civil No. 2:97-CV-0589C (D. Utah), will immediately jointly seek a stay, without prejudice to either party, of all proceedings in that action. Upon enactment of legislation authorizing and ratifying this agreement, the parties will jointly seek dismissal of that action with prejudice. If Congress fails to enact legislation authorizing and ratifying this agreement before adjournment of the 105th Congress *sine die*, the parties agree to jointly move to lift the stay of proceedings in that action within 60 days after adjournment and to seek rescheduling of the previously established trial schedule as necessary.

(B) The State of Utah shall voluntarily dismiss with prejudice the civil action captioned *Utah School and Institutional Trust Lands Administration v. Clinton, et al.*, Civil No. 2:97-CV-492C (D. Utah), within 20 days after all conveyances under this agreement have been completed.

SECTION 13. TECHNICAL CORRECTIONS

Nothing in this Agreement shall prevent the parties from mutually agreeing to the correction of technical errors and omissions in maps and legal descriptions contained herein.

IN TESTIMONY, WHEREOF, we have hereunto set our hands and caused to be affixed the Great Seal of the State of Utah this 8th day of May 1998.

Michael O. Leavitt
Governor
State of Utah

Bruce Babbitt
Secretary of the Interior
United States of America

ATTEST:

Olene S. Walker
Lt. Governor
State of Utah

00074272-OS-BATCH002-DOC0162-ATT-20240 Page 7 of 7

FOR COMMITTEE USE ONLY

MEMORANDUM OF UNDERSTANDING BETWEEN THE UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION, THE UNITED STATES DEPARTMENT OF AGRICULTURE, AND THE UNITED STATES DEPARTMENT OF THE INTERIOR

Recitals

1. The Utah Schools and Land Exchange Act of 1998, Pub. L. No. 105-335, 112 Stat. 3139 ("the Act"), ratified the May 8, 1998. "Agreement to Exchange Utah School Trust Lands Between the State of Utah and the United States of America" entered into between the State of Utah and the United States of America ("the Agreement").

2. The United States Department of the Interior ("DOI"), and the Utah School and Institutional Trust Lands Administration ("SITLA") each have responsibilities to implement the terms of the Agreement. The United States Department of Agriculture, Forest Service ("USDA-Forest Service"), which has jurisdiction, custody, and control over National Forest System Lands ("NFS lands"), is also subject to the terms of the Act and the Agreement with respect to NFS lands involved in the exchange of lands and interests in lands. Therefore, USDA-Forest Service is a Party to this MOU with respect to the NFS lands subject to the terms of the Act and the Agreement. The aforementioned entities will be collectively referred to hereinafter as "the Parties." or separately as a "Party."

3. The Parties recognize that it is in their mutual interest to agree on how certain actions necessary to implement the Act and the Agreement will be effected, and therefore enter into this Memorandum of Understanding ("MOU").

4. Among other provisions, this MOU implements Sections 8 and 10 of the Agreement which defines the Parties' respective responsibilities for environmental remediation, waste management and environmental compliance activities associated with the lands which each Party has transferred, or will transfer, to the other pursuant to the Act. Section 8 contemplates remediation of the subject lands following the date of transfer of title, and this MOU, consistent with Section 8, provides that each Party will continue to be legally responsible, to the extent such responsibility exists at the time of transfer of title, for environmental response actions, including actions specified herein, on the land that each Party respectively transfers. Except as consistent with the Agreement, nothing in this MOU is intended to relieve any party of its substantive or procedural environmental obligations under existing State or Federal law.

5. Section 10 of the Agreement calls for development of any mineral interests transferred to the State of Utah where the United States retains ownership interests in the land to be subject to all laws, rules, and regulations applicable to development of non-Federal mineral interests underlying Federally-owned surface, including laws, rules, and regulations applicable to such development within the National Forest System. The Regulations of the Secretary of Agriculture at Title 36, Code of Federal Regulations ("C.F.R."), section 251.50 will apply to the occupancy and use of the surface estate of National Forest System lands for the development of the conveyed coal estate . However, mining induced subsidence need not be permitted separately

where the State of Utah has authorized mining in accordance with 30 C.F.R. section 944.30, Article VI, B.5. To the extent provided by law, in surface occupancy permits and conditions of concurrence to mining permits, the USDA-Forest Service will abide by the standards and guidelines contained in the Land and Resource Management Plan for the Manti-La Sal National Forest which were in effect on May 8, 1998. Subject to reasonable terms and conditions for the protection of the surface estate consistent with the Forest Plan, any permit requirement may not prohibit reasonable economic development of the conveyed coal estates.

Memorandum of Understanding

I. Coal Mineral Interests

A. Pre-Leasing Issues

Before SITLA issues a lease on the Cottonwood, Westridge, Mill Fork, Dugout, Muddy, or North Horn Tracts conveyed to SITLA under paragraphs 3(F), 3(G), 3(K), 3(L), and 3(M) of the Agreement --

1. Within an agreed time frame, DOI's Bureau of Land Management ("BLM") will provide SITLA with the following for that tract:

a. The amount of the coal reserves for the tract;

b. A pre-lease estimate of fair market value ("FMV"), or comments on SITLA's consultant's assessment of FMV; and

c. Recommendations to SITLA on lease bond amounts.

2. For that tract, SITLA will --

a. Coordinate sale schedules with BLM;

b. Consider BLM's determination of, or comments on, coal reserves and FMV when it negotiates bonus bids with prospective lessees;

c. Establish the amount of the lease bond in consultation with BLM; and

d. Cooperate with the USDA- Forest Service to identify the applicable Forest Plan standards and guidelines necessary to protect National Forest Resources and to fulfill the requirements of Title 36 C.F.R. section 251.50.

B. Lease Instrument Contents

SITLA agrees that for each lease SITLA issues on lands subject to reversion to the United States under sections 3(F), 3(K), 3(L), and 3(M) of the Agreement (the Cottonwood, Mill Fork, Dugout, Muddy, and North Horn Tracts), SITLA will include the following in the lease terms:

1. The reversionary provisions of the Agreement and the Act that apply to the individual lease.

2. An express agreement by the lessee as follows:

> The lessee agrees that after reversion of the lessor's interest to the United States, the Secretary of the Interior may establish the reasonable value of post-reversion production for royalty purposes in the same manner and by the same methods as the United States establishes value under Federally-issued leases.

3. An express agreement by the lessee as follows:

> The lessee agrees that after reversion, the lessee will be subject to the requirements of the Mineral Leasing Act, 30 U.S.C. §§ 181 *et seq.*, and royalty, operating, and administrative procedure rules and regulations of the Department of the Interior, the Minerals Management Service ("MMS"), and the Bureau of Land Management ("BLM") and any other Federal laws and regulations generally applicable to coal leases issued under the Mineral Leasing Act to the same extent as if the lease were a Federally-issued lease. However, to the extent that SITLA approves a significant operational decision and the lessee makes a substantial economic commitment based upon SITLA's approval, the lessee may continue to rely on that approval after reversion. Provided, however, that nothing herein will affect the liability of the lessee under CERCLA, RCRA, the Clean Water Act, 33 U.S.C. § 1251, *et seq.*, or other applicable environmental law.

4. Express agreements by the lessee relating to "Hazardous Substances," and "Indemnification" that are appended to this MOU as Appendix 1. Prior to the issuance of any lease, the Parties further agree to jointly develop provisions to address "Waste Certification," "Discharges of Oil," "Oil Discharge Indemnity," and "Discharged Oil Certification" for inclusion in leases. If necessary, the Parties may modify language provided in Appendix 1 to bring the provisions of Appendix 1 into conformance with the subsequently developed provisions.

5. An express agreement by the lessee as follows:

> The lessee agrees that it will furnish bonds or other financial guarantees meeting both State and Federal mineral lease bond or

financial guarantee requirements and that upon any forfeiture after reversion, those bonds or financial guarantees will be payable to the Secretary of the Interior.

6. An express agreement by the lessee as follows:

The lessee agrees that it will report production and royalties monthly in accordance with applicable State requirements and, after reversion, in accordance with applicable Federal regulations.

7. An express agreement by the lessee as follows:

The lessee agrees that the BLM may conduct underground inspections of all mines on the leased premises, regardless of whether the BLM is acting in cooperation with the Utah School and Institutional Trust Lands Administration as lessor or under the authority of Federal laws and regulations after any reversion of the lessor's interest to the United States.

C. **Post-Leasing Issues**

1. After SITLA issues any lease on the Cottonwood, Mill Fork, Dugout, Muddy, or North Horn Tracts, in cooperation with SITLA BLM will:

a. Inspect underground operations on a quarterly or other agreed upon basis to, among other things, verify production amounts and to determine compliance with the hazardous waste certification stipulation. Inspections will be coordinated, scheduled, and conducted jointly, if possible, with SITLA. BLM will notify SITLA of any underground and related surface operational problems observed or suggest remedial actions;

b. Provide SITLA with timely technical advice for SITLA's mining plan approvals and modifications and lease modifications. Such advice will address issues relating to maximum economic recovery ("MER") and avoiding coal bypass; and

c. Provide SITLA with timely technical advice regarding potential coal bypass and hazardous waste certification concerns on any lease relinquishment proposals.

2. After SITLA issues any lease on the Cottonwood, Mill Fork, Muddy, or North Horn Tracts, in cooperation with SITLA the USDA-Forest Service will:

a. Apprise SITLA of any concerns with respect to compliance with the hazardous waste certification stipulation or other surface operational problems concerning operations on NFS lands;

b. Provide SITLA timely information and/or comments on the surface effects of underground mining with respect to SITLA's mining plan approvals and modifications, lease modifications, and lease relinquishments; and

c. Timely process any surface use permits necessary to support the development of the coal interest.

3. After SITLA issues any lease on the Cottonwood, Mill Fork, Dugout, Muddy, or North Horn Tracts, SITLA will:

a. Provide BLM and the USDA- Forest Service, where NFS lands are involved, timely copies of all applications for mining plan approvals and modifications and lease modifications and relinquishments, and will consider BLM and USDA-Forest Service comments in determining whether to approve such applications and in developing any special approval conditions;

b. Report to BLM total royalty and rental income derived from all leases SITLA issues on the Cottonwood Tract conveyed under paragraph 3(F) of the Agreement by March 1 of each year for the preceding calendar year. When the total royalty and rental income is within one million dollars of the amount that triggers reversion to the United States, SITLA will report to BLM each month the total royalty and rental income derived from these leases;

c. Report to BLM by March 1 of each year for the preceding calendar year the total production from all leases SITLA issues on each of the following tracts. When the total production from all leases on each of the following tracts reaches the corresponding tonnage stated below, SITLA will report to BLM each month the total production from the tract:

Mill Fork Tract (Agreement § 3(K))	21 million tons
Dugout Canyon and Muddy Tracts (Agreement § 3(L))	33 million tons
North Horn Coal Tract (Agreement § 3(M))	99 million tons

For purposes of this paragraph (c), and for determining when reversion occurs for the Mill Fork, Dugout Canyon and Muddy, and North Horn Tracts under the cited Agreement provisions, coal is considered to be produced when it is subject to royalty under the SITLA lease; and

d. Be reasonable and prudent in making operational and other lease management decisions that would likely have consequences extending past the reversion date. SITLA agrees that it will provide BLM and the USDA-Forest Service with an opportunity to provide advice regarding those decisions. SITLA further agrees that for all such decisions made within one year of the expected reversion date, BLM must concur with such decisions, such consent not to be unreasonably withheld.

D. Reversion Issues

1. SITLA agrees that all royalties received on production beyond the royalty and rental income or tonnage amounts that trigger the reversion to the United States as provided in paragraphs 3(F). 3(K). 3(L), and 3(M) of the Agreement in the month in which the threshold royalty and rental income or tonnage amount is reached will be paid to MMS by the last day of the second month following the month in which the royalty or rental income or tonnage threshold amount is reached.

2. Any coal produced from a lease subject to reversion that was stockpiled before reversion for which no royalty was paid to SITLA will be subject to payment of royalty to the United States in accordance with MMS regulations.

3. Upon the occurrence of conditions subsequent, specific to each tract identified in section 3(F). 3(K), 3(L), and 3(M) of the Agreement (the Cottonwood, Mill Fork, Dugout, Muddy, and North Horn Tracts), each such tract will revert to the United States. Notwithstanding such reversion, SITLA will remain responsible for: identifying the location of any reportable release of hazardous substances or the discharge of oil (as those terms are defined in Part IV of this MOU) prior to the reversion; characterizing the environmental condition of each such tract at the time of reversion; and taking any response actions necessary for compliance with all applicable Federal or State laws. arising from environmental conditions existing on each such tract at the time of reversion, consistent with each tract's future anticipated use. SITLA will transmit to the United States not more than two years prior to the expected date of reversion a schedule for the completion of such actions prior to the date of reversion. If there is disagreement as to the urgency, necessity, or degree of the response action required, the Parties will use the dispute resolution procedure identified under this MOU.

4. Under section 3(F) of the Agreement, the coal mineral interest in the Cottonwood Tract reverts to the United States after SITLA receives $13.006.105 in royalty and rental income. The Agreement also notes that such amount may be subject to adjustment for interest. The Parties agree to determine the reversion as follows:

a. Under the Agreement. the $13,006,105 is an amount that SITLA is entitled to above what the State would have received under the provisions of 30 U.S.C. 191 had all or part of the Cottonwood Tract been leased by the United States. Therefore, the reversion will occur after SITLA receives $26,012,210 in rental and royalty income from disposition of all or part of the coal mineral interest in the Cottonwood Tract, subject to adjustment under paragraph I.D.4(b). One-half of what SITLA receives each month will reduce the $13,006,105 principal balance due under the Agreement and be used to pay accrued interest under paragraph I.D.4.(b).

b.(i) To compensate SITLA for the time value of the money until it receives the additional $13,006,105 under the Agreement, interest will be calculated at the end of each month on the average daily remaining principal balance for that month (which starts at $13,006,105). The interest rate will be the rate for a five-year Treasury note on the last business day of that month. Interest will be calculated as simple interest and will begin accruing January 8, 1999.

(ii) When SITLA receives rental or royalty income, on the day of receipt such amounts will be applied first to accrued interest, and any remaining amount will reduce the principal balance.

For example, assume that interest on $13,006,105 is $50,000 per month ($30,000 for January 1999). For the first six months, $280,000 in interest would accrue (no interest accrues on the outstanding interest balance) and the principal balance would be unchanged. On the first day of Month Seven, a lessee pays $200,000 in rental. Under paragraph I.D.4.(a), $100,000 would be applied to reduce the interest balance from $280,000 to $180,000 and the principal balance would not be reduced. But if in Month Seven that lessee paid $800,000 in rentals instead of $200,000, then $400,000 would be applied to the outstanding principal and interest. First, $280,000 would be used to pay accrued interest, and then $120,000 would be used to reduce the principal balance. At the end of Month Seven, interest would be calculated on a principal balance of $12,886,105 (assuming that is the average daily outstanding principal balance for the month). Rental interest in Month Eight would be applied first to that interest, and then the remainder would further reduce the $12,886,105 principal balance.

Reversion will occur after SITLA receives rental and royalty income from some or all of the coal mineral interest in the Cottonwood Tract totaling $26,012,210 plus an amount equal to the total of the simple interest calculated on the principal balance under this paragraph.

5. To insure uninterrupted operations on coal leases that revert to the United States pursuant to the Agreement, SITLA's approval of a mine plan after consultation with BLM and USDA-Forest Service (with respect to National Forest System lands) pursuant to the terms of this Memorandum of Understanding, and the Utah Division of Oil, Gas, and Mining s (DOGM) final approval of a mine permit for such state leases under the Surface Mining Control and Reclamation Act of 1977, will be deemed to satisfy any requirements for federal mining plan or resource recovery and protection plan approval under 30 C.F.R. Part 746 and 43 C.F.R. Group 3400 applicable at the time of reversion, together with any requirements for concurrence in such plans or permits by USDA- Forest Service applicable at the time of reversion. To the extent that approvals by the State Historic Preservation Officer (SHPO), consultations with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, or other necessary consultations or approvals were completed at the time of the original mine permit issuance, then such approvals shall continue in effect and be deemed to satisfy any requirements or for such consultations or approvals at the time of reversion. No later than one year prior to the anticipated date of the reversion of each tract, the parties will consult with each other, the lease operator, and the DOGM to determine whether additional approvals or consultations will be required, and each Party agrees to take such steps and execute such documents as may be reasonably necessary to ensure uninterrupted operations upon reversion.

6. If SITLA approves a significant operational decision and the lessee makes a substantial economic commitment based upon SITLA's approval, BLM agrees after reversion to abide by SITLA's approval.

II. Oil and Gas, Coal, and Other Mineral Royalty Issues

A. The State is entitled to all royalty revenues derived from existing leases on lands the State is conveying to the United States under the Agreement on production occurring before the date the lands are conveyed to the United States. The United States is entitled to all royalty revenues derived from existing leases on lands the United States is conveying to the State under the Agreement on production occurring before the date the lands are conveyed to the State.

B. If conveyance to the United States of lands subject to existing State-issued leases does not occur on the first day of the period for which royalties accrue (for example, a production month for oil and gas leases or the month of shipment, sale, processing, or use for coal leases), the State is entitled to that proportion of the royalty revenues derived from the lease for that period that equals the number of days in the period before the date of conveyance divided by the number of days in the period. If conveyance to the State of lands subject to existing Federal leases does not occur at the beginning of a production month, the United States is entitled to that portion of the royalty revenues derived from the lease for that month that equals the number of days in the month before the date of conveyance divided by the number of days in the month.

> For example, assume conveyance occurs on January 8, 1999. For an oil and gas lease that requires monthly royalty payment, the transferor would retain 8/31 of the royalties due for January production. The transferee would be entitled to 22/31 of the royalties due for January production. For a mineral lease that requires quarterly royalty payments, the transferor would retain 8/90 of the royalties derived from production in the first quarter of 1999, and the transferee would be entitled to 82/90 of those revenues.

C. If either Party receives lease revenues to which the other Party is entitled under the Agreement, the Party first receiving the money agrees to pay the amount to which the other Party is entitled by the end of the second month following the month in which the revenues were received.

D. If annual lease rental payments for mineral leases are due before the date of conveyance, the Party to whom the rental payment is owed on the due date is entitled to retain the entire rental payment, regardless of whether the lease goes into production during the year for which rental was paid.

E.1. If --

a. the lands within a single lease are segregated as a result of a conveyance under the Agreement; and

b. the lease was not committed to any Federally-approved unit or communitization agreement before conveyance,

then the Parties agree that so long as there is production in paying quantities from any well on either of the segregated parcels, such production will hold each of the segregated leases in full force and effect.

2. a. If the well spacing unit from which production occurs lies entirely within the boundaries of one of the segregated parcels, royalties on that production are payable only to the Party who is the lessor of that parcel.

b. If a well spacing unit has been established or is established in the future, and parts of the spacing unit are within both of the segregated parcels, the Parties will allocate royalties based on the proportionate acreage of the spacing unit within each parcel.

F. SITLA agrees that under section 3(P)(ii) of the Agreement, it will pay to MMS 50 percent of the bonus bid it receives when it issues each lease under section 3(P)(i) of the Agreement, reduced by 50 percent of administrative costs as prescribed in section 3(P)(ii), no later than the last day of the second month following the month in which the State receives the bonus payment. The Parties further agree that for any lands or interests in land that the State receives from the United States under the Agreement that are subject to an existing mineral lease. SITLA may amend or replace a Federally-issued lease instrument, with the lessee's consent, and not be subject to section 3(P)(i) as long as SITLA does not extend the lease term or add previously unleased acreage.

III. Mining Claim Administration

If any of the lands conveyed to the State under the Agreement are encumbered by mining claims, mill sites, or tunnel sites located under the Mining Law of 1872, 30 U.S.C. § 22 *et seq.* --

A. SITLA will:

1. Recognize the mining claimants' and site holders' interests in all valid mining claims and site locations as property interests and allow them to develop those minerals or use the sites so long as they comply with applicable laws and regulations including without limitation applicable state filing and claim maintenance requirements; and

2. Adjudicate any mining claim or site validity issues in the appropriate state or Federal court according to the Mining Law of 1872, as amended, and case law interpreting that law.

B. BLM will provide notice to each mining claimant and site holder that its mining claims or site locations --

1. Will be administered by SITLA and that compliance with the state filing and claim maintenance requirements contained in Utah Code Ann. Section 53C-2-104 will be required to avoid abandonment of such claim under state law;

2. Will no longer be administered by the United States;

3. Will no longer be subject to Federal filing or fee requirements or BLM surface management requirements; and

4. That the Secretary of the Interior no longer has jurisdiction to adjudicate the validity of any mining claim or site.

IV. Environmental Compliance

A. Definitions.

1. With respect to this Part IV of this MOU, unless otherwise defined herein, all terms have the meaning provided under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601, *et seq.*, and other applicable Federal environmental laws.

2. The term "land" means lands, resources, and interests therein.

3. The term "hazardous substance" means any substance designated under 42 U.S.C. § 9601(14); any regulated substance contained in, or released from, any underground storage tank, as defined by the Resource Conservation and Recovery Act at 42 U.S.C. § 6991, *et seq;* and any substance defined and regulated as "hazardous" by applicable State law.

4. The terms "oil" and "discharge" are defined by the Clean Water Act at 33 U.S.C. §1321(a)(1) and 33 U.S.C. §1321(a)(2), respectively.

B. Environmental Compliance Responsibilities

The Parties agree to the following:

1. Apportionment of Costs and Funding of Obligations

Each Party will be responsible for the costs associated with response actions and other actions specified in this Part IV, on lands it transfers, except as provided in section IV(B)(2) of this MOU. Commitments of any funds made pursuant to Part IV of this MOU will be subject to the availability of appropriated funds. No provision of this Agreement requires the United States to obligate or pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341, in any fiscal year for actions

subject to the Agreement and this MOU. No provision of this Agreement obligates the State of Utah or SITLA to obligate or pay funds not appropriated by the Utah legislature.

2. Assessment of Presumptive Baseline Contamination Existing at the Time of Transfer

The Parties agree that they will conduct an investigation to establish a presumptive baseline of sites on which a release of hazardous substances or discharge of oil has occurred (hereinafter, "release sites"). The investigation will include an examination by the United States of the lands to be transferred by the Parties and a complete search by SITLA and the State of files located in the Utah Department of Environmental Quality pertaining to actions on the lands transferred as part of the investigation. The Parties will complete such investigation prior to the date of transfer. The release sites identified will constitute the presumptive baseline release sites existing on the lands to be transferred at the time of transfer. The Parties are aware of the contractors, processes and methodologies that will be used in the investigation, and agree that the contractors, processes and methodologies are sufficient to establish the presumptive baseline release sites. The State or SITLA will contribute $115,000 as its share of the investigation within 60 days from the date of transfer, for the United States' Bureau of Land Management's investigation pursuant to Bureau of Land Management Contract No. 1422-N651-C4-3049, Task Order 98-5758, of the lands that the State or SITLA will transfer to the United States. Simultaneous with the payment of such amount by the State or SITLA, the United States will assign to the State or SITLA all rights of action against the contractor, C.C. Johnson and Mahotra, arising out of the aforementioned contract.

3. Grant of Mutual Right of Access

The Parties will grant reciprocal rights of access to the transferred lands for the limited purpose of taking any and all necessary actions related to the release, or potential release, of hazardous substances or discharge of oil located on the subject lands and to conduct any and all actions required under the terms of this MOU. Future use authorizations issued to third Parties will be subject to rights of access under this paragraph. Each grant of access will be of such terms as are mutually acceptable to the Parties.

4. Characterization of Contaminated Lands

a. The Parties will meet not later than 60 days after the date of transfer to address the need for any further investigation, or any further environmental characterization, of sites identified under Section IV(B)(2) of this MOU. At a minimum, the Parties agree to gather such additional information as is necessary to develop recommendations regarding any needed response actions to ensure compliance with all applicable Federal and State laws, and to determine the urgency of such action.

b. Characterization of the lands identified under Section IV(B)(2) will be completed under the terms established under section IV(B)(4)(a) within 180 days after the date of transfer. The Parties will make this information available to each other as it becomes available.

c. In the event that additional time is needed to complete any characterization required, including any additional characterizations required as a result of information gathered by the Parties, the Parties will consult with each other and agree as to the amount of time necessary to complete such characterization.

5. Response Actions on Contaminated Lands

The Parties will meet not later than 240 days after the date of transfer to develop plans to address the necessity or urgency of response actions on the characterized release sites. Each Party, to the extent responsible under any State or Federal law applicable at the time of transfer, will address environmental conditions on the lands, which it has or will transfer, so that the lands are in compliance with all applicable Federal or State law governing the release of hazardous substances or the discharges of oil. The Parties will conduct response actions on any contaminated lands to achieve a permanent remedy of conditions on the lands which pose a present or future threat to human health or the environment, and to a condition consistent with the lands' reasonably anticipated future land use, as identified by the Party to whom the land was or will be transferred. If there is disagreement as to the urgency, necessity, or degree of response action required, the Parties will use the dispute resolution procedure identified under this MOU. Nothing herein prevents any Party from seeking contribution or indemnification for the costs of response action from any persons or entities who contaminated the lands or otherwise ensuring that responsible parties perform or contribute their share of the costs of response actions.

6. Further Response Actions

As provided by this Section IV(B)(6), the Party that will transfer or has transferred the subject land (hereinafter, "transferring Party") will conduct and fund any reasonable additional response action determined to be necessary by the Party which has or will receive the subject land (hereinafter, "non-transferring Party") after response actions under Section IV(B)(5) have been completed if:

a. The remedy fails (e.g., the remedy fails to meet previously identified response action goals or response objectives) and such failure occurs not as a result of the acts or omissions of the non-transferring Party;

b. Additional hazardous substance releases or discharges of oil are identified, which are demonstrated by the non-transferring Party to have existed on the subject land prior to transfer and have not been previously identified, that create conditions inconsistent with the established reasonably anticipated land use; or

c. A statute, a regulation, a final and binding court order, or a final and binding administrative order necessitates additional response actions to address the presence of hazardous substances or discharges of oil attributable to the transferring Party on the property, provided that the order is not occasioned by the non-transferring Party's physical activities on the property.

7. Dispute Resolution

If a dispute arises under Part IV of this MOU that is not resolved informally between the United States and the State or SITLA, then either Party may pursue the following dispute resolution procedure:

a. The Party which seeks resolution will provide a written statement of its dispute, along with any rationale or supporting documents, to the other Party. The Parties will engage in discussions in an attempt to arrive at a consensus and resolve the dispute.

b. If no resolution is reached within thirty (30) calendar days of receipt of the statement of dispute, then the dispute may be elevated to the Parties' respective headquarters-level officials, or their designees. The headquarters-level officials for the United States and Utah will engage in discussions in an attempt to arrive at a consensus. If consensus is not achieved, the Parties will refer the matter in accordance with section IV(B)(7)(c) within thirty (30) calendar days.

c. Any matter referred under section IV(B)(7)(b) will be elevated to the principal environmental policy makers for the State or SITLA and the Department of the Interior, or the Department of Agriculture in the case of a matter concerning NFS lands, who will resolve the matter, and transmit their determination in written form to the Parties involved. In the case of Utah, the principal environmental policy maker is the Governor of Utah or his or her designee. In the case of the United States, the principal environmental policy maker is the Assistant Secretary, Land and Minerals Management or his or her designee, except that with respect to matters involving NFS lands, the principal environmental policy maker is the Under Secretary for Natural Resources and Environment or his or her designee.

d. These time limits may be extended on the mutual agreement of the Parties to the dispute.

V. Other General Provisions

A. The Parties will each provide notification of the conveyance and the terms of the Agreement and this Memorandum of Understanding to any current lessees, permittees, and mining claimants of record who hold interests in any lands subject to conveyance under the Agreement.

B. For any contract for mineral materials under the Materials Act of 1947, 30 U.S.C. §§ 601-604, applicable to lands conveyed to the State under the Agreement, payments under the contract due to the United States for materials severed, extracted, or removed before the date of conveyance will be paid to the United States.

C. For all non-mineral-related revenues (including for grazing permits and leases, rights-of-way, recreation permits, filming permits, etc.), whichever Party is entitled to a payment due before the date of conveyance will retain the full amount of the payment.

D. SITLA, BLM, and the USDA-Forest Service with respect to NFS lands, will share information regarding properties transferred under the Agreement, except that proprietary coal data and proprietary coal company data will not be shared with the USDA- Forest Service. SITLA, BLM and the USDA-Forest Service will maintain the confidentiality of all proprietary and confidential information to the extent authorized under applicable law.

E. SITLA, BLM, and the USDA-Forest Service with respect to NFS lands, will work to establish Intergovernmental Personnel Act assignments from their respective staffs to further the implementation of this Memorandum of Understanding.

F. SITLA and BLM, and the USDA-Forest Service with respect to NFS lands, each will provide technical assistance to the other to facilitate implementation of the Agreement.

G. With respect to any administrative appeals within DOI, USDA-Forest Service or the State pending on the date of conveyance involving lands conveyed to SITLA or to the United States under the Agreement that encompass issues that may have prospective implications, the Parties agree to work cooperatively to analyze and resolve the effect of the conveyance on those matters.

H. Each Party conveying land under the Agreement will, upon request of the Party receiving the land, seek to enforce existing surety or financial guarantees for unfulfilled lease obligations existing on the date of conveyance that the lessee does not correct.

I. SITLA agrees that if MMS does not receive any of the amounts due under the Agreement by the date those amounts are due under this Memorandum of Understanding, SITLA will pay interest on any unpaid amount from the date due until the date paid at the same five-year Treasury note simple interest rate prescribed in section I.D.4.(b) of this Memorandum of Understanding.

J. Nothing in this Memorandum of Understanding is intended to limit the rights or obligations of the Parties under the Act or Agreement.

K. This Memorandum of Understanding is subject to modification by later agreement in writing.

L. For purposes of this Memorandum of Understanding, references to the State of Utah may mean SITLA, and references to SITLA may mean the State of Utah, as the context requires.

M. This Memorandum of Understanding may be executed in counterparts, each to be considered an original for all purposes, and collectively to be considered a single document.

[The remainder of this page is intentionally blank.]

VI. Exclusion

This Memorandum of Understanding does not apply to lands conveyed to the United States under paragraphs 2(A) and 2(B) of the Agreement, which the United States will hold in trust for the Navajo Nation and Goshute Tribe, respectively, and which will be the subject of a separate Memorandum of Understanding among the Parties and the Navajo Nation and Goshute Tribe.

IN WITNESS WHEREOF, the Parties have executed this Agreement.

FOR THE UNITED STATES DEPARTMENT OF THE INTERIOR

By: _____

Title: _____

Date: _____

FOR THE UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION

By: David T Terry

Title: DIRECTOR

Date: JANUARY 5, 1999

APPROVED AS TO FORM:
JAN GRAHAM
ATTORNEY GENERAL

By _____

FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE

By: _____

Title: _____

Date: _____

VI. Exclusion

This Memorandum of Understanding does not apply to lands conveyed to the United States under paragraphs 2(A) and 2(B) of the Agreement, which the United States will hold in trust for the Navajo Nation and Goshute Tribe, respectively, and which will be the subject of a separate Memorandum of Understanding among the Parties and the Navajo Nation and Goshute Tribe.

IN WITNESS WHEREOF, the Parties have executed this Agreement.

FOR THE UNITED STATES DEPARTMENT OF THE INTERIOR

By: Sylvia V Baca

Title: Acting Assistant Secretary, Land and Minerals Management

Date: JAN - 5 1999

FOR THE UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION

By: _____

Title: _____

Date: _____

FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE

By: _____

Title: _____

Date: _____

VI. Exclusion

This Memorandum of Understanding does not apply to lands conveyed to the United States under paragraphs 2(A) and 2(B) of the Agreement, which the United States will hold in trust for the Navajo Nation and Goshute Tribe, respectively, and which will be the subject of a separate Memorandum of Understanding among the Parties and the Navajo Nation and Goshute Tribe.

IN WITNESS WHEREOF, the Parties have executed this Agreement.

FOR THE UNITED STATES DEPARTMENT OF THE INTERIOR

By: _____

Title: _____

Date: _____

FOR THE UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION

By: _____

Title: _____

Date: _____

FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE

By: Anne Keys Kennedy

Anne Keys Kennedy

Title: Deputy Under Secretary, Natural Resources and Environment

Date: JAN - 5 1999

APPENDIX 1

Provisions relating to "Hazardous Substances," and "Indemnification" in each lease SITLA issues on lands subject to reversion to the United States under sections 3(F), 3(K), 3(L), and 3(M) of the Agreement (the Cottonwood, Mill Fork, Dugout, Muddy, and North Horn tracts) will include:

> Hazardous Substances. Lessee [or other occupant pursuant to any agreement authorizing mining] shall not keep on or about the premises any hazardous substances, as defined under 42 U.S.C. § 9601(14) or any other Federal environmental law, any regulated substance contained in, or released from, any underground storage tank, as defined by the Resource Conservation and Recovery Act at 42 U.S.C. § 6991, *et seq*, or substances defined and regulated as "hazardous " by applicable State law, (hereinafter, for the purpose of this paragraph, collectively referred to as, "Hazardous Substances") unless such substances are reasonably necessary in Lessee's mining operations, and the use of such substances or tanks is noted and approved in the Lessee's mining plan, and unless Lessee fully complies with all Federal, State and local laws, regulations, statutes, and ordinances, now in existence or as subsequently enacted or amended. Lessee shall immediately notify Lessor, the Bureau of Land Management, and any Federal, State and local agency with jurisdiction over the subject land, or contamination thereon, of (I) all reportable spills or releases of any Hazardous Substance affecting the Leased Premises, (ii) all failures to comply with any applicable Federal, state or local law, regulation or ordinance, as now enacted or as subsequently enacted or amended, (iii) all inspections of the Leased Premises by, or any correspondence, order, citations, or notifications form any regulatory entity concerning Hazardous Substances affecting the Leased Premises, (iv) all regulatory orders or fines or all response or interim cleanup actions taken by or proposed to be taken by any government entity or private Party concerning the Leased Premises.
>
> Hazardous Substances Indemnity. Lessee [or other occupant pursuant to any agreement authorizing mining] shall indemnify, defend, and hold harmless Lessor and the United States (as successor Lessor or owner pursuant to reversion or as owner of surface estate) its agencies, employees, officers, and agents with respect to any and all damages, costs, fees (including attorneys' fees and costs), penalties (civil and criminal), and cleanup costs assessed against or imposed as a result of Lessee's use, disposal, transportation, generation and/or sale or location upon or affecting the Leased premises of hazardous substances, as defined under 42 U.S.C. § 9601(14) or any other Federal environmental law, any regulated substance contained in, or released from, any underground storage tank, as defined by the Resource Conservation and Recovery Act at 42 U.S.C. § 6991, *et seq*., or substances defined and regulated as "hazardous" by applicable State law, or that of Lessee's employees, agents, assigns, sublessees, contractors, subcontractors,

licensees or invitees, and for any breach of this lease's provisions concerning the aforementioned substances or tanks.

FOR COMMITTEE USE ONLY

FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING BETWEEN THE UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION, THE UNITED STATES DEPARTMENT OF AGRICULTURE, AND THE UNITED STATES DEPARTMENT OF THE INTERIOR

Recitals

A. The Utah Schools and Land Exchange Act of 1998, Pub. L. 105-335, 112 Stat. 3139 (the "Act"), ratified the May 8, 1998 "Agreement to Exchange Utah School Trust Lands Between the State of Utah and the United States of America" entered into between the State of Utah and the United States of America (the "Agreement").

B. On or about January 5, 1999, the United States Department of the Interior ("DOI"), the United States Department of Agriculture, Forest Service ("USDA-Forest Service"), and the Utah School and Institutional Trust Lands Administration ("SITLA") (collectively the "Parties") entered into a Memorandum of Understanding concerning the implementation of the Act and the Agreement (the MOU").

C. Pursuant to Section I.B. of the MOU, SITLA agreed that for each coal lease that SITLA issues on lands subject to reversion to the United States under sections 3(F), 3(K), 3(L) and 3(M) of the Agreement (the Cottonwood, Mill Fork, Dugout, Muddy and North Horn Tracts), SITLA would include certain specific lease provisions intended to protect the reversionary interests of the United States in those tracts.

D. The Parties desire to amend and restate Section I.B. of the MOU to provide more workable lease provisions.

E. The Parties further desire to amend the MOU to address unanticipated issues concerning venting of coalbed methane for safety reasons, issuance of potentially-conflicting leases and permits, confidentiality of operator data, and Mineral Leasing Act acreage limitations.

Amendment to Memorandum of Understanding

1. **Amended and Restated Section I.B.** Section I.B. of the MOU is hereby amended and restated in its entirety as follows:

B. Lease Instrument Contents

SITLA agrees that for each coal lease SITLA issues on lands subject to reversion to the United States under sections 3(F), 3(K), 3(L) and 3(M) of the Agreement (the Cottonwood, Mill Fork, Dugout, Muddy and North Horn Tracts), SITLA will include the following provisions in the lease terms:

1. Reversion of Leased Premises to United States. Pursuant to the May 8, 1998

"Agreement to Exchange Utah School Trust Lands Between the State of Utah and the United States of America", as ratified by Pub. L. No. 105-335, 112 Stat. 3139, ownership of the Leased Premises shall revert to the United States when _____ [INSERT TRACT-SPECIFIC REVERSION PROVISIONS HERE] _____. Upon reversion, the United States shall succeed the State of Utah as Lessor.

2. Royalty Valuation After Reversion. After reversion of the Leased Premises to the United States, the Secretary of the Interior may establish the reasonable value of post-reversion production for royalty purposes in the same manner and by the same methods as the United States establishes value under coal leases issued by the United States.

3. Regulation Upon Reversion. After reversion of the Leased Premises to the United States pursuant to paragraph ____, Reversion of Leased Premises to United States, Lessee will be subject to the requirements of the Mineral Leasing Act, 30 U.S.C. §§ 181 *et seq.* (the "MLA"), and to the royalty, operating, and administrative procedure rules and regulations of the Department of Interior, the Minerals Management Service, and the Bureau of Land Management, and to any other federal laws and regulations generally applicable to coal leases issued under the MLA to the same extent as if the Lease were a federally-issued lease. Notwithstanding the foregoing, to the extent that the State, as Lessor, approves a significant operational decision prior to reversion, and Lessee makes a substantial economic commitment based upon that approval, Lessee may continue to rely upon that approval after reversion; provided, however, that no such approval shall act to limit the liability of Lessee, if any, under CERCLA, RCRA, the Clean Water Act, 33 U.S.C. § 1251 *et seq* or other applicable environmental law. Upon reversion, nothing in this paragraph shall be deemed to require or suggest that the Leased Premises be included in the calculation of acreage held by Lessee for the purposes of the acreage limitation provisions of the MLA and associated regulations.

4. Hazardous Substances. Lessee [or other occupant pursuant to any agreement authorizing mining] shall not keep on or about the premises any hazardous substances, as defined under 42 U.S.C. § 9601(14) or any other Federal environmental law; any regulated substance contained in or released from any underground storage tank, as defined by the Resource Conservation and Recovery Act, 42 U.S.C. § 6991, *et seq;* or any substances defined and regulated as "hazardous" by applicable State law, (hereinafter, for the purposes of this Lease, collectively referred to as "Hazardous Substances") unless such substances are reasonably necessary in Lessee's mining operations, and the use of such substances or tanks is noted and approved in the Lessee's mining plan, and unless Lessee fully complies with all Federal, State and local laws, regulations, statutes, and ordinances, now in existence or as subsequently enacted or amended, governing Hazardous Substances. Lessee shall immediately notify Lessor, the Bureau of

Land Management, the surface management agency, and any other Federal, State and local agency with jurisdiction over the Leased Premises, or contamination thereon, of (i) all reportable spills or releases of any Hazardous Substance affecting the Leased Premises; (ii) all failures to comply with any applicable Federal, state or local law, regulation or ordinance governing Hazardous Substances, as now enacted or as subsequently enacted or amended; (iii) all inspections of the Leased Premises by, or any correspondence, order, citations, or notifications from any regulatory entity concerning Hazardous Substances affecting the Leased Premises; and (iv) all regulatory orders or fines or all response or interim cleanup actions taken by or proposed to be taken by any government entity or private Party concerning the Leased Premises.

5. Hazardous Substances Indemnity. Lessee [or other occupant pursuant to any agreement authorizing mining] shall indemnify, defend, and hold harmless Lessor and the United States (as successor Lessor or owner pursuant to reversion or as owner of surface estate) its agencies, employees, officers, and agents with respect to any and all damages, costs, liabilities, fees (including attorneys' fees and costs), penalties (civil and criminal), and cleanup costs arising out of or in any way related to Lessee's use, disposal, transportation, generation, sale or location upon or affecting the Leased Premises of Hazardous Substances, as defined in this Lease. This indemnity shall extend to the actions of Lessee's employees, agents assigns, sublessees, contractors, subcontractors, licensees and invitees. Lessee shall further indemnify, defend and hold harmless Lessor and the United States from any and all damages, costs, liabilities, fees (including attorneys' fees and costs), penalties (civil and criminal), and cleanup costs arising out of or in any way related to any breach of the provisions of this Lease concerning Hazardous Substances. This indemnity is in addition to, and in no way limits, the general indemnity contained in paragraph 16.1 of this Lease.

6. Waste Certification. The Lessee shall provide upon abandonment, transfer of operation, assignment of rights, sealing-off of a mined area, and prior to lease relinquishment, certification to the Lessor and the Bureau of Land Management that, based upon a complete search of all the operator's records for the Lease, and upon its knowledge of past operations, there have been no reportable quantities of hazardous substances as defined in 40 Code of Federal Regulations §302.4, or used oil as defined in Utah Administrative Code R315-15, discharged (as defined at 33 U.S.C. §1321(a)(2)), deposited or released within the Leased Premises, either on the surface or underground, and that all remedial actions necessary have been taken to protect human health and the environment with respect to such substances. Lessee shall additionally provide to Lessor and the Bureau of Land Management a complete list of all hazardous substances, hazardous materials, and their respective Chemical Abstracts Service Registry Numbers, and oil and petroleum products used or stored on, or delivered to, the Leased Premises. Such disclosure will be in addition to any other disclosure required by law or agreement.

7. Lease Bond Required. At the time this Lease is executed, Lessee shall execute and file with the Lessor a good and sufficient bond or other financial guarantee acceptable to Lessor in order to: (a) guarantee Lessee's performance of all covenants and obligations under this Lease, including Lessee's obligation to pay royalties; and (b) ensure compensation for damage, if any, to the surface estate and any surface improvements. The Lease Bond shall meet all federal mineral lease bond requirements as described in 43 Code of Federal Regulations Subpart 3474. The Lease Bond shall further provide that upon forfeiture after reversion of the Leased Premises to the United States, the Lease Bond shall be payable to the Secretary of the Interior.

8. Royalty Payment. After reversion of the Leased Premises to the United States pursuant to paragraph ___, Reversion of Leased Premises to United States, Lessee shall report production and royalties monthly in accordance with applicable federal regulations.

9. Federal Inspections. Lessee agrees that, prior to reversion of the Leased Premises to the United States, employees and authorized agents of the Bureau of Land Management ("BLM") may conduct underground inspections of the Leased Premises, both independently and in cooperation with the State in its capacity as Lessor. After reversion, employees and authorized agents of BLM may conduct underground inspections of the Leased Premises under the authority of applicable federal laws and regulations.

2. **Venting of Coalbed Methane for Safety Reasons.** In patents for coal tracts issued to SITLA pursuant to the Act, DOI reserved coalbed methane to the United States. Under certain circumstances, venting of coalbed methane may be necessary to ensure the safety of coal mining operations and/or compliance with safety regulations imposed by the U.S. Mine Safety and Health Administration ("MSHA"). DOI agrees that it will not unreasonably withhold consent to the venting of coalbed methane by SITLA's coal lessees as necessary for safety reasons and/or MSHA compliance. Such consent may be conditioned upon resolution of conflicts with existing federal oil and gas leases, payment of royalties for coalbed methane that is captured and used by the lessee, and other requirements that would not unreasonably interfere with coal mining operations.

3. **Consultation Concerning Potentially-Conflicting Uses.** In order to minimize conflicts with coal mining operations, DOI and USDA-Forest Service agree to consult with SITLA prior to issuance of federal leases and permits that have the potential to conflict with coal mining operations on coal tracts conveyed to SITLA pursuant to the Agreement, including but not limited to oil and gas leases and power line and utility easements.

4. **Confidentiality of Operator Data**. To the extent permissible by applicable federal law, DOI shall keep confidential geologic and business data obtained by it pursuant to its right under this MOU to conduct underground inspections of coal tracts that are subject to reversion to the United States under the Agreement.

5. **Mineral Leasing Act Acreage Limitations.** DOI recognizes and acknowledges that leases issued by SITLA on coal tracts that are subject to reversion to the United States under the Agreement do not constitute leases issued under the Mineral Leasing Act, 30 U.S.C. §§ 181 *et seq.* (the "MLA"). As such, the acreage within leases issued by SITLA shall not be considered by DOI in the calculation of lessee acreage limitations under the MLA upon reversion of the underlying tracts to the United States pursuant to the Agreement.

6. **Effect of Indemnity**. It is the understanding of SITLA that the general indemnity provisions contained in paragraph 16.1 of the proposed SITLA coal lease form for tracts in which the United States has a reversionary interest, as that paragraph of such lease form is attached hereto and incorporated by reference, extends to indemnification of the Lessor (including the United States as successor Lessor after reversion of the Leased Premises to the United States) for claims, demands, liabilities, damages and penalties incurred as a result of the Lessee's violation of applicable statutes, regulations and ordinances relating to public health, pollution control, management of hazardous substances and environmental protection, compliance with which is required pursuant to paragraph 9.3 of the proposed lease form (as such paragraph is also attached hereto and incorporated by reference).

7. **Transfer of Minimum Royalty Credit Balance at Reversion**. It is contemplated by the Parties that leases of coal tracts acquired by SITLA pursuant to the Act may require the coal lessee to pay minimum lease royalties to keep the respective leases in effect beyond the primary term, and that such minimum royalties will constitute a credit against future production royalties. The Parties further contemplate the possibility that, at the time certain tracts revert to the United States, the lessee may have paid to SITLA minimum royalties in an amount which would create a credit against production royalties accruing to the United States on production after reversion. In order to prevent loss to the United States in such event, SITLA agrees to pay to the United States any credit balance that exists in the minimum royalty account of any coal lease of the Mill Fork, Dugout, Muddy, or North Horn tracts at the time of reversion of that lease. SITLA shall pay such credit balance(s), without interest on accrued amounts, to the United States within ninety (90) days of the reversion. Nothing in this paragraph shall obligate SITLA to pay interest to the United States on minimum royalty amounts collected by it prior to reversion. In the event that any lease of the above-described tracts terminates or is canceled prior to reversion, SITLA shall be entitled to retain all minimum royalty amounts collected by it under that lease without obligation to the United States at the time of any future reversion. Nothing in this paragraph shall prevent SITLA from recouping or recovering from the State of Utah the State's proportionate share of previously collected and distributed minimum royalties that are required to be paid to the United States pursuant to this paragraph, or from reserving from distributions such amounts as are deemed necessary to meet SITLA's potential obligation under this paragraph.

8. **Effect of Amendment.** Except as expressly amended herein, the MOU is unamended and remains in full force and effect by and between the Parties.

IN WITNESS WHEREOF, the Parties have executed this First Amendment to the MOU.

FOR THE UNITED STATES DEPARTMENT OF THE INTERIOR

By: Sylvia V. Baca

Title: Acting Assistant Secretary

Date: MAR 23 1999

FOR THE UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION

By: David T Terry

Title: Director

Date: _____

FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE

By: Anne Kennedy

Title: Deputy Under Secretary

Date: 4-16-99

ATTACHMENT

SITLA Coal Lease Form Paragraphs 9.3 and 16.1

9.3 Other Applicable Laws and Regulations. Lessee shall comply with all applicable federal, state and local statutes, regulations, and ordinances, including without limitation the Utah Coal Mining and Reclamation Act, applicable statutes and regulations relating to mine safety and health, and applicable statutes, regulations and ordinances relating to public health, pollution control, management of hazardous substances and environmental protection.

16.1 Indemnity. Except as limited by paragraph 7.2, Inspection, Lessee shall indemnify and hold Lessor and the United States (as successor Lessor or owner pursuant to reversion or as owner of surface estate) harmless for, from and against each and every claim, demand, liability, loss, cost, damage and expense, including, without limitation, attorneys' fees and court costs, arising in any way out of Lessee's occupation and use of the Leased Premises, including without limitation claims for death, personal injury, property damage, and unpaid wages and benefits. Lessee further agrees to indemnify and hold Lessor harmless for, from and against all claims, demands, liabilities, damages and penalties arising out of any failure of Lessee to comply with any of Lessee's obligations under this Lease, including without limitation attorneys' fees and court costs.

FOR COMMITTEE USE ONLY

Public Law 105–335
105th Congress

An Act

To provide for the exchange of certain lands within the State of Utah.

Oct. 31, 1998
[H.R. 3830]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Utah Schools and Lands Exchange Act of 1998.
16 USC 431 note [table].

SECTION 1. SHORT TITLE.

This Act may be cited as the "Utah Schools and Lands Exchange Act of 1998".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The State of Utah owns approximately 176,600 acres of land, as well as approximately 24,165 acres of mineral interests, administered by the Utah School and Institutional Trust Lands Administration, within the exterior boundaries of the Grand Staircase-Escalante National Monument, established by Presidential proclamation on September 18, 1996, pursuant to section 2 of the Antiquities Act of 1906 (16 U.S.C. 431). The State of Utah also owns approximately 200,000 acres of land, and 76,000 acres of mineral interests, administered by the Utah School and Institutional Trust Lands Administration, within the exterior boundaries of several units of the National Park System and the National Forest System, and within certain Indian reservations in Utah. These lands were granted by Congress to the State of Utah pursuant to the Utah Enabling Act (chap. 138, 28 Stat. 107 (1894)), to be held in trust for the benefit of the State's public school system and other public institutions.

(2) Many of the State school trust lands within the monument may contain significant economic quantities of mineral resources, including coal, oil, and gas, tar sands, coalbed methane, titanium, uranium, and other energy and metalliferous minerals. Certain State school trust lands within the Monument, like the Federal lands comprising the Monument, have substantial noneconomic scientific, historic, cultural, scenic, recreational, and natural resources, including ancient Native American archeological sites and rare plant and animal communities.

(3) Development of surface and mineral resources on State school trust lands within the Monument could be incompatible with the preservation of these scientific and historic resources for which the Monument was established. Federal acquisition of State school trust lands within the Monument would eliminate this potential incompatibility, and would enhance management of the Grand Staircase-Escalante National Monument.

FOR COMMITTEE USE ONLY

(4) The United States owns lands and interest in lands outside of the Monument that can be transferred to the State of Utah in exchange for the Monument inholdings without jeopardizing Federal management objectives or needs.

(5) In 1993, Congress passed and the President signed Public Law 103–93, which contained a process for exchanging State of Utah school trust inholdings in the National Park System, the National Forest System, and certain Indian reservations in Utah. Among other things, it identified various Federal lands and interests in land that were available to exchange for these State inholdings.

(6) Although Public Law 103–93 offered the hope of a prompt, orderly exchange of State inholdings for Federal lands elsewhere, implementation of the legislation has been very slow. Completion of this process is realistically estimated to be many years away, at great expense to both the State and the United States in the form of expert witnesses, lawyers, appraisers, and other litigation costs.

(7) The State also owns approximately 2,560 acres of land in or near the Alton coal field which has been declared an area unsuitable for coal mining under the terms of the Surface Mining Control and Reclamation Act. This land is also administered by the Utah School and Institutional Trust Lands Administration, but its use is limited given this declaration.

(8) The large presence of State school trust land inholdings in the Monument, national parks, national forests, and Indian reservations make land and resource management in these areas difficult, costly, and controversial for both the State of Utah and the United States.

(9) It is in the public interest to reach agreement on exchange of inholdings, on terms fair to both the State and the United States. Agreement saves much time and delay in meeting the expectations of the State school and institutional trusts, in simplifying management of Federal and Indian lands and resources, and in avoiding expensive, protracted litigation under Public Law 103–93.

(10) The State of Utah and the United States have reached an agreement under which the State would exchange all its State school trust lands within the Monument, and specified inholdings in national parks, forests, and Indian reservations that are subject to Public Law 103–93, for various Federal lands and interests in lands located outside the Monument, including Federal lands and interests identified as available for exchange in Public Law 103–93 and additional Federal lands and interests in lands.

(11) The State school trust lands to be conveyed to the Federal Government include properties within units of the National Park System, the National Forest System, and the Grand Staircase-Escalante National Monument. The Federal assets made available for exchange with the State were selected with a great sensitivity to environmental concerns and a belief and expectation by both parties that Federal assets to be conveyed to the State would be unlikely to trigger significant environmental controversy.

(12) The parties agreed at the outset of negotiations to avoid identifying Federal assets for conveyance to the State where any of the following was known to exist or likely to

FOR COMMITTEE USE ONLY

be an issue as a result of foreseeable future uses of the land: significant wildlife resources, endangered species habitat, significant archaeological resources, areas of critical environmental concern, coal resources requiring surface mining to extract the mineral deposits, wilderness study areas, significant recreational areas, or any other lands known to raise significant environmental concerns of any kind.

(13) The parties further agreed that the use of any mineral interests obtained by the State of Utah where the Federal Government retains surface and other interest, will not conflict with established Federal land and environmental management objectives, and shall be fully subject to all environmental regulations applicable to development of non-Federal mineral interest on Federal lands.

(14) Because the inholdings to be acquired by the Federal Government include properties within the boundaries of some of the most renowned conservation land units in the United States, and because a mission of the Utah School and Institutional Trust Lands Administration is to produce economic benefits for Utah's public schools and other beneficiary institutions, the exchange of lands called for in this agreement will resolve many longstanding environmental conflicts and further the interest of the State trust lands, the school children of Utah, and these conservation resources.

(15) The Congress finds that, under this Agreement taken as a whole, the State interests to be conveyed to the United States by the State of Utah, and the Federal interests and payments to be conveyed to the State of Utah by the United States, are approximately equal in value.

(16) The purpose of this legislation is to enact into law and direct prompt implementation of this historic agreement.

SEC. 3. RATIFICATION OF AGREED EXCHANGE BETWEEN THE STATE OF UTAH AND THE DEPARTMENT OF THE INTERIOR.

(a) AGREEMENT.—The State of Utah and the Department of the Interior have agreed to exchange certain Federal lands, Federal mineral interests, and payment of money for lands and mineral interests managed by the Utah School and Institutional Trust Lands Administration, lands and mineral interests of approximately equal value inheld within the Grand Staircase-Escalante National Monument the Goshute and Navajo Indian Reservations, units of the National Park System, the National Forest System, and the Alton coal fields.

(b) RATIFICATION.—All terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled "Agreement to Exchange Utah School Trust Lands Between the State of Utah and the United States of America" (herein referred to as "the Agreement") are hereby incorporated in this title, are ratified and confirmed, and set forth the obligations and commitments of the United States, the State of Utah, and Utah School and Institutional Trust Lands Administration (herein referred to as "SITLA"), as a matter of Federal law.

SEC. 4. LEGAL DESCRIPTIONS.

(a) IN GENERAL.—The maps and legal descriptions referred to in the Agreement depict the lands subject to the conveyances.

FOR COMMITTEE USE ONLY

(b) PUBLIC AVAILABILITY.—The maps and descriptions referred to in the Agreement shall be on file and available for public inspection in the offices of the Secretary of the Interior and the Utah State Director of the Bureau of Land Management.

(c) CONFLICT.—In case of conflict between the maps and the legal descriptions, the legal descriptions shall control.

SEC. 5. COSTS.

The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this Act.

SEC. 6. REPEAL OF PUBLIC LAW 103–93 AND PUBLIC LAW 104–211.

The provisions of Public Law 103–93 (107 Stat. 995), other than section 7(b)(1), section 7(b)(3), and section 10(b) thereof, are hereby repealed. Public Law 104–211 (110 Stat. 3013) is hereby repealed.

SEC. 7. CASH PAYMENT PREVIOUSLY AUTHORIZED.

As previously authorized and made available by section 7(b)(1) and (b)(3) of Public Law 103–93, upon completion of all conveyances described in the Agreement, the United States shall pay $50,000,000 to the State of Utah from funds not otherwise appropriated from the Treasury.

SEC. 8. SCHEDULE FOR CONVEYANCES.

All conveyances under sections 2 and 3 of the agreement shall be completed within 70 days after the enactment of this Act.

Approved October 31, 1998.

LEGISLATIVE HISTORY—H.R. 3830:

HOUSE REPORTS: No. 105–598 (Comm. on Resources).
SENATE REPORTS: No. 105–331 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 144 (1998):
June 24, considered and passed House.
Oct. 9, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):
Oct. 31, Presidential statement.

○

FOR COMMITTEE USE ONLY

Michael O. Leavitt
Governor

AGREEMENT FOR EXCHANGE OF LANDS
WEST DESERT STATE-FEDERAL LAND CONSOLIDATION

THIS AGREEMENT FOR EXCHANGE OF LANDS is entered this 30th day of May, 2000 by and between the State of Utah and the United States of America, Department of the Interior.

PURPOSE: The purpose of this instrument is to document an agreement, subject to ratification by the Congress of the United States, to exchange federal and state lands and interests therein, of approximately equal value, located in the West Desert area of the State of Utah.

SECTION 1: DEFINITIONS

As used in this Agreement:

(A) BLM means the Bureau of Land Management of the Department of the Interior.

(B) Department means the Department of the Interior and its subsidiary agencies, including the BLM.

(C) FLPMA means the Federal Land Policy and Management Act, Act of October 21, 1976, Pub. L. 94-579, 90 Stat. 2743, as amended.

(D) Mineral Interest means all right, title and interest in the mineral estate, including but not limited to metals, ores, oil and gas, carbon dioxide, helium, coal, lignite, peat, gas contained in or taken from coal seams (coalbed methane), geothermal steam and heat, rock, stone, gravel, sand and quartz, subject to valid existing rights in third parties as of the date of this Agreement.

(E) State means the State of Utah and its subsidiary agencies, including the Utah School and Institutional Trust Lands Administration.

(F) Secretary means the Secretary of the Interior.

(G) Trust Lands means all right, title and interest of the State on the date this

Agreement is executed in lands granted by the United States pursuant to sections 6, 7, 8 and 12 of the Utah Enabling Act, ch. 138, 28 Stat. 107 (1894) to the State in trust, and in other lands owned by the State on the date of this Agreement which under State law must be managed for the benefit of the public school system or the institutions of the State which are designated by the Utah Enabling Act.

(H) Trust Lands Administration means the Utah School and Institutional Trust Lands Administration.

(I) Wilderness Act means the Wilderness Act of 1964, 16 U.S.C. § 1131 *et seq.*

SECTION 2: STATE LANDS AND MINERAL INTERESTS TO BE CONVEYED TO THE UNITED STATES

Subject to the terms and conditions of this Agreement, the State shall convey to the United States all right, title and interest of the State in the Trust Lands and Mineral Interests generally depicted on the map entitled "West Desert Exchange -- Utah Trust Lands" dated May 19, 2000, and more specifically described in Exhibit "A" to this Agreement, which lands include the following Trust Lands and Mineral Interests:

(A) Approximately 5760.84 acres of Trust Lands in the Silver Island Mountains area in Box Elder and Tooele Counties, Utah.

(B) Approximately 7827.60 acres of Mineral Interests in the Cedar Mountains area in Tooele County, Utah.

(C) Approximately 12,325.46 acres of Trust Lands and 2560 acres of additional Mineral Interests in the Deep Creek Mountains in Tooele and Juab Counties, Utah.

(D) Approximately 7680.80 acres of Trust Lands in the Fish Springs Mountains in Juab County, Utah.

(E) Approximately 3879.92 acres of Trust Lands in the Pilot Peak Range in Box Elder County, Utah.

(F) Approximately 11,612.74 acres of Trust Lands in the Swasey Mountain area in Juab and Millard Counties, Utah.

(G) Approximately 8241.07 acres of Trust Lands in the Notch Peak area in Millard County, Utah.

(H) Approximately 3839.28 acres of Trust Lands in the Howell Peak area in Millard County, Utah.

(I) Approximately 9906.64 acres of Trust Lands in the King Top area in Millard County, Utah.

(J) Approximately 7959.04 acres of Trust Lands in the North Wah Wah Mountains in Millard and Beaver Counties, Utah.

(K) Approximately 6910.61 acres of Trust Lands in the Central Wah Wah Mountains in Beaver County, Utah.

(L) Approximately acres of 3933.16 Trust Lands in the Granite Peak area in Beaver County, Utah.

(M) Approximately 2162.64 acres of Trust Lands in the Red Mountain area in Washington County, Utah.

(N) Approximately 80 acres of Trust Lands and an additional 240 acres of Mineral Interests in the Deep Creek area in Washington County, Utah.

(O) Approximately 1920 acres of Trust Lands in the Black Ridge area in Washington County, Utah.

(P) Approximately 5608.50 acres of Trust Lands and an additional 560 acres of Mineral Interests in the Canaan Mountain area in Kane and Washington Counties, Utah.

(Q) Approximately 960 acres of Trust Lands in the Cottonwood Canyon area in Washington County, Utah.

(R) Approximately 640 acres of Trust Lands in the Red Butte area in Washington County, Utah.

(S) Approximately 483.28 acres of Trust Lands within the Red Cliffs Desert Reserve in Washington County, Utah.

(T) Approximately 1191.21 acres of Trust Lands wholly or partially within the exterior boundary of the Beaver Dam Wash Wilderness, in Washington County, Utah.

SECTION 3. FEDERAL LANDS AND MINERAL INTERESTS TO BE CONVEYED TO THE STATE

Subject to the terms and conditions of this Agreement, the Department shall convey to the State or its nominee all right, title and interest of the United States in the BLM lands and Mineral Interests generally depicted on the map entitled "West Desert Exchange - BLM Lands" dated May 19, 2000, and more specifically described in Exhibit "B" to this Agreement, which lands include the following BLM lands and Mineral Interests:

(A) I-80 Corridor tracts, comprising approximately 11,854.53 Acres of BLM land in Tooele County, Utah.

(B) St. John tract, comprising approximately 8678.14 acres of BLM land in Tooele County, Utah.

(C) Tooele Army Depot No. 1 tract, comprising approximately 6880.63 acres of BLM land in Tooele County, Utah.

(D) Tintic Valley tract, comprising approximately 14,253.51 acres of BLM land in Juab County, Utah.

(E) Brush Wellman tracts, comprising approximately 6173.70 acres of BLM land in Juab County, Utah.

(F) Intermountain Power Plant tract, comprising approximately 17,625.97 acres of BLM land and an additional 940.61 acres of BLM Mineral Interests in Millard County, Utah.

(G) Continental Lime tract, comprising approximately 1849.21 acres of BLM land in Millard County, Utah.

(H) Oak City tracts, comprising approximately 13,625.36 acres of BLM land in Millard County, Utah.

(I) Milford tract, comprising approximately 22,123.32 acres of BLM land in Beaver County, Utah.

(J) Beaver tract, comprising approximately 720 acres of BLM land in Beaver

County, Utah.

(K) Cedar City GC tract, comprising approximately 137.12 acres of BLM land in Iron County, Utah.

(L) Cross Hollow Hills tract, comprising approximately 357.50 acres of BLM land in Iron County, Utah.

(M) Quichapa Creek tract, comprising approximately 743.76 acres of BLM land in Iron County, Utah.

(N) La Verkin tract, comprising approximately 315 acres of BLM land in Washington County, Utah.

(O) Warner Valley tract, comprising approximately 600 acres of BLM land in Washington County, Utah.

(P) Anderson Junction tract, comprising approximately 80 acres of BLM land in Washington County, Utah.

(Q) Ivins tract, comprising approximately 40 acres of BLM land in Washington County, Utah.

SECTION 4: LEGISLATION

This agreement shall not be terminated before January 1, 2001. Beginning on January 1, 2001, either party may, but is not obligated to, terminate this Agreement unless legislation shall have been enacted by the United States authorizing and ratifying this Agreement.

SECTION 5: CLOSING AND TRANSFER OF TITLE

The following provisions shall govern conveyances of lands to be exchanged pursuant to this Agreement:

(A) All conveyances by the United States and the State shall be subject to valid existing rights and interests outstanding in third parties; provided, however, that all conveyances by the State to the United States shall be subject only to those valid existing surface and mineral leases, grazing permits and leases, easements, rights of way, and other interests outstanding in third parties found acceptable under the Attorney General's title regulations.

(B) All conveyances by the State shall be in a form acceptable to the Secretary and in conformity with applicable title standards of the Attorney General of the United States.

SECTION 6: MANAGEMENT OF LANDS ACQUIRED BY THE UNITED STATES

All lands or interests therein acquired by the United States pursuant to section 2 of this Agreement shall be administered by the BLM and shall be subject to all applicable laws and regulations, subject to valid existing rights. Notwithstanding the foregoing, if any portion of the transferred lands are wholly or partially encompassed within a wilderness study area created pursuant to Section 603 of FLPMA or other authority if applicable, or within a wilderness area created by Congress under authority of the Wilderness Act, then those lands shall be administered, subject to valid existing rights, pursuant to applicable statutes and regulations governing wilderness study areas or wilderness areas, respectively.

SECTION 7: MANAGEMENT OF LANDS ACQUIRED BY THE STATE

All lands or interests therein acquired by the State pursuant to section 3 of this Agreement shall be managed by the Trust Lands Administration as Trust Lands pursuant to Title 53C of the Utah Code.

SECTION 8: WATER RIGHTS

All water rights, if any, held by the transferor that are appurtenant to the lands exchanged pursuant to this Agreement shall be conveyed with the land. Nothing contained in this Agreement shall impair valid existing water rights owned by private parties. Nothing in this Agreement shall expand or diminish Federal or State jurisdiction, responsibilities, interests, or rights, in water resource adjudication, allocation, development, or control.

SECTION 9: GRAZING PERMITS

(A) On all lands acquired by the United States under section 2, the Secretary shall honor, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Trust Lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Upon expiration of any lease or permit, the holder shall be entitled to a preference right to renew such lease or permit to the extent provided by Federal law.

(B) In any instance where lands conveyed by the State under section 2 are used by a grazing permittee or lessee to meet the base property requirements for a federal grazing permit or lease, such lands shall continue to qualify as base properties for the remaining term of the lease or permit and any renewal or extensions thereof.

(C) Title to, or any interest in, any range improvement held by the United States or the State on any lands exchanges under this Agreement shall be transferred with such lands. Nothing in this Agreement shall operate to divest title to, or any interest in, any range improvement held by any person on such lands.

(D) On all lands acquired by the State under section 3, the State shall continue, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Federal lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Such leases, permits and contracts shall be subject to compliance with terms and conditions of the leases, permits or contracts, together with such reasonable regulations as the State may prescribe concerning range conditions. Upon expiration of any lease or permit, the holder shall be entitled to a right of first refusal for the renewal of such lease or permit under state law. Nothing in this Agreement shall prevent the State from canceling any grazing permit when the underlying land is sold or leased for non-grazing purposes by the State.

SECTION 10: SURFACE AGREEMENTS AND PERMITS

(A) The United States shall assume all rights and duties of the State under all State rights-of-way and special use agreements on lands conveyed to the United States pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way and agreements shall be managed and enforced by the United States. The rents, fees and other payments formerly due to the State under the terms of such rights-of-way and agreements shall be payable by the holder to the United States.

(B) The State shall assume all rights and duties of the United States under all Federal rights-of-way, surface use permits and agreements on lands conveyed to the State pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way,

permits and agreements shall be managed and enforced by the State. The rents, fees, and other payments formerly due to the United States under the terms of such rights-of-way, permits and agreements shall be payable by the holder to the State.

(C) Nothing in this Act shall expand or diminish the rights of any person or entity in any pre-existing rights-of-way established under State or Federal law, and the conveyances to be made under this Agreement shall be subject to such pre-existing rights-of-way, if any, as valid existing rights.

SECTION 11: MINERAL LEASES AND LANDS

In connection with mineral lands and interests conveyed pursuant to this Agreement:

(A) The State shall succeed the United States as lessor of all federal mineral leases on lands conveyed to the State pursuant to this Agreement. All rights, terms, and agreements under such leases (including authorizations for easements, facilities, operations, or other appurtenances on such lands) shall remain in effect after such conveyance except that such rights, terms, and agreements shall be managed and enforced by the State. The rents, royalties, fees and other payments formerly due the United States under such terms shall be payable by the Lessee to the State. The Leaseholder shall be entitled to Lease extension and renewal to the extent provided under Federal law, regulations, and the Lease Agreement.

(B) The Secretary shall succeed the State as lessor of all State mineral leases on lands conveyed to the Secretary pursuant to this Agreement. All rights, terms and agreements under such Lease (including authorizations for easements, facilities, operations, or other appurtenances on such lands) shall remain in effect after such conveyance, except that such rights, terms and agreements shall be managed and enforced by the Secretary. The rents, royalties, fees, and other payments formerly due to the State under such terms shall be payable by the Lessee to the United States.

(C) If any of the lands conveyed to the State under this Agreement are encumbered by mining claims, mill sites or tunnel sites located under the Mining Law of 1872, 30 U.S.C. § 22 *et seq*, the State will recognize the mining claimants' and site holders' interests in all valid mining claims and site locations and allow them to develop those minerals or use the sites so long as they comply with applicable laws and regulations, including without limitation applicable state filing and claim maintenance requirements; provided, however, that nothing herein shall preclude the State and any claimant or siteholder from agreeing to the relinquishment of any claim or site on mutually acceptable terms. The State shall further adjudicate any mining claim or site validity issues in the appropriate state or Federal court according to the Mining Law of 1872, as amended, and case law and administrative guidance interpreting that law. The BLM will provide notice to each mining claimant and site holder that its mining claims or site locations: (1) will be administered by the Trust Lands Administration and that compliance with state filing and claim maintenance requirements contained in Utah Code Ann. §53C-2-104 will be required to avoid abandonment of such claim under state law; (2) will no longer be administered by the United States; (3) will no longer be subject to Federal filing or fee requirements or BLM surface management requirements; and (4) that the Secretary no longer has jurisdiction to adjudicate the validity of any mining claim or site.

SECTION 12: HAZARDOUS WASTE

(A) Notwithstanding the transfer to the United States of the lands and interests therein described in section 2, the State shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

(B) Notwithstanding the transfer to the State of the lands and interests therein described in section 3, the United States shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from the ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

SECTION 13: GENERAL PROVISIONS

In addition to the foregoing, the Department and the State agree as follows:

(A) Nothing in this Agreement shall prevent the parties from mutually agreeing to the correction of technical errors and omissions in maps and legal descriptions contained or incorporated herein.

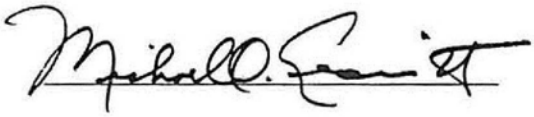
(B) The parties agree to use reasonable diligence and efforts to fulfill their respective obligations under this Agreement, at all times that this Agreement is in effect.

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused to be affixed the Great Seal of the State of Utah on the date first above written.

UNITED STATES DEPARTMENT
OF THE INTERIOR

Bruce Babbitt
Secretary of the Interior

STATE OF UTAH



Michael O. Leavitt
Governor

FOR COMMITTEE USE ONLY

Public Law 106–301
106th Congress

An Act

To provide for the exchange of certain lands within the State of Utah.

Oct. 13, 2000
[H.R. 4579]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Utah West Desert Land Exchange Act of 2000.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Utah West Desert Land Exchange Act of 2000".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The State of Utah owns approximately 95,095.19 acres of land, as well as approximately 11,187.60 acres of mineral interests, located in the West Desert region of Utah and contained wholly or partially within certain wilderness study areas created pursuant to section 603 of the Federal Lands Policy and Management Act of 1976, or proposed by the Bureau of Land Management for wilderness study area status pursuant to section 202 of that Act. These lands were granted by the Congress to the State of Utah pursuant to the Utah Enabling Act of 1894 (chapter 138; 23 Stat. 107), to be held in trust for the benefit of the State's public school system and other public institutions. The lands are largely scattered in checkerboard fashion amidst the Federal lands comprising the remainder of such existing and proposed wilderness study areas.

(2) Development of surface and mineral resources on State trust lands within existing or proposed wilderness study areas, or the sale of such lands into private ownership, could be incompatible with management of such lands for nonimpairment of their wilderness characteristics pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976 or with future congressional designation of the lands as wilderness.

(3) The United States owns lands and interests in lands outside of existing and proposed wilderness study areas that can be transferred to the State of Utah in exchange for the West Desert wilderness inholdings without jeopardizing Federal management objectives or needs.

(4) The large presence of State trust land inholdings in existing and proposed wilderness study areas in the West Desert region makes land and resource management in these areas difficult, costly, and controversial for both the State of Utah and the United States.

FOR COMMITTEE USE ONLY

(5) It is in the public interest to reach agreement on exchange of such inholdings, on terms fair to both the State of Utah and the United States. Such an agreement, subject to ratification by the Congress, would save much time and delay in meeting the legitimate expectations of the State school and institutional trusts, in simplifying management of Federal lands, and in avoiding the significant time and expense associated with administrative land exchanges.

(6) The State of Utah and the United States have reached an agreement under which the State would exchange certain State trust lands within specified wilderness study areas and areas identified as having wilderness characteristics in the West Desert region for various Federal lands and interests in lands outside of those areas but in the same region of Utah. The agreement also provides for the State to convey to the United States approximately 483 acres of land in Washington County, Utah, that has been designated as critical habitat for the Desert Tortoise, a threatened species, for inclusion in the Red Cliffs Desert Reserve.

(7) Because the inholdings to be acquired by the Federal Government include properties within some of the most spectacular wild areas in the western United States, and because a mission of the Utah School and Institutional Trust Lands Administration is to produce economic benefits for Utah's public schools and other beneficiary institutions, the exchange of lands called for in this agreement will resolve longstanding environmental conflicts with respect to the existing and proposed wilderness study areas, place important natural lands into public ownership, and further the interests of the State trust lands, the school children of Utah, and these conservation resources.

(8) Under this agreement taken as a whole, the State interests to be conveyed to the United States by the State of Utah, and the Federal interests to be conveyed to the State of Utah by the United States, will be approximately equal in value.

(b) PURPOSE.—The purpose of this Act is to enact into law and direct prompt implementation of this agreement, and thereby to further the public interest by consolidating State and Federal lands into manageable units while facilitating the protection of lands with significant scientific, cultural, and natural resources.

SEC. 3. RATIFICATION OF THE AGREED EXCHANGE BETWEEN THE STATE OF UTAH AND THE DEPARTMENT OF THE INTERIOR.

(a) AGREEMENT.—The State of Utah and the Department of the Interior have agreed to exchange certain Federal lands and mineral interests in the State of Utah for lands and mineral interests of approximately equal value managed by the Utah School and Institutional Trust Lands Administration wholly or partially within certain existing and proposed wilderness study areas in the West Desert region of Utah.

(b) RATIFICATION.—All terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled "Agreement for Exchange of Lands—West Desert State-Federal Land Consolidation", dated May 30, 2000 (in this Act referred to as "the Agreement"), are hereby incorporated in this Act, are

FOR COMMITTEE USE ONLY

ratified and confirmed, and set forth the obligations of the United States, the State of Utah, and the Utah School and Institutional Trust Lands Administration, as a matter of Federal law.

(c) CONDITION.—Before exchanging any lands under this Act, the Secretary of the Interior and the State of Utah shall each document in a statement of value how the determination of approximately equal value was made in accordance with section 206(h) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(h)), provided that the provisions of paragraph (1)(A) of section 206(h) of such Act shall not apply. In addition, the Secretary and the State shall select an independent qualified appraiser who shall review the statements of value as prepared by the Secretary and the State of Utah and all documentation and determine if the lands are of approximately equal value. If there is a finding of a difference in value, then the Secretary and the State shall adjust the exchange to achieve approximately equal value.

SEC. 4. CONVEYANCES.

(a) CONVEYANCES.—All conveyances under sections 2 and 3 of the Agreement shall be completed within 70 days after the date on which the condition set forth in section 3(c) is met. Deadline.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—The maps and legal descriptions referred to in the Agreement depict the lands subject to the conveyances under the Agreement.

(2) PUBLIC AVAILABILITY.—The maps and descriptions referred to in the Agreement shall be on file and available for public inspection in the offices of the Secretary of the Interior and the Utah State Director of the Bureau of Land Management.

(3) CONFLICT.—In case of any conflict between the maps and the legal descriptions in the Agreement, the legal descriptions shall control.

SEC. 5. COSTS.

The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this Act.

Approved October 13, 2000.

LEGISLATIVE HISTORY—H.R. 4579:

SENATE REPORTS: No. 106–463 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 146 (2000):
July 11, considered and passed House.
Oct. 3, considered and passed Senate.

FOR COMMITTEE USE ONLY

Michael O. Leavitt

AGREEMENT TO EXCHANGE UTAH SCHOOL TRUST LANDS BETWEEN THE STATE OF UTAH AND THE UNITED STATES OF AMERICA

PURPOSE: The Purpose is to document an agreement, subject to ratification by Congress, to exchange federal and state lands and interests therein of approximately equal value in the State of Utah.

SECTION 1. DEFINITIONS.

As used in this Agreement:

(A) MONUMENT. The term "Monument" means the Grand Staircase-Escalante National Monument, established by Presidential proclamation on September 18, 1996 pursuant to section 2 of the Antiquities Act of 1906 (16 U.S. C. § 431).

(B) SCHOOL AND INSTITUTIONAL TRUST LANDS. The term "School and Institutional Trust Lands" means all right, title and interest of the State of Utah on the date this agreement is executed in lands granted by the United States pursuant to section 6 of the Utah Enabling Act, ch. 138, 28 Stat. 107 (1894) to the State of Utah in trust, and in other lands owned by the State of Utah on the date of this agreement which under State law must be managed for the benefit of the public school system or the institutions of the State which are designated by the Utah Enabling Act, provided that to the extent the estate in said lands is less than fee simple absolute, it is found acceptable to the United States under the title regulations of the Attorney General of the United States.

(C) MINERAL INTEREST. The term "mineral interest" means all right, title and interest in the mineral estate, as of the date of this agreement, in metals, ores, oil and gas, carbon dioxide, helium, coal, lignite, peat, gas contained in or taken from coal seams (coalbed methane), geothermal steam and heat, rock, stone, gravel, sand and quartz, subject to valid existing rights in third parties as of the date of this Agreement.

(D) SECRETARY. The term "Secretary" means the Secretary of the Interior.

SECTION 2. LANDS AND INTERESTS TO BE CONVEYED TO THE UNITED STATES

The State of Utah shall convey to the United States the School and Institutional Trust Lands and mineral interests therein in the following properties, described generally as:

(A) Lands within the Navajo Indian Reservation in the State of Utah, comprising approximately 38,500 acres and the mineral interest in approximately an additional 9,500 acres, designated as tracts 322 through 358, 363 through 392, and 394 through 407, and generally depicted on the map entitled "Utah-Navajo Land Exchange." dated May 7, 1998. Parcel 339 is subject to deletion after consultation with the Navajo Nation. The legal description for tracts 322 through 337,

22339 through 340, 342, 344 through 358, 362 through 392, 394 through 407 is contained in the document entitled "Public Law 103-93 Utah Schools and Lands Improvement Act of 1993" (1995). The legal description of tract 338 is T40S, R24E,SLB&M, Section 16: all [mineral]. The legal description of tract 341 is T40S,R25E,SLB&M, Section 32: SE1/4NW1/4SW1/4SE1/4. The legal description of tract 343 is T40S,R26E,SLB&M, Section 16: all [mineral].

(B) Lands within the Goshute Indian Reservation in the State of Utah, comprising approximately 8,980 acres and the mineral interest in approximately an additional 480 acres, designated as tracts 408 through 410 and 800-818, and, generally depicted on the map entitled "Utah- Goshute Land Exchange," dated May 7, 1998.

(C) Four tracts, consisting of approximately 2,560 acres, as generally depicted on the map entitled "Alton Tracts," dated May 7, 1998.

(D) Lands within the exterior boundaries of the National Forest System comprising approximately 70,000 acres, designated as tracts 145 through 177, 184, 194 through 196, 198, 200 through 241, 247 through 321, 413 through 451, 453 through 497, 499 through 513, 515 through 519, 521 through 572, and as generally depicted on a map entitled "Utah Forest Land Exchange," dated May 7, 1998. The legal descriptions for these tracts are contained in the document entitled "Public Law 103-93 Utah Schools and Lands Improvement Act of 1993" (1995).

(E) All lands within the exterior boundaries of the Monument, comprising approximately 176,698.63 acres of land and the mineral interest in approximately an additional 24,000 acres.

(F) All lands within the exterior boundaries of all units of the National Park System, comprising approximately 80,000 acres.

SECTION 3. LANDS AND INTERESTS OF THE UNITED STATES TO BE CONVEYED TO THE STATE OF UTAH

The United States shall convey to the State of Utah all right, title and interest of the United States to the following properties described generally as:

(A) Blue Mountain Telecommunications Site, comprising approximately 640 acres, as generally depicted on the map entitled "Blue Mountain Telecommunications Site" dated May 7, 1998.

(B) Beaver Mountain Ski Resort site, comprising approximately 3,000 acres, as generally depicted on the map entitled "Beaver Mountain Ski Resort," dated May 7, 1998.

(C) Warner Valley Tract, comprising approximately 1,920 acres, as generally depicted on the map entitled "Warner Valley Tract," dated May 7, 1998.

(D) Hatch Tract, comprising approximately 12,677.5 acres, as generally depicted on the map entitled "Hatch Tract," dated May 7, 1998.

(E) Big Water Tract, comprising approximately 33,208 acres, as generally depicted on the map entitled "Big Water Tract," dated May 7, 1998.

(F) The United States' mineral interest in the coal located in the Cottonwood Tract, as generally depicted on the map entitled "Cottonwood Tract," dated May 7, 1998, subject to reversion as provided in this paragraph. If the State disposes of all or part of the coal mineral interest conveyed as provided by subparagraph (P) (i) hereof, the entire coal mineral interest conveyed to the State under this paragraph shall revert to the United States when the State has received the sum of $13,006,105 in royalty and rental income. Valuation of royalty and rental income and interest to the extent applicable shall be calculated pursuant to the language contained in Public Law 103-93, section 8 (c) and (d).

(G) Approximately 881 acres of the Westridge Coal Tract, as generally depicted on the map entitled "Westridge Coal Tract" dated May 7, 1998.

(H) Approximately 2,600 acres of the Uintah County Tract, as generally depicted on the maps entitled "Uintah County Tract No. 1" and "Uintah County Tract No. 2" dated May 7, 1998 .

(I) Approximately 2,000 acres of the Millard County Tract, as generally depicted on the map entitled "Millard County Tract" dated May 7, 1998.

(J) Approximately 58,000 acres of the Ferron Field, as generally depicted on the map entitled "Ferron Field" dated May 7, 1998.

(K) The United States' mineral interest in the coal located in the Mill Fork Tract, as generally depicted on the map entitled "Mill Fork Tract," dated May 7, 1998, subject to reversion as provided in this paragraph. If the State disposes of all or part of the coal mineral interest conveyed as provided by subparagraph (P)(i) hereof, the entire coal mineral interest shall revert to the United States when 22.3 million tons of coal have been produced from the Tract.

(L) Approximately 2,560 acres of the Dugout Canyon Tract, as generally depicted on the map entitled "Dugout Canyon Tract" dated May 7, 1998, and the United States' mineral interest in the coal in approximately 2,560 acres located in the Muddy Tract, as generally depicted on the map entitled "Muddy Tract" dated May 7, 1998, subject to reversion as provided in this paragraph. If the State disposes of all or part of the coal mineral interest in either or both Tracts as provided by subparagraph (P)(i) hereof, the entire coal mineral interest in both Tracts shall revert to the United States when a total of 34 million tons of coal have been produced from either or both Tracts.

(M) The United States' mineral interest in the coal underlying approximately 9,600 acres located in the North Horn Coal Tract, as generally depicted on the map entitled "North Horn Coal Tract" dated May 7, 1998, subject to reversion as provided in this paragraph. If the State disposes of all or part of the coal mineral interest conveyed as provided by subparagraph (P)(i) hereof, the entire coal mineral interest shall revert to the United States when 100 million tons of coal have been produced from the Tract.

(N) Duchesne County Tract comprising approximately 4,000 acres, as generally depicted on the map entitled "Duchesne County Tract," dated May 7, 1998.

(O) $50,000,000 in cash.

(P) GENERAL PROVISIONS

(i) If the State disposes of all or any part of the mineral interest in coal, oil and gas, or coalbed methane, including interests subsumed within fee interests, conveyed under paragraphs (F), (G), (J), (K), (L), or (M) of this section, the State agrees to do so only by offering the mineral interest for lease on a competitive basis (or a substantially equivalent non-competitive basis) for a bonus bid and a reserved royalty of not more than 8 percent (for coal) or 12 ½ percent (for oil and gas and coalbed methane) (or the prevailing Federal royalty rates at the time the lease is issued) of the value of the production removed or sold from the lease.

(ii) The State agrees to pay to the United States 50 percent of the bonus bid it receives when it issues each lease under subparagraph (i), reduced by 50 percent of those administrative costs the State incurs in issuing the lease that are of the same type that the United States includes in calculating the administrative cost deduction under 30 U.S.C. 191(b). The amount paid to the United States shall be deposited 80 percent to the Reclamation Fund and 20 percent to miscellaneous receipts.

(iii) All mineral interests that revert to the United States under this section shall be restored to the public domain and the United States shall succeed the State as lessor for any lease issued by the State. Upon reversion, all revenues which the United States receives from any lease issued by the State to which the reversion is subject shall be distributed in the same manner as other revenues derived from mineral leases on the public domain under section 35 of the Mineral Leasing Act, as amended, 30 U.S.C. 191.

SECTION 4. TRANSFER OF TITLE

(A) All conveyances described herein by the United States to the State of Utah shall be subject to valid existing rights and interests outstanding in third parties. Where the United States is conveying only the mineral interest or other interest less than fee simple, the Secretary shall reserve to the United States all remaining right, title and interest.

(B) All conveyances herein by the State of Utah to the United States shall be subject only to those valid existing surface and mineral leases, grazing permits and leases, easements, rights of way, and other interests outstanding in third parties found acceptable under the Attorney General's title regulations.

(C) Conveyance of all lands and interests in lands described shall take place within 90 days following enactment of the legislation authorizing and ratifying this Agreement.

(D) DEED. — The conveyance of the lands and interests therein by the State of Utah to the United States under this section shall be in the form of a conveyance acceptable to the Secretary and in conformity with applicable title standards of the Attorney General of the United States.

(E) ACCEPTABILITY OF TITLE. — The United States shall not carry out the exchange described in sections 2 and 3 unless the title to the lands and interests described in section 2 to be conveyed to the United States, and the form and procedures of conveyance are acceptable under the Attorney General's title regulations.

(F) Upon completion of all conveyances described in sections 2 and 3(A)-(N), the $50,000,000 identified in section 3(O) is immediately available for expenditure and payment from the General Fund of the Treasury to the State of Utah without fiscal year limitations.

SECTION 5. MANAGEMENT OF FEDERALLY ACQUIRED LANDS.

(A) GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT. — Any lands and interests therein acquired by the United States within the exterior boundaries of the Monument pursuant to section 2(E) shall become a part of the Grand Staircase- Escalante National Monument, and shall be subject to all the laws and regulations applicable to the Monument.

(B) NATIONAL FOREST SYSTEM. — Any lands and interests therein acquired by the United States within the exterior boundaries of the National Forest System pursuant to section 2(D) shall become a part of the national forest within which such lands are located and shall be subject to all the laws and regulations applicable to the National Forest System.

(C) NATIONAL PARK SYSTEM. — Any lands and interests therein acquired by the United States within the exterior boundaries of the National Park System pursuant to section 2(F) shall become a part of the appropriate unit of the National Park System within which such lands are located, and shall be subject to all laws and regulations applicable to that unit of the National Park System.

(D) NAVAJO INDIAN RESERVATION. — Any lands and interests acquired by the United States within the exterior boundaries of the Navajo Indian Reservation pursuant to section 2(A) are taken into trust and held for the benefit of the Navajo Nation, and are hereby declared to be part of the Navajo Indian Reservation in the State of Utah.

(E) GOSHUTE INDIAN RESERVATION. — Any lands and interests acquired by the United States within the exterior boundaries of the Goshute Indian Reservation pursuant to section 2(B) are taken into trust and held for the benefit of the Goshute Indian Tribe and are hereby declared to be part of the Goshute Indian Reservation in the State of Utah.

(F) ALL OTHER LANDS. — Any other lands or interests therein acquired by the United States pursuant to section 2 and not otherwise described in this section shall be administered by the Bureau of Land Management and subject to all applicable laws and regulations.

SECTION 6. WATER RIGHTS

In connection with water rights appurtenant to the lands to be exchanged under this agreement:

(A) All water rights, if any, held by the transferor that are appurtenant to the lands exchanged pursuant to this agreement shall be conveyed with the land. Nothing contained in this agreement shall impair valid existing water rights owned by private parties.

(B) Nothing in this agreement shall expand or diminish Federal or State jurisdiction, responsibilities, interests, or rights, in water resource adjudication, allocation, development, or control.

SECTION 7. GRAZING PERMITS.

(A) On all lands acquired by the United States under section 2, the Secretary shall honor, for the remainder of the applicable term, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on School and Institutional Trust Lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Upon expiration of any lease or permit, the holder shall be entitled to a preference right to renew such lease or permit to the extent provided by Federal law.

(B) In any instance where lands conveyed by the State of Utah under section 2 are used by a grazing permittee or lessee to meet the base property requirements for a federal grazing permit or lease, such lands shall continue to qualify as base properties for the remaining term of the lease or permit and any renewal or extensions thereof.

(C) Title to, or any interest in, any range improvement held by the United States or the State on any lands exchanged under this agreement shall be transferred with such lands. Nothing in this Act shall operate to divest title to, or any interest in, any range improvement held by any person on such lands.

(D) On all lands to be acquired by the State of Utah under section 3, the State shall continue, for a period of time equal to the lifetime of the permittee as of the date of this agreement and any direct descendants of the permittee born before that date, all leases, permits and contracts for the grazing of domestic livestock, and the related terms and conditions of user agreements on Federal lands, including permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements. Such leases, permits and contracts shall be subject to periodic renewal and to compliance with the terms and conditions of the leases, permits or contracts, together with such reasonable regulations as the State may prescribe concerning range conditions. This provision shall not prevent the state from canceling any grazing permit when the underlying land is sold or leased for non-grazing purposes by the state.

SECTION 8. HAZARDOUS WASTE.

(A) Notwithstanding the transfer to the United States of the lands and interests therein described in section 2, the State of Utah shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

(B) Notwithstanding the transfer to the State of Utah of the lands and interests therein described in section 3, the United States shall continue to be responsible to the extent it is responsible on the date of transfer of title for all environmental remediation, waste management and environmental compliance activities arising from the ownership and control of lands and interests therein pursuant to applicable Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

SECTION 9. SURFACE USE AND RIGHTS OF WAY

(A) The State shall assume all rights and duties of the United States under all Federal rights-of-way, surface use permits and agreements on lands conveyed to the State pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except that such rights-of-way, permits and agreements shall be managed and enforced by the State. The rents, fees, and other payments formerly due to the United States under the terms of such rights-of-way, permits and agreements shall be payable by the holder to the State.

(B) The United States shall assume all rights and duties of the State under all State rights-of-way and special use agreements on lands conveyed to the United States pursuant to this Agreement. All such rights-of-way and agreements shall remain in effect for the remainder of the applicable term after conveyance, except such rights-of-way and agreements shall be managed and enforced by the United States. The rents, fees, and other payments formerly due to the State under the terms of such rights-of-way and agreements shall be payable by the holder to the United States.

(C) Nothing in this Act shall expand or diminish the rights of any person or entity in any pre-existing rights-of-way established under State or Federal law, and the conveyances to be made under this Agreement shall be subject to such pre-existing rights-of-way, if any, as valid existing rights.

SECTION 10. SPECIAL PROVISIONS

(A) MINERAL DEVELOPMENT IN GENERAL.

(i) Development of any mineral interests transferred to the State of Utah pursuant to this agreement where the United States retains ownership interests in the land shall be subject to all laws, rules, and regulations applicable to development of non-Federal mineral interests underlying Federally-owned surface, including, where appropriate, laws, rules and regulations applicable to such development within the National Forest System.

(ii) Extraction of any coal resources transferred to the State of Utah pursuant to this Agreement shall occur only through underground coal mining operations.

(B) PRICE COALBED METHANE.--The Bureau of Land Management has prepared an Environmental Impact Statement for the River Gas portion of the Price Coalbed Methane area and a Record of Decision has been issued with respect to certain actions considered in the Environmental Impact Statement. The State of Utah shall adopt all conditions, mitigation measures and restrictions imposed on lessees by the Record of Decision in the State's administration of Federal Mineral Leases acquired in Townships 14, 15, and 16 South and Ranges 8 and 9 East, SLBM.

(C) MILL FORK. -- The Bureau of Land Management and the Manti-La Sal National Forest have prepared an Environmental Assessment for the proposed leasing of coal within the Mill Fork tract. The State of Utah shall adopt the mitigation measures imposed on lessees by the Record of Decision in the State's administration of the Mill Fork tract.

(D) MINERAL LEASES IN LAND CONVEYED TO THE UNITED STATES. — Notwithstanding any other provision of law, including 30 U.S.C. 355, any rentals and royalties or bonus bids derived from existing or future mineral leases on lands and interests therein conveyed by the State of Utah to the United States shall be deposited in the Treasury as miscellaneous receipts, except that any rentals and royalties or bonus bids from existing or future mineral leases on lands and interests acquired under sections 2(A) and 2(B) in trust for the Navajo Nation and the Goshute Indian Tribe shall be distributed in accordance with the terms of any federal law specifically directing distribution of such moneys.

(E) RENTS AND ROYALTIES ON LAND CONVEYED TO THE STATE OF UTAH. Any rentals and royalties derived from existing or future mineral leases on lands and interests conveyed by the United States to the State of Utah under section 3 shall be shared equally by the State and the School and Institutional Trust Lands Administration.

SECTION 11. MAPS AND LEGAL DESCRIPTIONS

The State of Utah and the Secretary shall each provide to the other the legal descriptions and maps of the lands under their respective jurisdictions which are to be exchanged under this agreement.

SECTION 12. LITIGATION

(A) Upon execution of this agreement, the parties to the civil action captioned *State of Utah v. United States*, Civil No. 2:97-CV-0589C (D. Utah), will immediately jointly seek a stay, without prejudice to either party, of all proceedings in that action. Upon enactment of legislation authorizing and ratifying this agreement, the parties will jointly seek dismissal of that action with prejudice. If Congress fails to enact legislation authorizing and ratifying this agreement before adjournment of the 105th Congress *sine die*, the parties agree to jointly move to lift the stay of proceedings in that action within 60 days after adjournment and to seek rescheduling of the previously established trial schedule as necessary.

(B) The State of Utah shall voluntarily dismiss with prejudice the civil action captioned *Utah School and Institutional Trust Lands Administration v. Clinton, et al.*, Civil No. 2:97-CV-492C (D. Utah), within 20 days after all conveyances under this agreement have been completed.

SECTION 13. TECHNICAL CORRECTIONS

Nothing in this Agreement shall prevent the parties from mutually agreeing to the correction of technical errors and omissions in maps and legal descriptions contained herein.

IN TESTIMONY, WHEREOF, we have hereunto set our hands and caused to be affixed the Great Seal of the State of Utah this 8th day of May 1998.

Michael O. Leavitt
Governor
State of Utah

Bruce Babbitt
Secretary of the Interior
United States of America

ATTEST:

Olene S. Walker
Lt. Governor
State of Utah

FOR COMMITTEE USE ONLY

MEMORANDUM OF UNDERSTANDING BETWEEN THE UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION, THE UNITED STATES DEPARTMENT OF AGRICULTURE, AND THE UNITED STATES DEPARTMENT OF THE INTERIOR

Recitals

1. The Utah Schools and Land Exchange Act of 1998, Pub. L. No. 105-335, 112 Stat. 3139 ("the Act"), ratified the May 8, 1998. "Agreement to Exchange Utah School Trust Lands Between the State of Utah and the United States of America" entered into between the State of Utah and the United States of America ("the Agreement").

2. The United States Department of the Interior ("DOI"), and the Utah School and Institutional Trust Lands Administration ("SITLA") each have responsibilities to implement the terms of the Agreement. The United States Department of Agriculture, Forest Service ("USDA-Forest Service"), which has jurisdiction, custody, and control over National Forest System Lands ("NFS lands"), is also subject to the terms of the Act and the Agreement with respect to NFS lands involved in the exchange of lands and interests in lands. Therefore, USDA-Forest Service is a Party to this MOU with respect to the NFS lands subject to the terms of the Act and the Agreement. The aforementioned entities will be collectively referred to hereinafter as "the Parties." or separately as a "Party."

3. The Parties recognize that it is in their mutual interest to agree on how certain actions necessary to implement the Act and the Agreement will be effected, and therefore enter into this Memorandum of Understanding ("MOU").

4. Among other provisions, this MOU implements Sections 8 and 10 of the Agreement which defines the Parties' respective responsibilities for environmental remediation, waste management and environmental compliance activities associated with the lands which each Party has transferred, or will transfer, to the other pursuant to the Act. Section 8 contemplates remediation of the subject lands following the date of transfer of title, and this MOU, consistent with Section 8, provides that each Party will continue to be legally responsible, to the extent such responsibility exists at the time of transfer of title, for environmental response actions, including actions specified herein, on the land that each Party respectively transfers. Except as consistent with the Agreement, nothing in this MOU is intended to relieve any party of its substantive or procedural environmental obligations under existing State or Federal law.

5. Section 10 of the Agreement calls for development of any mineral interests transferred to the State of Utah where the United States retains ownership interests in the land to be subject to all laws, rules, and regulations applicable to development of non-Federal mineral interests underlying Federally-owned surface, including laws, rules, and regulations applicable to such development within the National Forest System. The Regulations of the Secretary of Agriculture at Title 36, Code of Federal Regulations ("C.F.R."), section 251.50 will apply to the occupancy and use of the surface estate of National Forest System lands for the development of the conveyed coal estate . However, mining induced subsidence need not be permitted separately

where the State of Utah has authorized mining in accordance with 30 C.F.R. section 944.30, Article VI, B.5. To the extent provided by law, in surface occupancy permits and conditions of concurrence to mining permits, the USDA-Forest Service will abide by the standards and guidelines contained in the Land and Resource Management Plan for the Manti-La Sal National Forest which were in effect on May 8, 1998. Subject to reasonable terms and conditions for the protection of the surface estate consistent with the Forest Plan, any permit requirement may not prohibit reasonable economic development of the conveyed coal estates.

Memorandum of Understanding

I. Coal Mineral Interests

A. Pre-Leasing Issues

Before SITLA issues a lease on the Cottonwood, Westridge, Mill Fork, Dugout, Muddy, or North Horn Tracts conveyed to SITLA under paragraphs 3(F), 3(G), 3(K), 3(L), and 3(M) of the Agreement --

1. Within an agreed time frame, DOI's Bureau of Land Management ("BLM") will provide SITLA with the following for that tract:

a. The amount of the coal reserves for the tract;

b. A pre-lease estimate of fair market value ("FMV"), or comments on SITLA's consultant's assessment of FMV; and

c. Recommendations to SITLA on lease bond amounts.

2. For that tract, SITLA will --

a. Coordinate sale schedules with BLM;

b. Consider BLM's determination of, or comments on, coal reserves and FMV when it negotiates bonus bids with prospective lessees;

c. Establish the amount of the lease bond in consultation with BLM; and

d. Cooperate with the USDA- Forest Service to identify the applicable Forest Plan standards and guidelines necessary to protect National Forest Resources and to fulfill the requirements of Title 36 C.F.R. section 251.50.

B. Lease Instrument Contents

SITLA agrees that for each lease SITLA issues on lands subject to reversion to the United States under sections 3(F), 3(K), 3(L), and 3(M) of the Agreement (the Cottonwood, Mill Fork, Dugout, Muddy, and North Horn Tracts), SITLA will include the following in the lease terms:

1. The reversionary provisions of the Agreement and the Act that apply to the individual lease.

2. An express agreement by the lessee as follows:

> The lessee agrees that after reversion of the lessor's interest to the United States, the Secretary of the Interior may establish the reasonable value of post-reversion production for royalty purposes in the same manner and by the same methods as the United States establishes value under Federally-issued leases.

3. An express agreement by the lessee as follows:

> The lessee agrees that after reversion, the lessee will be subject to the requirements of the Mineral Leasing Act, 30 U.S.C. §§ 181 *et seq.*, and royalty, operating, and administrative procedure rules and regulations of the Department of the Interior, the Minerals Management Service ("MMS"), and the Bureau of Land Management ("BLM") and any other Federal laws and regulations generally applicable to coal leases issued under the Mineral Leasing Act to the same extent as if the lease were a Federally-issued lease. However, to the extent that SITLA approves a significant operational decision and the lessee makes a substantial economic commitment based upon SITLA's approval, the lessee may continue to rely on that approval after reversion. Provided, however, that nothing herein will affect the liability of the lessee under CERCLA, RCRA, the Clean Water Act, 33 U.S.C. § 1251, *et seq.*, or other applicable environmental law.

4. Express agreements by the lessee relating to "Hazardous Substances," and "Indemnification" that are appended to this MOU as Appendix 1. Prior to the issuance of any lease, the Parties further agree to jointly develop provisions to address "Waste Certification," "Discharges of Oil," "Oil Discharge Indemnity," and "Discharged Oil Certification" for inclusion in leases. If necessary, the Parties may modify language provided in Appendix 1 to bring the provisions of Appendix 1 into conformance with the subsequently developed provisions.

5. An express agreement by the lessee as follows:

> The lessee agrees that it will furnish bonds or other financial guarantees meeting both State and Federal mineral lease bond or

financial guarantee requirements and that upon any forfeiture after reversion, those bonds or financial guarantees will be payable to the Secretary of the Interior.

6. An express agreement by the lessee as follows:

The lessee agrees that it will report production and royalties monthly in accordance with applicable State requirements and, after reversion, in accordance with applicable Federal regulations.

7. An express agreement by the lessee as follows:

The lessee agrees that the BLM may conduct underground inspections of all mines on the leased premises, regardless of whether the BLM is acting in cooperation with the Utah School and Institutional Trust Lands Administration as lessor or under the authority of Federal laws and regulations after any reversion of the lessor's interest to the United States.

C. **Post-Leasing Issues**

1. After SITLA issues any lease on the Cottonwood, Mill Fork, Dugout, Muddy, or North Horn Tracts, in cooperation with SITLA BLM will:

a. Inspect underground operations on a quarterly or other agreed upon basis to, among other things, verify production amounts and to determine compliance with the hazardous waste certification stipulation. Inspections will be coordinated, scheduled, and conducted jointly, if possible, with SITLA. BLM will notify SITLA of any underground and related surface operational problems observed or suggest remedial actions;

b. Provide SITLA with timely technical advice for SITLA's mining plan approvals and modifications and lease modifications. Such advice will address issues relating to maximum economic recovery ("MER") and avoiding coal bypass; and

c. Provide SITLA with timely technical advice regarding potential coal bypass and hazardous waste certification concerns on any lease relinquishment proposals.

2. After SITLA issues any lease on the Cottonwood, Mill Fork, Muddy, or North Horn Tracts, in cooperation with SITLA the USDA-Forest Service will:

a. Apprise SITLA of any concerns with respect to compliance with the hazardous waste certification stipulation or other surface operational problems concerning operations on NFS lands;

b. Provide SITLA timely information and/or comments on the surface effects of underground mining with respect to SITLA's mining plan approvals and modifications, lease modifications, and lease relinquishments; and

c. Timely process any surface use permits necessary to support the development of the coal interest.

3. After SITLA issues any lease on the Cottonwood, Mill Fork, Dugout, Muddy, or North Horn Tracts, SITLA will:

a. Provide BLM and the USDA- Forest Service, where NFS lands are involved, timely copies of all applications for mining plan approvals and modifications and lease modifications and relinquishments, and will consider BLM and USDA-Forest Service comments in determining whether to approve such applications and in developing any special approval conditions;

b. Report to BLM total royalty and rental income derived from all leases SITLA issues on the Cottonwood Tract conveyed under paragraph 3(F) of the Agreement by March 1 of each year for the preceding calendar year. When the total royalty and rental income is within one million dollars of the amount that triggers reversion to the United States, SITLA will report to BLM each month the total royalty and rental income derived from these leases;

c. Report to BLM by March 1 of each year for the preceding calendar year the total production from all leases SITLA issues on each of the following tracts. When the total production from all leases on each of the following tracts reaches the corresponding tonnage stated below, SITLA will report to BLM each month the total production from the tract:

Mill Fork Tract (Agreement § 3(K))	21 million tons
Dugout Canyon and Muddy Tracts (Agreement § 3(L))	33 million tons
North Horn Coal Tract (Agreement § 3(M))	99 million tons

For purposes of this paragraph (c), and for determining when reversion occurs for the Mill Fork, Dugout Canyon and Muddy, and North Horn Tracts under the cited Agreement provisions, coal is considered to be produced when it is subject to royalty under the SITLA lease; and

d. Be reasonable and prudent in making operational and other lease management decisions that would likely have consequences extending past the reversion date. SITLA agrees that it will provide BLM and the USDA-Forest Service with an opportunity to provide advice regarding those decisions. SITLA further agrees that for all such decisions made within one year of the expected reversion date, BLM must concur with such decisions, such consent not to be unreasonably withheld.

D. Reversion Issues

1. SITLA agrees that all royalties received on production beyond the royalty and rental income or tonnage amounts that trigger the reversion to the United States as provided in paragraphs 3(F). 3(K). 3(L), and 3(M) of the Agreement in the month in which the threshold royalty and rental income or tonnage amount is reached will be paid to MMS by the last day of the second month following the month in which the royalty or rental income or tonnage threshold amount is reached.

2. Any coal produced from a lease subject to reversion that was stockpiled before reversion for which no royalty was paid to SITLA will be subject to payment of royalty to the United States in accordance with MMS regulations.

3. Upon the occurrence of conditions subsequent, specific to each tract identified in section 3(F). 3(K), 3(L), and 3(M) of the Agreement (the Cottonwood, Mill Fork, Dugout, Muddy, and North Horn Tracts), each such tract will revert to the United States. Notwithstanding such reversion, SITLA will remain responsible for: identifying the location of any reportable release of hazardous substances or the discharge of oil (as those terms are defined in Part IV of this MOU) prior to the reversion; characterizing the environmental condition of each such tract at the time of reversion; and taking any response actions necessary for compliance with all applicable Federal or State laws. arising from environmental conditions existing on each such tract at the time of reversion, consistent with each tract's future anticipated use. SITLA will transmit to the United States not more than two years prior to the expected date of reversion a schedule for the completion of such actions prior to the date of reversion. If there is disagreement as to the urgency, necessity, or degree of the response action required, the Parties will use the dispute resolution procedure identified under this MOU.

4. Under section 3(F) of the Agreement, the coal mineral interest in the Cottonwood Tract reverts to the United States after SITLA receives $13.006.105 in royalty and rental income. The Agreement also notes that such amount may be subject to adjustment for interest. The Parties agree to determine the reversion as follows:

a. Under the Agreement. the $13,006,105 is an amount that SITLA is entitled to above what the State would have received under the provisions of 30 U.S.C. 191 had all or part of the Cottonwood Tract been leased by the United States. Therefore, the reversion will occur after SITLA receives $26,012,210 in rental and royalty income from disposition of all or part of the coal mineral interest in the Cottonwood Tract, subject to adjustment under paragraph I.D.4(b). One-half of what SITLA receives each month will reduce the $13,006,105 principal balance due under the Agreement and be used to pay accrued interest under paragraph I.D.4.(b).

b.(i) To compensate SITLA for the time value of the money until it receives the additional $13,006,105 under the Agreement, interest will be calculated at the end of each month on the average daily remaining principal balance for that month (which starts at $13,006,105). The interest rate will be the rate for a five-year Treasury note on the last business day of that month. Interest will be calculated as simple interest and will begin accruing January 8, 1999.

(ii) When SITLA receives rental or royalty income, on the day of receipt such amounts will be applied first to accrued interest, and any remaining amount will reduce the principal balance.

For example, assume that interest on $13,006,105 is $50,000 per month ($30,000 for January 1999). For the first six months, $280,000 in interest would accrue (no interest accrues on the outstanding interest balance) and the principal balance would be unchanged. On the first day of Month Seven, a lessee pays $200,000 in rental. Under paragraph I.D.4.(a), $100,000 would be applied to reduce the interest balance from $280,000 to $180,000 and the principal balance would not be reduced. But if in Month Seven that lessee paid $800,000 in rentals instead of $200,000, then $400,000 would be applied to the outstanding principal and interest. First, $280,000 would be used to pay accrued interest, and then $120,000 would be used to reduce the principal balance. At the end of Month Seven, interest would be calculated on a principal balance of $12,886,105 (assuming that is the average daily outstanding principal balance for the month). Rental interest in Month Eight would be applied first to that interest, and then the remainder would further reduce the $12,886,105 principal balance.

Reversion will occur after SITLA receives rental and royalty income from some or all of the coal mineral interest in the Cottonwood Tract totaling $26,012,210 plus an amount equal to the total of the simple interest calculated on the principal balance under this paragraph.

5. To insure uninterrupted operations on coal leases that revert to the United States pursuant to the Agreement, SITLA's approval of a mine plan after consultation with BLM and USDA-Forest Service (with respect to National Forest System lands) pursuant to the terms of this Memorandum of Understanding, and the Utah Division of Oil, Gas, and Mining s (DOGM) final approval of a mine permit for such state leases under the Surface Mining Control and Reclamation Act of 1977, will be deemed to satisfy any requirements for federal mining plan or resource recovery and protection plan approval under 30 C.F.R. Part 746 and 43 C.F.R. Group 3400 applicable at the time of reversion, together with any requirements for concurrence in such plans or permits by USDA- Forest Service applicable at the time of reversion. To the extent that approvals by the State Historic Preservation Officer (SHPO), consultations with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, or other necessary consultations or approvals were completed at the time of the original mine permit issuance, then such approvals shall continue in effect and be deemed to satisfy any requirements or for such consultations or approvals at the time of reversion. No later than one year prior to the anticipated date of the reversion of each tract, the parties will consult with each other, the lease operator, and the DOGM to determine whether additional approvals or consultations will be required, and each Party agrees to take such steps and execute such documents as may be reasonably necessary to ensure uninterrupted operations upon reversion.

6. If SITLA approves a significant operational decision and the lessee makes a substantial economic commitment based upon SITLA's approval, BLM agrees after reversion to abide by SITLA's approval.

II. Oil and Gas, Coal, and Other Mineral Royalty Issues

A. The State is entitled to all royalty revenues derived from existing leases on lands the State is conveying to the United States under the Agreement on production occurring before the date the lands are conveyed to the United States. The United States is entitled to all royalty revenues derived from existing leases on lands the United States is conveying to the State under the Agreement on production occurring before the date the lands are conveyed to the State.

B. If conveyance to the United States of lands subject to existing State-issued leases does not occur on the first day of the period for which royalties accrue (for example, a production month for oil and gas leases or the month of shipment, sale, processing, or use for coal leases), the State is entitled to that proportion of the royalty revenues derived from the lease for that period that equals the number of days in the period before the date of conveyance divided by the number of days in the period. If conveyance to the State of lands subject to existing Federal leases does not occur at the beginning of a production month, the United States is entitled to that portion of the royalty revenues derived from the lease for that month that equals the number of days in the month before the date of conveyance divided by the number of days in the month.

> For example, assume conveyance occurs on January 8, 1999. For an oil and gas lease that requires monthly royalty payment, the transferor would retain 8/31 of the royalties due for January production. The transferee would be entitled to 22/31 of the royalties due for January production. For a mineral lease that requires quarterly royalty payments, the transferor would retain 8/90 of the royalties derived from production in the first quarter of 1999, and the transferee would be entitled to 82/90 of those revenues.

C. If either Party receives lease revenues to which the other Party is entitled under the Agreement, the Party first receiving the money agrees to pay the amount to which the other Party is entitled by the end of the second month following the month in which the revenues were received.

D. If annual lease rental payments for mineral leases are due before the date of conveyance, the Party to whom the rental payment is owed on the due date is entitled to retain the entire rental payment, regardless of whether the lease goes into production during the year for which rental was paid.

E.1. If --

a. the lands within a single lease are segregated as a result of a conveyance under the Agreement; and

b. the lease was not committed to any Federally-approved unit or communitization agreement before conveyance,

then the Parties agree that so long as there is production in paying quantities from any well on either of the segregated parcels, such production will hold each of the segregated leases in full force and effect.

2. a. If the well spacing unit from which production occurs lies entirely within the boundaries of one of the segregated parcels, royalties on that production are payable only to the Party who is the lessor of that parcel.

b. If a well spacing unit has been established or is established in the future, and parts of the spacing unit are within both of the segregated parcels, the Parties will allocate royalties based on the proportionate acreage of the spacing unit within each parcel.

F. SITLA agrees that under section 3(P)(ii) of the Agreement, it will pay to MMS 50 percent of the bonus bid it receives when it issues each lease under section 3(P)(i) of the Agreement, reduced by 50 percent of administrative costs as prescribed in section 3(P)(ii), no later than the last day of the second month following the month in which the State receives the bonus payment. The Parties further agree that for any lands or interests in land that the State receives from the United States under the Agreement that are subject to an existing mineral lease. SITLA may amend or replace a Federally-issued lease instrument, with the lessee's consent, and not be subject to section 3(P)(i) as long as SITLA does not extend the lease term or add previously unleased acreage.

III. Mining Claim Administration

If any of the lands conveyed to the State under the Agreement are encumbered by mining claims, mill sites, or tunnel sites located under the Mining Law of 1872, 30 U.S.C. § 22 *et seq.* --

A. SITLA will:

1. Recognize the mining claimants' and site holders' interests in all valid mining claims and site locations as property interests and allow them to develop those minerals or use the sites so long as they comply with applicable laws and regulations including without limitation applicable state filing and claim maintenance requirements; and

2. Adjudicate any mining claim or site validity issues in the appropriate state or Federal court according to the Mining Law of 1872, as amended, and case law interpreting that law.

B. BLM will provide notice to each mining claimant and site holder that its mining claims or site locations --

1. Will be administered by SITLA and that compliance with the state filing and claim maintenance requirements contained in Utah Code Ann. Section 53C-2-104 will be required to avoid abandonment of such claim under state law;

2. Will no longer be administered by the United States;

3. Will no longer be subject to Federal filing or fee requirements or BLM surface management requirements; and

4. That the Secretary of the Interior no longer has jurisdiction to adjudicate the validity of any mining claim or site.

IV. Environmental Compliance

A. Definitions.

1. With respect to this Part IV of this MOU, unless otherwise defined herein, all terms have the meaning provided under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601, *et seq.*, and other applicable Federal environmental laws.

2. The term "land" means lands, resources, and interests therein.

3. The term "hazardous substance" means any substance designated under 42 U.S.C. § 9601(14); any regulated substance contained in, or released from, any underground storage tank, as defined by the Resource Conservation and Recovery Act at 42 U.S.C. § 6991, *et seq;* and any substance defined and regulated as "hazardous" by applicable State law.

4. The terms "oil" and "discharge" are defined by the Clean Water Act at 33 U.S.C. §1321(a)(1) and 33 U.S.C. §1321(a)(2), respectively.

B. Environmental Compliance Responsibilities

The Parties agree to the following:

1. Apportionment of Costs and Funding of Obligations

Each Party will be responsible for the costs associated with response actions and other actions specified in this Part IV, on lands it transfers, except as provided in section IV(B)(2) of this MOU. Commitments of any funds made pursuant to Part IV of this MOU will be subject to the availability of appropriated funds. No provision of this Agreement requires the United States to obligate or pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341, in any fiscal year for actions

subject to the Agreement and this MOU. No provision of this Agreement obligates the State of Utah or SITLA to obligate or pay funds not appropriated by the Utah legislature.

2. Assessment of Presumptive Baseline Contamination Existing at the Time of Transfer

The Parties agree that they will conduct an investigation to establish a presumptive baseline of sites on which a release of hazardous substances or discharge of oil has occurred (hereinafter, "release sites"). The investigation will include an examination by the United States of the lands to be transferred by the Parties and a complete search by SITLA and the State of files located in the Utah Department of Environmental Quality pertaining to actions on the lands transferred as part of the investigation. The Parties will complete such investigation prior to the date of transfer. The release sites identified will constitute the presumptive baseline release sites existing on the lands to be transferred at the time of transfer. The Parties are aware of the contractors, processes and methodologies that will be used in the investigation, and agree that the contractors, processes and methodologies are sufficient to establish the presumptive baseline release sites. The State or SITLA will contribute $115,000 as its share of the investigation within 60 days from the date of transfer, for the United States' Bureau of Land Management's investigation pursuant to Bureau of Land Management Contract No. 1422-N651-C4-3049, Task Order 98-5758, of the lands that the State or SITLA will transfer to the United States. Simultaneous with the payment of such amount by the State or SITLA, the United States will assign to the State or SITLA all rights of action against the contractor, C.C. Johnson and Mahotra, arising out of the aforementioned contract.

3. Grant of Mutual Right of Access

The Parties will grant reciprocal rights of access to the transferred lands for the limited purpose of taking any and all necessary actions related to the release, or potential release, of hazardous substances or discharge of oil located on the subject lands and to conduct any and all actions required under the terms of this MOU. Future use authorizations issued to third Parties will be subject to rights of access under this paragraph. Each grant of access will be of such terms as are mutually acceptable to the Parties.

4. Characterization of Contaminated Lands

a. The Parties will meet not later than 60 days after the date of transfer to address the need for any further investigation, or any further environmental characterization, of sites identified under Section IV(B)(2) of this MOU. At a minimum, the Parties agree to gather such additional information as is necessary to develop recommendations regarding any needed response actions to ensure compliance with all applicable Federal and State laws, and to determine the urgency of such action.

b. Characterization of the lands identified under Section IV(B)(2) will be completed under the terms established under section IV(B)(4)(a) within 180 days after the date of transfer. The Parties will make this information available to each other as it becomes available.

c. In the event that additional time is needed to complete any characterization required, including any additional characterizations required as a result of information gathered by the Parties, the Parties will consult with each other and agree as to the amount of time necessary to complete such characterization.

5. Response Actions on Contaminated Lands

The Parties will meet not later than 240 days after the date of transfer to develop plans to address the necessity or urgency of response actions on the characterized release sites. Each Party, to the extent responsible under any State or Federal law applicable at the time of transfer, will address environmental conditions on the lands, which it has or will transfer, so that the lands are in compliance with all applicable Federal or State law governing the release of hazardous substances or the discharges of oil. The Parties will conduct response actions on any contaminated lands to achieve a permanent remedy of conditions on the lands which pose a present or future threat to human health or the environment, and to a condition consistent with the lands' reasonably anticipated future land use, as identified by the Party to whom the land was or will be transferred. If there is disagreement as to the urgency, necessity, or degree of response action required, the Parties will use the dispute resolution procedure identified under this MOU. Nothing herein prevents any Party from seeking contribution or indemnification for the costs of response action from any persons or entities who contaminated the lands or otherwise ensuring that responsible parties perform or contribute their share of the costs of response actions.

6. Further Response Actions

As provided by this Section IV(B)(6), the Party that will transfer or has transferred the subject land (hereinafter, "transferring Party") will conduct and fund any reasonable additional response action determined to be necessary by the Party which has or will receive the subject land (hereinafter, "non-transferring Party") after response actions under Section IV(B)(5) have been completed if:

a. The remedy fails (e.g., the remedy fails to meet previously identified response action goals or response objectives) and such failure occurs not as a result of the acts or omissions of the non-transferring Party;

b. Additional hazardous substance releases or discharges of oil are identified, which are demonstrated by the non-transferring Party to have existed on the subject land prior to transfer and have not been previously identified, that create conditions inconsistent with the established reasonably anticipated land use; or

c. A statute, a regulation, a final and binding court order, or a final and binding administrative order necessitates additional response actions to address the presence of hazardous substances or discharges of oil attributable to the transferring Party on the property, provided that the order is not occasioned by the non-transferring Party's physical activities on the property.

7. Dispute Resolution

If a dispute arises under Part IV of this MOU that is not resolved informally between the United States and the State or SITLA, then either Party may pursue the following dispute resolution procedure:

a. The Party which seeks resolution will provide a written statement of its dispute, along with any rationale or supporting documents, to the other Party. The Parties will engage in discussions in an attempt to arrive at a consensus and resolve the dispute.

b. If no resolution is reached within thirty (30) calendar days of receipt of the statement of dispute, then the dispute may be elevated to the Parties' respective headquarters-level officials, or their designees. The headquarters-level officials for the United States and Utah will engage in discussions in an attempt to arrive at a consensus. If consensus is not achieved, the Parties will refer the matter in accordance with section IV(B)(7)(c) within thirty (30) calendar days.

c. Any matter referred under section IV(B)(7)(b) will be elevated to the principal environmental policy makers for the State or SITLA and the Department of the Interior, or the Department of Agriculture in the case of a matter concerning NFS lands, who will resolve the matter, and transmit their determination in written form to the Parties involved. In the case of Utah, the principal environmental policy maker is the Governor of Utah or his or her designee. In the case of the United States, the principal environmental policy maker is the Assistant Secretary, Land and Minerals Management or his or her designee, except that with respect to matters involving NFS lands, the principal environmental policy maker is the Under Secretary for Natural Resources and Environment or his or her designee.

d. These time limits may be extended on the mutual agreement of the Parties to the dispute.

V. Other General Provisions

A. The Parties will each provide notification of the conveyance and the terms of the Agreement and this Memorandum of Understanding to any current lessees, permittees, and mining claimants of record who hold interests in any lands subject to conveyance under the Agreement.

B. For any contract for mineral materials under the Materials Act of 1947, 30 U.S.C. §§ 601-604, applicable to lands conveyed to the State under the Agreement, payments under the contract due to the United States for materials severed, extracted, or removed before the date of conveyance will be paid to the United States.

C. For all non-mineral-related revenues (including for grazing permits and leases, rights-of-way, recreation permits, filming permits, etc.), whichever Party is entitled to a payment due before the date of conveyance will retain the full amount of the payment.

D. SITLA, BLM, and the USDA-Forest Service with respect to NFS lands, will share information regarding properties transferred under the Agreement, except that proprietary coal data and proprietary coal company data will not be shared with the USDA- Forest Service. SITLA, BLM and the USDA-Forest Service will maintain the confidentiality of all proprietary and confidential information to the extent authorized under applicable law.

E. SITLA, BLM, and the USDA-Forest Service with respect to NFS lands, will work to establish Intergovernmental Personnel Act assignments from their respective staffs to further the implementation of this Memorandum of Understanding.

F. SITLA and BLM, and the USDA-Forest Service with respect to NFS lands, each will provide technical assistance to the other to facilitate implementation of the Agreement.

G. With respect to any administrative appeals within DOI, USDA-Forest Service or the State pending on the date of conveyance involving lands conveyed to SITLA or to the United States under the Agreement that encompass issues that may have prospective implications, the Parties agree to work cooperatively to analyze and resolve the effect of the conveyance on those matters.

H. Each Party conveying land under the Agreement will, upon request of the Party receiving the land, seek to enforce existing surety or financial guarantees for unfulfilled lease obligations existing on the date of conveyance that the lessee does not correct.

I. SITLA agrees that if MMS does not receive any of the amounts due under the Agreement by the date those amounts are due under this Memorandum of Understanding, SITLA will pay interest on any unpaid amount from the date due until the date paid at the same five-year Treasury note simple interest rate prescribed in section I.D.4.(b) of this Memorandum of Understanding.

J. Nothing in this Memorandum of Understanding is intended to limit the rights or obligations of the Parties under the Act or Agreement.

K. This Memorandum of Understanding is subject to modification by later agreement in writing.

L. For purposes of this Memorandum of Understanding, references to the State of Utah may mean SITLA, and references to SITLA may mean the State of Utah, as the context requires.

M. This Memorandum of Understanding may be executed in counterparts, each to be considered an original for all purposes, and collectively to be considered a single document.

[The remainder of this page is intentionally blank.]

VI. Exclusion

This Memorandum of Understanding does not apply to lands conveyed to the United States under paragraphs 2(A) and 2(B) of the Agreement, which the United States will hold in trust for the Navajo Nation and Goshute Tribe, respectively, and which will be the subject of a separate Memorandum of Understanding among the Parties and the Navajo Nation and Goshute Tribe.

IN WITNESS WHEREOF, the Parties have executed this Agreement.

FOR THE UNITED STATES DEPARTMENT OF THE INTERIOR

By: _____

Title: _____

Date: _____

FOR THE UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION

By: David T Terry

Title: DIRECTOR

Date: JANUARY 5, 1999

APPROVED AS TO FORM:
JAN GRAHAM
ATTORNEY GENERAL

By _____

FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE

By: _____

Title: _____

Date: _____

VI. Exclusion

This Memorandum of Understanding does not apply to lands conveyed to the United States under paragraphs 2(A) and 2(B) of the Agreement, which the United States will hold in trust for the Navajo Nation and Goshute Tribe, respectively, and which will be the subject of a separate Memorandum of Understanding among the Parties and the Navajo Nation and Goshute Tribe.

IN WITNESS WHEREOF, the Parties have executed this Agreement.

FOR THE UNITED STATES DEPARTMENT OF THE INTERIOR

By: Sylvia V Baca

Title: Acting Assistant Secretary, Land and Minerals Management

Date: JAN - 5 1999

FOR THE UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION

By: _____

Title: _____

Date: _____

FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE

By: _____

Title: _____

Date: _____

VI. Exclusion

This Memorandum of Understanding does not apply to lands conveyed to the United States under paragraphs 2(A) and 2(B) of the Agreement, which the United States will hold in trust for the Navajo Nation and Goshute Tribe, respectively, and which will be the subject of a separate Memorandum of Understanding among the Parties and the Navajo Nation and Goshute Tribe.

IN WITNESS WHEREOF, the Parties have executed this Agreement.

FOR THE UNITED STATES DEPARTMENT OF THE INTERIOR

By: _____

Title: _____

Date: _____

FOR THE UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION

By: _____

Title: _____

Date: _____

FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE

By: Anne Keys Kennedy

Anne Keys Kennedy

Title: Deputy Under Secretary, Natural Resources and Environment

Date: JAN - 5 1999

APPENDIX 1

Provisions relating to "Hazardous Substances," and "Indemnification" in each lease SITLA issues on lands subject to reversion to the United States under sections 3(F), 3(K), 3(L), and 3(M) of the Agreement (the Cottonwood, Mill Fork, Dugout, Muddy, and North Horn tracts) will include:

> Hazardous Substances. Lessee [or other occupant pursuant to any agreement authorizing mining] shall not keep on or about the premises any hazardous substances, as defined under 42 U.S.C. § 9601(14) or any other Federal environmental law, any regulated substance contained in, or released from, any underground storage tank, as defined by the Resource Conservation and Recovery Act at 42 U.S.C. § 6991, *et seq*, or substances defined and regulated as "hazardous " by applicable State law, (hereinafter, for the purpose of this paragraph, collectively referred to as, "Hazardous Substances") unless such substances are reasonably necessary in Lessee's mining operations, and the use of such substances or tanks is noted and approved in the Lessee's mining plan, and unless Lessee fully complies with all Federal, State and local laws, regulations, statutes, and ordinances, now in existence or as subsequently enacted or amended. Lessee shall immediately notify Lessor, the Bureau of Land Management, and any Federal, State and local agency with jurisdiction over the subject land, or contamination thereon, of (I) all reportable spills or releases of any Hazardous Substance affecting the Leased Premises, (ii) all failures to comply with any applicable Federal, state or local law, regulation or ordinance, as now enacted or as subsequently enacted or amended, (iii) all inspections of the Leased Premises by, or any correspondence, order, citations, or notifications form any regulatory entity concerning Hazardous Substances affecting the Leased Premises, (iv) all regulatory orders or fines or all response or interim cleanup actions taken by or proposed to be taken by any government entity or private Party concerning the Leased Premises.
>
> Hazardous Substances Indemnity. Lessee [or other occupant pursuant to any agreement authorizing mining] shall indemnify, defend, and hold harmless Lessor and the United States (as successor Lessor or owner pursuant to reversion or as owner of surface estate) its agencies, employees, officers, and agents with respect to any and all damages, costs, fees (including attorneys' fees and costs), penalties (civil and criminal), and cleanup costs assessed against or imposed as a result of Lessee's use, disposal, transportation, generation and/or sale or location upon or affecting the Leased premises of hazardous substances, as defined under 42 U.S.C. § 9601(14) or any other Federal environmental law, any regulated substance contained in, or released from, any underground storage tank, as defined by the Resource Conservation and Recovery Act at 42 U.S.C. § 6991, *et seq*., or substances defined and regulated as "hazardous" by applicable State law, or that of Lessee's employees, agents, assigns, sublessees, contractors, subcontractors,

licensees or invitees, and for any breach of this lease's provisions concerning the aforementioned substances or tanks.

FOR COMMITTEE USE ONLY

FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING BETWEEN THE UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION, THE UNITED STATES DEPARTMENT OF AGRICULTURE, AND THE UNITED STATES DEPARTMENT OF THE INTERIOR

Recitals

A. The Utah Schools and Land Exchange Act of 1998, Pub. L. 105-335, 112 Stat. 3139 (the "Act"), ratified the May 8, 1998 "Agreement to Exchange Utah School Trust Lands Between the State of Utah and the United States of America" entered into between the State of Utah and the United States of America (the "Agreement").

B. On or about January 5, 1999, the United States Department of the Interior ("DOI"), the United States Department of Agriculture, Forest Service ("USDA-Forest Service"), and the Utah School and Institutional Trust Lands Administration ("SITLA") (collectively the "Parties") entered into a Memorandum of Understanding concerning the implementation of the Act and the Agreement (the MOU").

C. Pursuant to Section I.B. of the MOU, SITLA agreed that for each coal lease that SITLA issues on lands subject to reversion to the United States under sections 3(F), 3(K), 3(L) and 3(M) of the Agreement (the Cottonwood, Mill Fork, Dugout, Muddy and North Horn Tracts), SITLA would include certain specific lease provisions intended to protect the reversionary interests of the United States in those tracts.

D. The Parties desire to amend and restate Section I.B. of the MOU to provide more workable lease provisions.

E. The Parties further desire to amend the MOU to address unanticipated issues concerning venting of coalbed methane for safety reasons, issuance of potentially-conflicting leases and permits, confidentiality of operator data, and Mineral Leasing Act acreage limitations.

Amendment to Memorandum of Understanding

1. **Amended and Restated Section I.B.** Section I.B. of the MOU is hereby amended and restated in its entirety as follows:

B. Lease Instrument Contents

SITLA agrees that for each coal lease SITLA issues on lands subject to reversion to the United States under sections 3(F), 3(K), 3(L) and 3(M) of the Agreement (the Cottonwood, Mill Fork, Dugout, Muddy and North Horn Tracts), SITLA will include the following provisions in the lease terms:

1. Reversion of Leased Premises to United States. Pursuant to the May 8, 1998

"Agreement to Exchange Utah School Trust Lands Between the State of Utah and the United States of America", as ratified by Pub. L. No. 105-335, 112 Stat. 3139, ownership of the Leased Premises shall revert to the United States when _____ [INSERT TRACT-SPECIFIC REVERSION PROVISIONS HERE] _____. Upon reversion, the United States shall succeed the State of Utah as Lessor.

2. Royalty Valuation After Reversion. After reversion of the Leased Premises to the United States, the Secretary of the Interior may establish the reasonable value of post-reversion production for royalty purposes in the same manner and by the same methods as the United States establishes value under coal leases issued by the United States.

3. Regulation Upon Reversion. After reversion of the Leased Premises to the United States pursuant to paragraph ____, Reversion of Leased Premises to United States, Lessee will be subject to the requirements of the Mineral Leasing Act, 30 U.S.C. §§ 181 *et seq.* (the "MLA"), and to the royalty, operating, and administrative procedure rules and regulations of the Department of Interior, the Minerals Management Service, and the Bureau of Land Management, and to any other federal laws and regulations generally applicable to coal leases issued under the MLA to the same extent as if the Lease were a federally-issued lease. Notwithstanding the foregoing, to the extent that the State, as Lessor, approves a significant operational decision prior to reversion, and Lessee makes a substantial economic commitment based upon that approval, Lessee may continue to rely upon that approval after reversion; provided, however, that no such approval shall act to limit the liability of Lessee, if any, under CERCLA, RCRA, the Clean Water Act, 33 U.S.C. § 1251 *et seq* or other applicable environmental law. Upon reversion, nothing in this paragraph shall be deemed to require or suggest that the Leased Premises be included in the calculation of acreage held by Lessee for the purposes of the acreage limitation provisions of the MLA and associated regulations.

4. Hazardous Substances. Lessee [or other occupant pursuant to any agreement authorizing mining] shall not keep on or about the premises any hazardous substances, as defined under 42 U.S.C. § 9601(14) or any other Federal environmental law; any regulated substance contained in or released from any underground storage tank, as defined by the Resource Conservation and Recovery Act, 42 U.S.C. § 6991, *et seq;* or any substances defined and regulated as "hazardous" by applicable State law, (hereinafter, for the purposes of this Lease, collectively referred to as "Hazardous Substances") unless such substances are reasonably necessary in Lessee's mining operations, and the use of such substances or tanks is noted and approved in the Lessee's mining plan, and unless Lessee fully complies with all Federal, State and local laws, regulations, statutes, and ordinances, now in existence or as subsequently enacted or amended, governing Hazardous Substances. Lessee shall immediately notify Lessor, the Bureau of

Land Management, the surface management agency, and any other Federal, State and local agency with jurisdiction over the Leased Premises, or contamination thereon, of (i) all reportable spills or releases of any Hazardous Substance affecting the Leased Premises; (ii) all failures to comply with any applicable Federal, state or local law, regulation or ordinance governing Hazardous Substances, as now enacted or as subsequently enacted or amended; (iii) all inspections of the Leased Premises by, or any correspondence, order, citations, or notifications from any regulatory entity concerning Hazardous Substances affecting the Leased Premises; and (iv) all regulatory orders or fines or all response or interim cleanup actions taken by or proposed to be taken by any government entity or private Party concerning the Leased Premises.

5. Hazardous Substances Indemnity. Lessee [or other occupant pursuant to any agreement authorizing mining] shall indemnify, defend, and hold harmless Lessor and the United States (as successor Lessor or owner pursuant to reversion or as owner of surface estate) its agencies, employees, officers, and agents with respect to any and all damages, costs, liabilities, fees (including attorneys' fees and costs), penalties (civil and criminal), and cleanup costs arising out of or in any way related to Lessee's use, disposal, transportation, generation, sale or location upon or affecting the Leased Premises of Hazardous Substances, as defined in this Lease. This indemnity shall extend to the actions of Lessee's employees, agents assigns, sublessees, contractors, subcontractors, licensees and invitees. Lessee shall further indemnify, defend and hold harmless Lessor and the United States from any and all damages, costs, liabilities, fees (including attorneys' fees and costs), penalties (civil and criminal), and cleanup costs arising out of or in any way related to any breach of the provisions of this Lease concerning Hazardous Substances. This indemnity is in addition to, and in no way limits, the general indemnity contained in paragraph 16.1 of this Lease.

6. Waste Certification. The Lessee shall provide upon abandonment, transfer of operation, assignment of rights, sealing-off of a mined area, and prior to lease relinquishment, certification to the Lessor and the Bureau of Land Management that, based upon a complete search of all the operator's records for the Lease, and upon its knowledge of past operations, there have been no reportable quantities of hazardous substances as defined in 40 Code of Federal Regulations §302.4, or used oil as defined in Utah Administrative Code R315-15, discharged (as defined at 33 U.S.C. §1321(a)(2)), deposited or released within the Leased Premises, either on the surface or underground, and that all remedial actions necessary have been taken to protect human health and the environment with respect to such substances. Lessee shall additionally provide to Lessor and the Bureau of Land Management a complete list of all hazardous substances, hazardous materials, and their respective Chemical Abstracts Service Registry Numbers, and oil and petroleum products used or stored on, or delivered to, the Leased Premises. Such disclosure will be in addition to any other disclosure required by law or agreement.

7. Lease Bond Required. At the time this Lease is executed, Lessee shall execute and file with the Lessor a good and sufficient bond or other financial guarantee acceptable to Lessor in order to: (a) guarantee Lessee's performance of all covenants and obligations under this Lease, including Lessee's obligation to pay royalties; and (b) ensure compensation for damage, if any, to the surface estate and any surface improvements. The Lease Bond shall meet all federal mineral lease bond requirements as described in 43 Code of Federal Regulations Subpart 3474. The Lease Bond shall further provide that upon forfeiture after reversion of the Leased Premises to the United States, the Lease Bond shall be payable to the Secretary of the Interior.

8. Royalty Payment. After reversion of the Leased Premises to the United States pursuant to paragraph ___, Reversion of Leased Premises to United States, Lessee shall report production and royalties monthly in accordance with applicable federal regulations.

9. Federal Inspections. Lessee agrees that, prior to reversion of the Leased Premises to the United States, employees and authorized agents of the Bureau of Land Management ("BLM") may conduct underground inspections of the Leased Premises, both independently and in cooperation with the State in its capacity as Lessor. After reversion, employees and authorized agents of BLM may conduct underground inspections of the Leased Premises under the authority of applicable federal laws and regulations.

2. Venting of Coalbed Methane for Safety Reasons. In patents for coal tracts issued to SITLA pursuant to the Act, DOI reserved coalbed methane to the United States. Under certain circumstances, venting of coalbed methane may be necessary to ensure the safety of coal mining operations and/or compliance with safety regulations imposed by the U.S. Mine Safety and Health Administration ("MSHA"). DOI agrees that it will not unreasonably withhold consent to the venting of coalbed methane by SITLA's coal lessees as necessary for safety reasons and/or MSHA compliance. Such consent may be conditioned upon resolution of conflicts with existing federal oil and gas leases, payment of royalties for coalbed methane that is captured and used by the lessee, and other requirements that would not unreasonably interfere with coal mining operations.

3. Consultation Concerning Potentially-Conflicting Uses. In order to minimize conflicts with coal mining operations, DOI and USDA-Forest Service agree to consult with SITLA prior to issuance of federal leases and permits that have the potential to conflict with coal mining operations on coal tracts conveyed to SITLA pursuant to the Agreement, including but not limited to oil and gas leases and power line and utility easements.

4. Confidentiality of Operator Data. To the extent permissible by applicable federal law, DOI shall keep confidential geologic and business data obtained by it pursuant to its right under this MOU to conduct underground inspections of coal tracts that are subject to reversion to the United States under the Agreement.

5. **Mineral Leasing Act Acreage Limitations.** DOI recognizes and acknowledges that leases issued by SITLA on coal tracts that are subject to reversion to the United States under the Agreement do not constitute leases issued under the Mineral Leasing Act, 30 U.S.C. §§ 181 *et seq.* (the "MLA"). As such, the acreage within leases issued by SITLA shall not be considered by DOI in the calculation of lessee acreage limitations under the MLA upon reversion of the underlying tracts to the United States pursuant to the Agreement.

6. **Effect of Indemnity**. It is the understanding of SITLA that the general indemnity provisions contained in paragraph 16.1 of the proposed SITLA coal lease form for tracts in which the United States has a reversionary interest, as that paragraph of such lease form is attached hereto and incorporated by reference, extends to indemnification of the Lessor (including the United States as successor Lessor after reversion of the Leased Premises to the United States) for claims, demands, liabilities, damages and penalties incurred as a result of the Lessee's violation of applicable statutes, regulations and ordinances relating to public health, pollution control, management of hazardous substances and environmental protection, compliance with which is required pursuant to paragraph 9.3 of the proposed lease form (as such paragraph is also attached hereto and incorporated by reference).

7. **Transfer of Minimum Royalty Credit Balance at Reversion**. It is contemplated by the Parties that leases of coal tracts acquired by SITLA pursuant to the Act may require the coal lessee to pay minimum lease royalties to keep the respective leases in effect beyond the primary term, and that such minimum royalties will constitute a credit against future production royalties. The Parties further contemplate the possibility that, at the time certain tracts revert to the United States, the lessee may have paid to SITLA minimum royalties in an amount which would create a credit against production royalties accruing to the United States on production after reversion. In order to prevent loss to the United States in such event, SITLA agrees to pay to the United States any credit balance that exists in the minimum royalty account of any coal lease of the Mill Fork, Dugout, Muddy, or North Horn tracts at the time of reversion of that lease. SITLA shall pay such credit balance(s), without interest on accrued amounts, to the United States within ninety (90) days of the reversion. Nothing in this paragraph shall obligate SITLA to pay interest to the United States on minimum royalty amounts collected by it prior to reversion. In the event that any lease of the above-described tracts terminates or is canceled prior to reversion, SITLA shall be entitled to retain all minimum royalty amounts collected by it under that lease without obligation to the United States at the time of any future reversion. Nothing in this paragraph shall prevent SITLA from recouping or recovering from the State of Utah the State's proportionate share of previously collected and distributed minimum royalties that are required to be paid to the United States pursuant to this paragraph, or from reserving from distributions such amounts as are deemed necessary to meet SITLA's potential obligation under this paragraph.

8. **Effect of Amendment.** Except as expressly amended herein, the MOU is unamended and remains in full force and effect by and between the Parties.

IN WITNESS WHEREOF, the Parties have executed this First Amendment to the MOU.

FOR THE UNITED STATES DEPARTMENT OF THE INTERIOR

By: Sylvia V. Baca

Title: Acting Assistant Secretary

Date: MAR 23 1999

FOR THE UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION

By: David T Terry

Title: Director

Date: _____

FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE

By: Anne Kennedy

Title: Deputy Under Secretary

Date: 4-16-99

ATTACHMENT

SITLA Coal Lease Form Paragraphs 9.3 and 16.1

9.3 Other Applicable Laws and Regulations. Lessee shall comply with all applicable federal, state and local statutes, regulations, and ordinances, including without limitation the Utah Coal Mining and Reclamation Act, applicable statutes and regulations relating to mine safety and health, and applicable statutes, regulations and ordinances relating to public health, pollution control, management of hazardous substances and environmental protection.

16.1 Indemnity. Except as limited by paragraph 7.2, Inspection, Lessee shall indemnify and hold Lessor and the United States (as successor Lessor or owner pursuant to reversion or as owner of surface estate) harmless for, from and against each and every claim, demand, liability, loss, cost, damage and expense, including, without limitation, attorneys' fees and court costs, arising in any way out of Lessee's occupation and use of the Leased Premises, including without limitation claims for death, personal injury, property damage, and unpaid wages and benefits. Lessee further agrees to indemnify and hold Lessor harmless for, from and against all claims, demands, liabilities, damages and penalties arising out of any failure of Lessee to comply with any of Lessee's obligations under this Lease, including without limitation attorneys' fees and court costs.

FOR COMMITTEE USE ONLY

Public Law 105–335
105th Congress

An Act

To provide for the exchange of certain lands within the State of Utah.

Oct. 31, 1998
[H.R. 3830]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Utah Schools and Lands Exchange Act of 1998.
16 USC 431 note [table].

SECTION 1. SHORT TITLE.

This Act may be cited as the "Utah Schools and Lands Exchange Act of 1998".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The State of Utah owns approximately 176,600 acres of land, as well as approximately 24,165 acres of mineral interests, administered by the Utah School and Institutional Trust Lands Administration, within the exterior boundaries of the Grand Staircase-Escalante National Monument, established by Presidential proclamation on September 18, 1996, pursuant to section 2 of the Antiquities Act of 1906 (16 U.S.C. 431). The State of Utah also owns approximately 200,000 acres of land, and 76,000 acres of mineral interests, administered by the Utah School and Institutional Trust Lands Administration, within the exterior boundaries of several units of the National Park System and the National Forest System, and within certain Indian reservations in Utah. These lands were granted by Congress to the State of Utah pursuant to the Utah Enabling Act (chap. 138, 28 Stat. 107 (1894)), to be held in trust for the benefit of the State's public school system and other public institutions.

(2) Many of the State school trust lands within the monument may contain significant economic quantities of mineral resources, including coal, oil, and gas, tar sands, coalbed methane, titanium, uranium, and other energy and metalliferous minerals. Certain State school trust lands within the Monument, like the Federal lands comprising the Monument, have substantial noneconomic scientific, historic, cultural, scenic, recreational, and natural resources, including ancient Native American archeological sites and rare plant and animal communities.

(3) Development of surface and mineral resources on State school trust lands within the Monument could be incompatible with the preservation of these scientific and historic resources for which the Monument was established. Federal acquisition of State school trust lands within the Monument would eliminate this potential incompatibility, and would enhance management of the Grand Staircase-Escalante National Monument.

FOR COMMITTEE USE ONLY

(4) The United States owns lands and interest in lands outside of the Monument that can be transferred to the State of Utah in exchange for the Monument inholdings without jeopardizing Federal management objectives or needs.

(5) In 1993, Congress passed and the President signed Public Law 103–93, which contained a process for exchanging State of Utah school trust inholdings in the National Park System, the National Forest System, and certain Indian reservations in Utah. Among other things, it identified various Federal lands and interests in land that were available to exchange for these State inholdings.

(6) Although Public Law 103–93 offered the hope of a prompt, orderly exchange of State inholdings for Federal lands elsewhere, implementation of the legislation has been very slow. Completion of this process is realistically estimated to be many years away, at great expense to both the State and the United States in the form of expert witnesses, lawyers, appraisers, and other litigation costs.

(7) The State also owns approximately 2,560 acres of land in or near the Alton coal field which has been declared an area unsuitable for coal mining under the terms of the Surface Mining Control and Reclamation Act. This land is also administered by the Utah School and Institutional Trust Lands Administration, but its use is limited given this declaration.

(8) The large presence of State school trust land inholdings in the Monument, national parks, national forests, and Indian reservations make land and resource management in these areas difficult, costly, and controversial for both the State of Utah and the United States.

(9) It is in the public interest to reach agreement on exchange of inholdings, on terms fair to both the State and the United States. Agreement saves much time and delay in meeting the expectations of the State school and institutional trusts, in simplifying management of Federal and Indian lands and resources, and in avoiding expensive, protracted litigation under Public Law 103–93.

(10) The State of Utah and the United States have reached an agreement under which the State would exchange all its State school trust lands within the Monument, and specified inholdings in national parks, forests, and Indian reservations that are subject to Public Law 103–93, for various Federal lands and interests in lands located outside the Monument, including Federal lands and interests identified as available for exchange in Public Law 103–93 and additional Federal lands and interests in lands.

(11) The State school trust lands to be conveyed to the Federal Government include properties within units of the National Park System, the National Forest System, and the Grand Staircase-Escalante National Monument. The Federal assets made available for exchange with the State were selected with a great sensitivity to environmental concerns and a belief and expectation by both parties that Federal assets to be conveyed to the State would be unlikely to trigger significant environmental controversy.

(12) The parties agreed at the outset of negotiations to avoid identifying Federal assets for conveyance to the State where any of the following was known to exist or likely to

FOR COMMITTEE USE ONLY

be an issue as a result of foreseeable future uses of the land: significant wildlife resources, endangered species habitat, significant archaeological resources, areas of critical environmental concern, coal resources requiring surface mining to extract the mineral deposits, wilderness study areas, significant recreational areas, or any other lands known to raise significant environmental concerns of any kind.

(13) The parties further agreed that the use of any mineral interests obtained by the State of Utah where the Federal Government retains surface and other interest, will not conflict with established Federal land and environmental management objectives, and shall be fully subject to all environmental regulations applicable to development of non-Federal mineral interest on Federal lands.

(14) Because the inholdings to be acquired by the Federal Government include properties within the boundaries of some of the most renowned conservation land units in the United States, and because a mission of the Utah School and Institutional Trust Lands Administration is to produce economic benefits for Utah's public schools and other beneficiary institutions, the exchange of lands called for in this agreement will resolve many longstanding environmental conflicts and further the interest of the State trust lands, the school children of Utah, and these conservation resources.

(15) The Congress finds that, under this Agreement taken as a whole, the State interests to be conveyed to the United States by the State of Utah, and the Federal interests and payments to be conveyed to the State of Utah by the United States, are approximately equal in value.

(16) The purpose of this legislation is to enact into law and direct prompt implementation of this historic agreement.

SEC. 3. RATIFICATION OF AGREED EXCHANGE BETWEEN THE STATE OF UTAH AND THE DEPARTMENT OF THE INTERIOR.

(a) AGREEMENT.—The State of Utah and the Department of the Interior have agreed to exchange certain Federal lands, Federal mineral interests, and payment of money for lands and mineral interests managed by the Utah School and Institutional Trust Lands Administration, lands and mineral interests of approximately equal value inheld within the Grand Staircase-Escalante National Monument the Goshute and Navajo Indian Reservations, units of the National Park System, the National Forest System, and the Alton coal fields.

(b) RATIFICATION.—All terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled "Agreement to Exchange Utah School Trust Lands Between the State of Utah and the United States of America" (herein referred to as "the Agreement") are hereby incorporated in this title, are ratified and confirmed, and set forth the obligations and commitments of the United States, the State of Utah, and Utah School and Institutional Trust Lands Administration (herein referred to as "SITLA"), as a matter of Federal law.

SEC. 4. LEGAL DESCRIPTIONS.

(a) IN GENERAL.—The maps and legal descriptions referred to in the Agreement depict the lands subject to the conveyances.

FOR COMMITTEE USE ONLY

(b) PUBLIC AVAILABILITY.—The maps and descriptions referred to in the Agreement shall be on file and available for public inspection in the offices of the Secretary of the Interior and the Utah State Director of the Bureau of Land Management.

(c) CONFLICT.—In case of conflict between the maps and the legal descriptions, the legal descriptions shall control.

SEC. 5. COSTS.

The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this Act.

SEC. 6. REPEAL OF PUBLIC LAW 103–93 AND PUBLIC LAW 104–211.

The provisions of Public Law 103–93 (107 Stat. 995), other than section 7(b)(1), section 7(b)(3), and section 10(b) thereof, are hereby repealed. Public Law 104–211 (110 Stat. 3013) is hereby repealed.

SEC. 7. CASH PAYMENT PREVIOUSLY AUTHORIZED.

As previously authorized and made available by section 7(b)(1) and (b)(3) of Public Law 103–93, upon completion of all conveyances described in the Agreement, the United States shall pay $50,000,000 to the State of Utah from funds not otherwise appropriated from the Treasury.

SEC. 8. SCHEDULE FOR CONVEYANCES.

All conveyances under sections 2 and 3 of the agreement shall be completed within 70 days after the enactment of this Act.

Approved October 31, 1998.

LEGISLATIVE HISTORY—H.R. 3830:

HOUSE REPORTS: No. 105–598 (Comm. on Resources).
SENATE REPORTS: No. 105–331 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 144 (1998):
June 24, considered and passed House.
Oct. 9, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 34 (1998):
Oct. 31, Presidential statement.

○

Conversation Contents

Fwd: Ute Issue

Attachments:

/96. Fwd: Ute Issue/1.1 Ure Letter to Ute Tribe 2016-9-21.pdf

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

From:	Justin Pidot <justin.pidot@sol.doi.gov>
Sent:	Thu Sep 22 2016 18:02:17 GMT-0600 (MDT)
To:	nikki_buffa@ios.doi.gov, tommy_beaudreau@ios.doi.gov
Subject:	Fwd: Ute Issue
Attachments:	Ure Letter to Ute Tribe 2016-9-21.pdf

Just received this from SITLA.

Sent from my iPhone

Begin forwarded message:

> **From:** John Andrews <jandrews@utah.gov>
> **Date:** September 22, 2016 at 6:25:48 PM EDT
> **To:** "Whitlock, Jenna" <jwhitloc@blm.gov>, <nkornze@blm.gov>, Justin Pidot <justin.pidot@sol.doi.gov>, <grant.vaughn@sol.doi.gov>, "Steiger, John" <john.steiger@sol.doi.gov>
> **Cc:** Allen Freemyer <allen@adfpc.com>
> **Subject: Ute Issue**
>
> All;
>
> Please find enclosed a cc of a letter from SITLA Director David Ure responsive to the letter circulated earlier this week by the Ute Indian Tribe regarding the Public Lands Initiative and the proposed land exchange of BLM lands in the historic Uncompahgre reservation.
>
> Thank you.
>
> John Andrews

FOR COMMITTEE USE ONLY

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Fri Sep 23 2016 05:30:33 GMT-0600 (MDT)
To:	Justin Pidot <justin.pidot@sol.doi.gov>
CC:	"nikki_buffa@ios.doi.gov" <nikki_buffa@ios.doi.gov>, "tommy_beaudreau@ios.doi.gov" <tommy_beaudreau@ios.doi.gov>
Subject:	Re: Ute Issue

Interesting. I didn't know that grand staircase involved exchanges within the Uncompahgre. > On Sep 22, 2016, at 8:02 PM, Justin Pidot <justin.pidot@sol.doi.gov> wrote: > > Uncompahgre

FOR COMMITTEE USE ONLY

State of Utah
School & Institutional
Trust Lands Administration

675 East 500 South, Suite 500
Salt Lake City, UT 84102-2813
801-538-5100
801-355-0922 (Fax)
www.trustlands.utah.gov

Gary R. Herbert
Governor

Spencer J. Cox
Lieutenant Governor

David Ure
Director

September 23, 2016

Mr. Shaun Chapoose, Chairman
Ute Tribal Business Committee
Ute Indian Tribe
P.O. Box 190
Fort Duchesne, Utah 84026

Re: Utah Public Lands Initiative

Dear Chairman Chapoose;

The School and Institutional Trust Lands Administration (SITLA) received your letter dated September 19, 2016 about my recent testimony in support of H.R. 5780, the Utah Public Lands Initiative (PLI). As part of PLI, SITLA has proposed land exchanges of state trust lands out of the various conservation areas created by the PLI, and into BLM lands around eastern Utah. About 100,000 acres of these BLM lands are located within the historic Uncompahgre Reservation in Uintah County.

Contrary to your letter, SITLA absolutely recognizes federal law precedent in seeking to acquire BLM lands in this area. As you know, the controlling case in this situation is the decision of the U.S. Court of Appeals for the 10th Circuit in *Ute Indian Tribe v. Utah*, 773 F. 2d 1087 (10th Cir. 1985)("*Ute III*"). That case held that the historic Uncompahgre Reservation was not disestablished, and that for purposes of federal criminal law, lands within its boundaries are "Indian Country" under 18 U.S.C. 1151. SITLA does not, and has not, contested that this ruling is binding upon it, as a state agency, in any legal interaction between it and the Tribe.

However, the Tenth Circuit's decision very clearly held that tribal jurisdiction under the Indian County statute and ownership of land within the reservation are completely separate issues. The Tenth Circuit stated:

> [S]ince title and reservation status are not congruent concepts, the 1882 Executive Order [creating the reservation] in no way interfered with Congress' intent that the Uncompahgres hold no title to the land .... The end result was an Indian reservation where the Indians held title to their allotted parcels and the remainder of the land was opened to the public.
>
> 773 F. 2d at 1097.

The United States Department of Justice has expressed the same opinion, stating in filings made in the U.S. Supreme Court that the Tribe never regained any property interest in the Uncompahgre Reservation lost when the reservation was opened in 1897, and that the State was free to make state selections from BLM lands in that area. *Andrus v. Utah*, 100 S. Ct. 1803 (1979); 1979 WL 199281 (U.S.). Finally, we note that the Ute Tribe sued the United States in the Indian Claims Commission for failing to provide it with property within the historic Uncompahgre Reservation, and was duly compensated through a judgment entered in 1965.

Congress has had the same view that federal lands in the historic Uncompahgre are managed by BLM, and available for state acquisition in conservation land exchanges, since such acquisitions were authorized in the Grand Staircase-Escalante National Monument exchange, the Utah Recreation Land Exchange Act, and the recent Hill Creek Cultural Preservation and Economic Development Act.

SITLA fully respects the Ute Tribe's jurisdictional rights in the historic Uncompahgre, and had looked forward to developing the lands to be acquired in the PLI through possible joint venture with the Tribe, as had been contemplated in connection with the Hill Creek legislation. We strongly disagree, however, with any claim of tribal ownership of BLM lands in the historic Uncompahgre, and believe these public lands are available for conservation land exchange.

As lands within the historic Uncompahgre are either public lands (other than the Hill Creek Extension area, which is unquestionably tribal), or current state trust or private lands, we do not believe that the purported closure of "Indian Country" lands to SITLA staff and operators, as expressed in your letter, is legal under applicable law as applied to non-tribally-owned lands. *See e.g. Montana v. United States,* 450 U.S. 544 (1981). We request that the Ute Tribe clarify this statement accordingly.

Finally, your letter indicated that my oral testimony at the recent House Natural Resources subcommittee hearing on H.R. 5780 was offensive to the Tribe. Certainly, no offense was intended by me, and I believe that a fair-minded review of the videotape of the hearing would demonstrate the same. Nevertheless, I apologize for any offense given.

Sincerely,

David Ure

David Ure
Director

Cc: Utah Congressional Delegation
Governor Gary Herbert
Hon. Sally Jewell
Neil Kornze, BLM
Jenna Whitlock, BLM

FOR COMMITTEE USE ONLY

Conversation Contents

Utes

"Snider, Casey" <Casey.Snider@mail.house.gov>

From:	"Snider, Casey" <Casey.Snider@mail.house.gov>
Sent:	Wed Sep 21 2016 08:52:32 GMT-0600 (MDT)
To:	Nikki Buffa <nicole_buffa@ios.doi.gov>, "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject:	Utes

Hey Nikki Sorry I missed the party this AM but I'm on the road in beautiful Utah Fred mentioned the ongoing efforts you all are working on in Vernal with the BLM and Utes. I just wanted to put a bug in your and your legal teams ear. It would be beneficial to have a sit down with John Andrews from SITLA. John is very very knowledgeable on this issue and incredibly level headed. A good conversation may help. Good luck and welcome to our world. Casey Sent from my iPhone

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Sep 21 2016 12:32:10 GMT-0600 (MDT)
To:	"Snider, Casey" <Casey.Snider@mail.house.gov>
CC:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject:	Re: Utes

Ha. Thanks! We have been talking to John about it and will continue to do so. Happy to arrange a call with SITLA, you guys, the Gov's lawyers, and our lawyers, if that's helpful. Let me know!

On Wed, Sep 21, 2016 at 10:52 AM, Snider, Casey <Casey.Snider@mail.house.gov> wrote:

> Hey Nikki
>
> Sorry I missed the party this AM but I'm on the road in beautiful Utah
>
> Fred mentioned the ongoing efforts you all are working on in Vernal with the BLM and Utes.
>
> I just wanted to put a bug in your and your legal teams ear. It would be beneficial to have a sit down with John Andrews from SITLA. John is very very knowledgeable on this issue and incredibly level headed. A good conversation may help.
>
> Good luck and welcome to our world.
>
> Casey
>
> Sent from my iPhone

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

"Snider, Casey" <Casey.Snider@mail.house.gov>

From:	"Snider, Casey" <Casey.Snider@mail.house.gov>
Sent:	Wed Sep 21 2016 12:56:12 GMT-0600 (MDT)
To:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject:	Re: Utes

I think it would be super helpful

Sent from my iPhone

On Sep 21, 2016, at 12:32 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Ha. Thanks! We have been talking to John about it and will continue to do so. Happy to arrange a call with SITLA, you guys, the Gov's lawyers, and our lawyers, if that's helpful. Let me know!
>
> On Wed, Sep 21, 2016 at 10:52 AM, Snider, Casey <Casey.Snider@mail.house.gov> wrote:
>
> > Hey Nikki
> >
> > Sorry I missed the party this AM but I'm on the road in beautiful Utah
> >
> > Fred mentioned the ongoing efforts you all are working on in Vernal with the BLM and Utes.
> >
> > I just wanted to put a bug in your and your legal teams ear. It would be beneficial to have a sit down with John Andrews from SITLA. John is very very knowledgeable on this issue and incredibly level headed. A good conversation may help.
> >
> > Good luck and welcome to our world.
> >
> > Casey
> >
> > Sent from my iPhone
>
> --
> Nikki Buffa
> Deputy Chief of Staff

FOR COMMITTEE USE ONLY

US Department of the Interior
202-219-3861
nicole_buffa@ios.doi.gov

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Sep 21 2016 13:08:43 GMT-0600 (MDT)
To:	"Snider, Casey" <Casey.Snider@mail.house.gov>
CC:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject:	Re: Utes

So I think we will want to be in listen-mode, and just share where we are procedurally -- As you know we are getting pushed by the Ute on the PLI and on restoration. We told them we don't support that exchange in the PLI and are looking into the other issue --- We don't have much more to say other than that. But would be happy to convey that on a call and hear from everyone else. Still make sense to do? If so, do you want me to organize, or you guys?

On Wed, Sep 21, 2016 at 2:56 PM, Snider, Casey <Casey.Snider@mail.house.gov> wrote:

> I think it would be super helpful
>
> Sent from my iPhone
>
> On Sep 21, 2016, at 12:32 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
>
> > Ha. Thanks! We have been talking to John about it and will continue to do so. Happy to arrange a call with SITLA, you guys, the Gov's lawyers, and our lawyers, if that's helpful. Let me know!
> >
> > On Wed, Sep 21, 2016 at 10:52 AM, Snider, Casey <Casey.Snider@mail.house.gov> wrote:
> >
> > > Hey Nikki
> > >
> > > Sorry I missed the party this AM but I'm on the road in beautiful Utah
> > >
> > > Fred mentioned the ongoing efforts you all are working on in Vernal with the BLM and Utes.
> > >
> > > I just wanted to put a bug in your and your legal teams ear. It would be beneficial to have a sit down with John Andrews from SITLA. John is very very knowledgeable on this issue and incredibly level headed. A good conversation may help.
> > >
> > > Good luck and welcome to our world.
> > >
> > > Casey
> > >
> > > Sent from my iPhone
> >
> > --

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

--

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

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Wed Sep 21 2016 13:37:00 GMT-0600 (MDT)
To:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>, "Snider, Casey" <Casey.Snider@mail.house.gov>
Subject:	Re: Utes

I'd say wait until we have more substance to discuss

From: Nikki Buffa <nicole_buffa@ios.doi.gov>
Date: Wednesday, September 21, 2016 15:08 PM
To: "Snider, Casey" <Casey.Snider@mail.house.gov>
Cc: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Subject: Re: Utes

So I think we will want to be in listen-mode, and just share where we are procedurally -- As you know we are getting pushed by the Ute on the PLI and on restoration. We told them we don't support that exchange in the PLI and are looking into the other issue --- We don't have much more to say other than that. But would be happy to convey that on a call and hear from everyone else. Still make sense to do? If so, do you want me to organize, or you guys?

On Wed, Sep 21, 2016 at 2:56 PM, Snider, Casey <Casey.Snider@mail.house.gov> wrote:

> I think it would be super helpful
>
> Sent from my iPhone
>
> On Sep 21, 2016, at 12:32 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
>
> > Ha. Thanks! We have been talking to John about it and will continue to do so. Happy to arrange a call with SITLA, you guys, the Gov's lawyers, and our lawyers, if that's

helpful. Let me know!

On Wed, Sep 21, 2016 at 10:52 AM, Snider, Casey <Casey.Snider@mail.house.gov> wrote:

> Hey Nikki
>
> Sorry I missed the party this AM but I'm on the road in beautiful Utah
>
> Fred mentioned the ongoing efforts you all are working on in Vernal with the BLM and Utes.
>
> I just wanted to put a bug in your and your legal teams ear. It would be beneficial to have a sit down with John Andrews from SITLA. John is very very knowledgeable on this issue and incredibly level headed. A good conversation may help.
>
> Good luck and welcome to our world.
>
> Casey
>
> Sent from my iPhone

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

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

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Sep 21 2016 13:38:56 GMT-0600 (MDT)
To:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
CC:	"Snider, Casey" <Casey.Snider@mail.house.gov>
Subject:	Re: Utes

Sounds good.

On Sep 21, 2016, at 3:37 PM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

I'd say wait until we have more substance to discuss

From: Nikki Buffa <nicole_buffa@ios.doi.gov>
Date: Wednesday, September 21, 2016 15:08 PM
To: "Snider, Casey" <Casey.Snider@mail.house.gov>
Cc: Fred Ferguson <Fred.Ferguson@mail.house.gov>
Subject: Re: Utes

So I think we will want to be in listen-mode, and just share where we are procedurally -- As you know we are getting pushed by the Ute on the PLI and on restoration. We told them we don't support that exchange in the PLI and are looking into the other issue --- We don't have much more to say other than that. But would be happy to convey that on a call and hear from everyone else. Still make sense to do? If so, do you want me to organize, or you guys?

On Wed, Sep 21, 2016 at 2:56 PM, Snider, Casey <Casey.Snider@mail.house.gov> wrote:

> I think it would be super helpful
>
> Sent from my iPhone
>
> On Sep 21, 2016, at 12:32 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
>
> > Ha. Thanks! We have been talking to John about it and will continue to do so. Happy to arrange a call with SITLA, you guys, the Gov's lawyers, and our lawyers, if that's helpful. Let me know!
> >
> > On Wed, Sep 21, 2016 at 10:52 AM, Snider, Casey <Casey.Snider@mail.house.gov> wrote:
> >
> > > Hey Nikki
> > >
> > > Sorry I missed the party this AM but I'm on the road in beautiful Utah
> > >
> > > Fred mentioned the ongoing efforts you all are working on in Vernal with the BLM and Utes.
> > >
> > > I just wanted to put a bug in your and your legal teams ear. It would be beneficial to have a sit down with John Andrews from SITLA. John is very very knowledgeable on this issue and incredibly level headed. A good conversation may help.
> > >
> > > Good luck and welcome to our world.
> > >
> > > Casey
> > >
> > > Sent from my iPhone
> >
> > --
> > Nikki Buffa
> > Deputy Chief of Staff
> > US Department of the Interior
> > 202-219-3861

nicole_buffa@ios.doi.gov

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

FOR COMMITTEE USE ONLY

Conversation Contents

Grand Staircase

Neil Kornze <nkornze@blm.gov>

From:	Neil Kornze <nkornze@blm.gov>
Sent:	Mon Sep 12 2016 18:56:38 GMT-0600 (MDT)
To:	codystewart@utah.gov
CC:	Nikki Buffa <nicole_buffa@ios.doi.gov>, Jenna Whitlock <jwhitloc@blm.gov>
Subject:	Grand Staircase

Cody: It was great to see you last week! I was wondering if you could tell me where the Governor got his figure of 1400 reports of vandalism at the grand staircase. We're trying to square that figure with our data and are having a hard time putting the pieces together. Best, Neil

Cody Stewart <codystewart@utah.gov>

From:	Cody Stewart <codystewart@utah.gov>
Sent:	Mon Sep 12 2016 19:11:03 GMT-0600 (MDT)
To:	Neil Kornze <nkornze@blm.gov>
Subject:	Re: Grand Staircase

They came from our department of heritage and arts. I'll ask my them for their citations. Sent from my iPhone > On Sep 12, 2016, at 8:56 PM, Neil Kornze <nkornze@blm.gov> wrote: > > Cody: > > It was great to see you last week! I was wondering if you could tell > me where the Governor got his figure of 1400 reports of vandalism at > the grand staircase. We're trying to square that figure with our data > and are having a hard time putting the pieces together. > > Best, > Neil

Neil Kornze <nkornze@blm.gov>

From:	Neil Kornze <nkornze@blm.gov>
Sent:	Mon Sep 12 2016 19:12:23 GMT-0600 (MDT)
To:	Cody Stewart <codystewart@utah.gov>
CC:	Nikki Buffa <nicole_buffa@ios.doi.gov>, Jenna Whitlock <jwhitloc@blm.gov>
Subject:	Re: Grand Staircase

That would be really helpful. Thank you. Neil On Sep 12, 2016, at 9:11 PM, Cody Stewart <codystewart@utah.gov> wrote: They came from our department of heritage and arts. I'll ask my them for their citations. Sent from my iPhone > On Sep 12, 2016, at 8:56 PM, Neil Kornze <nkornze@blm.gov> wrote: > > Cody: > > It was great to see you last week! I was wondering if you could tell > me where the Governor got his figure of 1400 reports of vandalism at > the grand staircase. We're trying to square that figure with our data > and are having a hard time putting the pieces

together. > > Best, > Neil

Cody Stewart <codystewart@utah.gov>

From:	Cody Stewart <codystewart@utah.gov>
Sent:	Tue Sep 13 2016 05:19:42 GMT-0600 (MDT)
To:	<nkornze@blm.gov>, <nicole_buffa@ios.doi.gov>, <jwhitloc@blm.gov>
Subject:	Fwd: Grand Staircase

See below:

Sent from my iPhone

Begin forwarded message:

From: Brian Somers <bsomers@utah.gov>
Date: September 13, 2016 at 3:14:35 AM EDT
To: Cody Stewart <codystewart@utah.gov>, Josh Loftin <jloftin@utah.gov>
Subject: Re: Grand Staircase

The figure was reported in a story by Fox13 based on an interview with Larry Crutchfield from the BLM: http://fox13now.com/2016/04/04/rangers-investigate-vandalism-at-grand-staircase-escalante-national-monument/

In the Governor's testimony for the field hearing, he referred to "1400 reported cases of vandalism." Although he didn't identify the source, no one should be able to poke holes in his testimony given that it was based on a reported story from a major Utah news outlet. Thus far, Josh hasn't been able to find any published data on the specific number of incidents of vandalism in the GSENM, but the 1400 figure from the BLM employee in the Fox 13 story has been cited a number of times in other publications and the BLM has never sought to correct the record.

There are two citations in the Gov's testimony from an FY2014 report that do speak to the law enforcement, vandalism, and other conservation problems they have in the GSENM (page 13 & page 46, second paragraph):
http://www.blm.gov/style/medialib/blm/ut/grand_staircase-escalante/nlcs_mgrs_report.Par.61629.File.dat/GSENM_Manager_Report_FY2014_draft1-25-2015.pdf

Also, the much lower number of incidents in the San Juan Co./Bears Ears Area (25 since 2011 vs. 1400 in 2014) is referred to in three separate news articles, two of are from Bears Ears supporters:

a. http://fox13now.com/2016/04/04/rangers-investigate-vandalism-at-grand-staircase-escalante-national-monument/

b. http://www.moabsunnews.com/opinion/article_36753234-2356-11e6-a918-3b1f96e7e041.html

c.
https://www.americanprogress.org/issues/green/news/2016/06/13/139344/bears-ears-cultural-area-the-most-vulnerable-u-s-site-for-looting-vandalism-and-grave-robbing/

I've copied Josh on this email in case he can use his sleuthing skills to find any other information that might be useful.

Brian Somers
Deputy Director | Utah Department of Heritage & Arts
801.245.7204 office | 801.203.0493 cell
bsomers@utah.gov | heritage.utah.gov

On Mon, Sep 12, 2016 at 7:07 PM, Cody Stewart <codystewart@utah.gov> wrote:

> Can you track this down for me?
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> **From:** Neil Kornze <nkornze@blm.gov>
> **Date:** September 12, 2016 at 8:56:38 PM EDT
> **To:** <codystewart@utah.gov>
> **Cc:** Nikki Buffa <nicole_buffa@ios.doi.gov>, Jenna Whitlock <jwhitloc@blm.gov>
> **Subject: Grand Staircase**
>
> Cody:
>
> It was great to see you last week! I was wondering if you could tell me where the Governor got his figure of 1400 reports of vandalism at the grand staircase. We're trying to square that figure with our data and are having a hard time putting the pieces together.
>
> Best,
> Neil

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Sep 21 2016 12:50:12 GMT-0600 (MDT)
To:	Cody Stewart <codystewart@utah.gov>
CC:	Neil Kornze <nkornze@blm.gov>, Jenna Whitlock <jwhitloc@blm.gov>
Subject:	Re: Grand Staircase

Hey Cody - Here are the latest numbers we pulled for Neil's hearing prep from the Incident Management Analysis, and Reporting System (IMARS)

Monticello Field Office
According to the IMARS database, BLM law enforcement responded to 28 looting and vandalism incidents of archaeological sites from October 2011 through August 2016, five of which have occurred in the past six months.

Grand Staircase-Escalante National Monument
From April 2011 to September 2016, according to IMARS, BLM law enforcement responded to 10 looting and vandalism incidents of archaeological sites.

On Tue, Sep 13, 2016 at 7:19 AM, Cody Stewart <codystewart@utah.gov> wrote:
See below:

Sent from my iPhone

Begin forwarded message:

From: Brian Somers <bsomers@utah.gov>
Date: September 13, 2016 at 3:14:35 AM EDT
To: Cody Stewart <codystewart@utah.gov>, Josh Loftin <jloftin@utah.gov>
Subject: Re: Grand Staircase

The figure was reported in a story by Fox13 based on an interview with Larry Crutchfield from the BLM: http://fox13now.com/2016/04/04/rangers-investigate-vandalism-at-grand-staircase-escalante-national-monument/

In the Governor's testimony for the field hearing, he referred to "1400 reported cases of vandalism." Although he didn't identify the source, no one should be able to poke holes in his testimony given that it was based on a reported story from a major Utah news outlet. Thus far, Josh hasn't been able to find any published data on the specific number of incidents of vandalism in the GSENM, but the 1400 figure from the BLM employee in the Fox 13 story has been cited a number of times in other publications and the BLM has never sought to correct the record.

There are two citations in the Gov's testimony from an FY2014 report that do speak to the law enforcement, vandalism, and other conservation problems they have in the GSENM (page 13 & page 46, second paragraph): http://www.blm.gov/style/medialib/blm/ut/grand_staircase-escalante/nlcs_mgrs_report.Par.61629.File.dat/GSENM_Manager_Report_FY2014_draft1-25-2015.pdf

Also, the much lower number of incidents in the San Juan Co./Bears Ears Area (25 since 2011 vs. 1400 in 2014) is referred to in three separate news articles, two of are from Bears Ears supporters:

a. http://fox13now.com/2016/04/04/rangers-investigate-vandalism-at-grand-staircase-escalante-national-monument/

b. http://www.moabsunnews.com/opinion/article_36753234-2356-11e6-a918-3b1f96e7e041.html

c. https://www.americanprogress.org/issues/green/news/2016/06/13/139344/bears-ears-cultural-area-the-most-vulnerable-u-s-site-for-looting-vandalism-and-grave-robbing/

I've copied Josh on this email in case he can use his sleuthing skills to find any other information that might be useful.

Brian Somers
Deputy Director | Utah Department of Heritage & Arts
801.245.7204 office | 801.203.0493 cell
bsomers@utah.gov | heritage.utah.gov

On Mon, Sep 12, 2016 at 7:07 PM, Cody Stewart <codystewart@utah.gov> wrote:

> Can you track this down for me?
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> **From:** Neil Kornze <nkornze@blm.gov>
> **Date:** September 12, 2016 at 8:56:38 PM EDT
> **To:** <codystewart@utah.gov>
> **Cc:** Nikki Buffa <nicole_buffa@ios.doi.gov>, Jenna Whitlock <jwhitloc@blm.gov>
> **Subject: Grand Staircase**
>
> Cody:
>
> It was great to see you last week! I was wondering if you could tell me where the Governor got his figure of 1400 reports of vandalism at the grand staircase. We're trying to square that figure with our data and are having a hard time putting the pieces together.
>
> Best,
> Neil

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

Neil Kornze <nkornze@blm.gov>

From:	Neil Kornze <nkornze@blm.gov>
Sent:	Wed Sep 21 2016 12:56:30 GMT-0600 (MDT)

FOR COMMITTEE USE ONLY

To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject: Re: Grand Staircase

You may want to also note that Fox13 has corrected their story.

On Sep 21, 2016, at 2:50 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

Hey Cody - Here are the latest numbers we pulled for Neil's hearing prep from the Incident Management Analysis, and Reporting System (IMARS)

Monticello Field Office
According to the IMARS database, BLM law enforcement responded to 28 looting and vandalism incidents of archaeological sites from October 2011 through August 2016, five of which have occurred in the past six months.

Grand Staircase-Escalante National Monument
From April 2011 to September 2016, according to IMARS, BLM law enforcement responded to 10 looting and vandalism incidents of archaeological sites.

On Tue, Sep 13, 2016 at 7:19 AM, Cody Stewart <codystewart@utah.gov> wrote:
See below:

Sent from my iPhone

Begin forwarded message:

From: Brian Somers <bsomers@utah.gov>
Date: September 13, 2016 at 3:14:35 AM EDT
To: Cody Stewart <codystewart@utah.gov>, Josh Loftin <jloftin@utah.gov>
Subject: Re: Grand Staircase

The figure was reported in a story by Fox13 based on an interview with Larry Crutchfield from the BLM: http://fox13now.com/2016/04/04/rangers-investigate-vandalism-at-grand-staircase-escalante-national-monument/

In the Governor's testimony for the field hearing, he referred to "1400 reported cases of vandalism." Although he didn't identify the source, no one should be able to poke holes in his testimony given that it was based on a reported story from a major Utah news outlet. Thus far, Josh hasn't been able to find any published data on the specific number of incidents of vandalism in the GSENM, but the 1400 figure from the BLM employee in the Fox 13 story has been cited a number of times in other publications and the BLM has never sought to correct the record.

There are two citations in the Gov's testimony from an FY2014 report that do speak to the law enforcement, vandalism, and other conservation problems they have in the GSENM (page 13 & page 46, second paragraph): http://www.blm.gov/style/medialib/blm/ut/grand_staircase-escalante/nlcs_mgrs_report.Par.61629.File.dat/GSENM_Manager_Report_FY2014_draft1-25-2015.pdf

Also, the much lower number of incidents in the San Juan Co./Bears Ears Area (25 since 2011 vs. 1400 in 2014) is referred to in three separate news articles, two of are from Bears Ears supporters:

a. http://fox13now.com/2016/04/04/rangers-investigate-vandalism-at-grand-staircase-escalante-national-monument/

b. http://www.moabsunnews.com/opinion/article_36753234-2356-11e6-a918-3b1f96e7e041.html

c. https://www.americanprogress.org/issues/green/news/2016/06/13/139344/bears-ears-cultural-area-the-most-vulnerable-u-s-site-for-looting-vandalism-and-grave-robbing/

I've copied Josh on this email in case he can use his sleuthing skills to find any other information that might be useful.

Brian Somers
Deputy Director | Utah Department of Heritage & Arts
801.245.7204 office | 801.203.0493 cell
bsomers@utah.gov | heritage.utah.gov

On Mon, Sep 12, 2016 at 7:07 PM, Cody Stewart <codystewart@utah.gov> wrote:

> Can you track this down for me?
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> **From:** Neil Kornze <nkornze@blm.gov>
> **Date:** September 12, 2016 at 8:56:38 PM EDT
> **To:** <codystewart@utah.gov>
> **Cc:** Nikki Buffa <nicole_buffa@ios.doi.gov>, Jenna Whitlock <jwhitloc@blm.gov>
> **Subject: Grand Staircase**
>
> Cody:
>
> It was great to see you last week! I was wondering if you could tell me where the Governor got his figure of 1400 reports of vandalism at the grand staircase. We're trying to square that figure with our data and are having a hard time putting the pieces together.
>
> Best,
> Neil

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

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

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent: Wed Sep 21 2016 13:09:06 GMT-0600 (MDT)
To: Neil Kornze <nkornze@blm.gov>
Subject: Re: Grand Staircase

Done.

On Wed, Sep 21, 2016 at 2:56 PM, Neil Kornze <nkornze@blm.gov> wrote:
> You may want to also note that Fox13 has corrected their story.
>
> On Sep 21, 2016, at 2:50 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
>
> Hey Cody - Here are the latest numbers we pulled for Neil's hearing prep from the Incident Management Analysis, and Reporting System (IMARS)
>
> **Monticello Field Office**
> According to the IMARS database, BLM law enforcement responded to 28 looting and vandalism incidents of archaeological sites from October 2011 through August 2016, five of which have occurred in the past six months.
>
> **Grand Staircase-Escalante National Monument**
> From April 2011 to September 2016, according to IMARS, BLM law enforcement responded to 10 looting and vandalism incidents of archaeological sites.
>
> On Tue, Sep 13, 2016 at 7:19 AM, Cody Stewart <codystewart@utah.gov> wrote:
> > See below:
> >
> > Sent from my iPhone
> >
> > Begin forwarded message:
> >
> > **From:** Brian Somers <bsomers@utah.gov>
> > **Date:** September 13, 2016 at 3:14:35 AM EDT
> > **To:** Cody Stewart <codystewart@utah.gov>, Josh Loftin <jloftin@utah.gov>
> > **Subject: Re: Grand Staircase**
> >
> > The figure was reported in a story by Fox13 based on an interview with Larry Crutchfield from the BLM: http://fox13now.com/2016/04/04/rangers-investigate-vandalism-at-grand-staircase-escalante-national-monument/
> >
> > In the Governor's testimony for the field hearing, he referred to "1400 reported cases of vandalism." Although he didn't identify the source, no one should be able to poke holes in his testimony given that it was based on a reported story from a major Utah news outlet. Thus far, Josh hasn't been able to find any published data on the specific number of incidents of vandalism in the GSENM, but the 1400 figure from the BLM employee in the Fox 13 story has been cited a number of times in other

publications and the BLM has never sought to correct the record.

There are two citations in the Gov's testimony from an FY2014 report that do speak to the law enforcement, vandalism, and other conservation problems they have in the GSENM (page 13 & page 46, second paragraph):
http://www.blm.gov/style/medialib/blm/ut/grand_staircase-escalante/nlcs_mgrs_report.Par.61629.File.dat/GSENM_Manager_Report_FY2014_draft1-25-2015.pdf

Also, the much lower number of incidents in the San Juan Co./Bears Ears Area (25 since 2011 vs. 1400 in 2014) is referred to in three separate news articles, two of are from Bears Ears supporters:

a. http://fox13now.com/2016/04/04/rangers-investigate-vandalism-at-grand-staircase-escalante-national-monument/

b. http://www.moabsunnews.com/opinion/article_36753234-2356-11e6-a918-3b1f96e7e041.html

c. https://www.americanprogress.org/issues/green/news/2016/06/13/139344/bears-ears-cultural-area-the-most-vulnerable-u-s-site-for-looting-vandalism-and-grave-robbing/

I've copied Josh on this email in case he can use his sleuthing skills to find any other information that might be useful.

Brian Somers
Deputy Director | Utah Department of Heritage & Arts
801.245.7204 office | 801.203.0493 cell
bsomers@utah.gov | heritage.utah.gov

On Mon, Sep 12, 2016 at 7:07 PM, Cody Stewart <codystewart@utah.gov> wrote:

> Can you track this down for me?
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> **From:** Neil Kornze <nkornze@blm.gov>
> **Date:** September 12, 2016 at 8:56:38 PM EDT
> **To:** <codystewart@utah.gov>
> **Cc:** Nikki Buffa <nicole_buffa@ios.doi.gov>, Jenna Whitlock <jwhitloc@blm.gov>
> **Subject: Grand Staircase**
>
> Cody:
>
> It was great to see you last week! I was wondering if you could tell me where the Governor got his figure of 1400 reports of vandalism at the grand staircase. We're trying to square that figure with our data

and are having a hard time putting the pieces together.

Best,
Neil

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

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

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

From:	"Whitlock, Jenna" <jwhitloc@blm.gov>
Sent:	Wed Sep 21 2016 13:35:42 GMT-0600 (MDT)
To:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
CC:	Cody Stewart <codystewart@utah.gov>, Neil Kornze <nkornze@blm.gov>
Subject:	Re: Grand Staircase

Just a reminder -- these IMARs numbers are not static. Just last week there was a dinosaur bone digging arrest in SJ County. My guess is that incident is not reflected in these numbers.

Thanks. j

On Wed, Sep 21, 2016 at 12:50 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

Hey Cody - Here are the latest numbers we pulled for Neil's hearing prep from the Incident Management Analysis, and Reporting System (IMARS)

Monticello Field Office
According to the IMARS database, BLM law enforcement responded to 28 looting and vandalism incidents of archaeological sites from October 2011 through August 2016, five of which have occurred in the past six months.

Grand Staircase-Escalante National Monument

From April 2011 to September 2016, according to IMARS, BLM law enforcement responded to 10 looting and vandalism incidents of archaeological sites.

On Tue, Sep 13, 2016 at 7:19 AM, Cody Stewart <codystewart@utah.gov> wrote:

See below:

Sent from my iPhone

Begin forwarded message:

From: Brian Somers <bsomers@utah.gov>
Date: September 13, 2016 at 3:14:35 AM EDT
To: Cody Stewart <codystewart@utah.gov>, Josh Loftin <jloftin@utah.gov>
Subject: Re: Grand Staircase

The figure was reported in a story by Fox13 based on an interview with Larry Crutchfield from the BLM: http://fox13now.com/2016/04/04/rangers-investigate-vandalism-at-grand-staircase-escalante-national-monument/

In the Governor's testimony for the field hearing, he referred to "1400 reported cases of vandalism." Although he didn't identify the source, no one should be able to poke holes in his testimony given that it was based on a reported story from a major Utah news outlet. Thus far, Josh hasn't been able to find any published data on the specific number of incidents of vandalism in the GSENM, but the 1400 figure from the BLM employee in the Fox 13 story has been cited a number of times in other publications and the BLM has never sought to correct the record.

There are two citations in the Gov's testimony from an FY2014 report that do speak to the law enforcement, vandalism, and other conservation problems they have in the GSENM (page 13 & page 46, second paragraph):
http://www.blm.gov/style/medialib/blm/ut/grand_staircase-escalante/nlcs_mgrs_report.Par.61629.File.dat/GSENM_Manager_Report_FY2014_draft1-25-2015.pdf

Also, the much lower number of incidents in the San Juan Co./Bears Ears Area (25 since 2011 vs. 1400 in 2014) is referred to in three separate news articles, two of are from Bears Ears supporters:

a. http://fox13now.com/2016/04/04/rangers-investigate-vandalism-at-grand-staircase-escalante-national-monument/

b. http://www.moabsunnews.com/opinion/article_36753234-2356-11e6-a918-3b1f96e7e041.html

c. https://www.americanprogress.org/issues/green/news/2016/06/13/139344/bears-ears-cultural-area-the-most-vulnerable-u-s-site-for-looting-vandalism-and-grave-robbing/

I've copied Josh on this email in case he can use his sleuthing skills to find any other

information that might be useful.

Brian Somers
Deputy Director | Utah Department of Heritage & Arts
801.245.7204 office | 801.203.0493 cell
bsomers@utah.gov | heritage.utah.gov

On Mon, Sep 12, 2016 at 7:07 PM, Cody Stewart <codystewart@utah.gov> wrote:

Can you track this down for me?

Sent from my iPhone

Begin forwarded message:

From: Neil Kornze <nkornze@blm.gov>
Date: September 12, 2016 at 8:56:38 PM EDT
To: <codystewart@utah.gov>
Cc: Nikki Buffa <nicole_buffa@ios.doi.gov>, Jenna Whitlock <jwhitloc@blm.gov>
Subject: Grand Staircase

Cody:

It was great to see you last week! I was wondering if you could tell me where the Governor got his figure of 1400 reports of vandalism at the grand staircase. We're trying to square that figure with our data and are having a hard time putting the pieces together.

Best,
Neil

--

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

--

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

Join the Conversation!

You
Tube
tumblr.

Conversation Contents

Fwd: KSL on Vandalism

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

From:	"Laura (Liz) Pardue" <lpardue@blm.gov>
Sent:	Tue Sep 13 2016 11:04:48 GMT-0600 (MDT)
To:	nicole_buffa@ios.doi.gov
Subject:	Fwd: KSL on Vandalism

FYI a bit more on that vandalism number -- fox is the only one who reported it wrong according to our Utah folks.

Sent from my iPhone

Begin forwarded message:

> **From:** Jenna Whitlock <jwhitloc@blm.gov>
> **Date:** September 13, 2016 at 12:00:08 PM EDT
> **To:** nkornze@blm.gov, jpool@blm.gov, p2wilkin@blm.gov, lpardue@blm.gov
> **Subject: Fwd: KSL on Vandalism**
>
> Not sure if you want to get this back to Cody. j
>
> Sent from my iPad
>
> Begin forwarded message:
>
> > **From:** "Staszak, Cynthia" <cstaszak@blm.gov>
> > **Date:** September 13, 2016 at 10:51:48 AM EDT
> > **To:** Jenna Whitlock <jwhitloc@blm.gov>
> > **Subject: KSL on Vandalism**
> >
> > KSL got the # of square feet correct with 1200. Fox is the only one that translated the 1400 patrols into 1400 incidents of vandalism:
> >
> > http://www.ksl.com/?nid=148&sid=39188519

Cindy Staszak
Monument Manager
Grand Staircase-Escalante National Monument
669 S. Hwy 89-A
Kanab, UT 84741
Office: 435 644-1240
Cell: 435 691-4340
Fax: 435 644-1250

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Sep 21 2016 12:26:31 GMT-0600 (MDT)
To:	Cody Stewart <codystewart@utah.gov>
CC:	Liz Pardue <lpardue@blm.gov>
Subject:	Fwd: KSL on Vandalism

Trying to get something better. But here is a story that got the numbers right, and Fox corrected their story (I believe).

Adding Liz to see if she has better numbers.

-

From: "Staszak, Cynthia" <cstaszak@blm.gov>
Date: September 13, 2016 at 10:51:48 AM EDT
To: Jenna Whitlock <jwhitloc@blm.gov>
Subject: KSL on Vandalism

KSL got the # of square feet correct with 1200. Fox is the only one that translated the 1400 patrols into 1400 incidents of vandalism:

http://www.ksl.com/?nid=148&sid=39188519

Cindy Staszak
Monument Manager
Grand Staircase-Escalante National Monument
669 S. Hwy 89-A
Kanab, UT 84741
Office: 435 644-1240
Cell: 435 691-4340
Fax: 435 644-1250

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

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Wed Sep 21 2016 13:12:39 GMT-0600 (MDT)
To:	Cody Stewart <codystewart@utah.gov>
BCC:	Neil Kornze <nkornze@blm.gov>
Subject:	Re: KSL on Vandalism

Cody - You can scratch the "I believe" part below - Fox did correct their story: http://fox13now.com/2016/04/04/rangers-investigate-vandalism-at-grand-staircase-escalante-national-monument/

"Vandalism in national parks is a growing problem, Crutchfield said. Last year, rangers conducted more than 1,462 backcountry patrols and removed more than 1,234 square feet of graffiti."

On Wed, Sep 21, 2016 at 2:26 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Trying to get something better. But here is a story that got the numbers right, and Fox corrected their story (I believe).
>
> Adding Liz to see if she has better numbers.
>
> -
>
> **From:** "Staszak, Cynthia" <cstaszak@blm.gov>
> **Date:** September 13, 2016 at 10:51:48 AM EDT
> **To:** Jenna Whitlock <jwhitloc@blm.gov>

Subject: KSL on Vandalism

KSL got the # of square feet correct with 1200. Fox is the only one that translated the 1400 patrols into 1400 incidents of vandalism:

http://www.ksl.com/?nid=148&sid=39188519

Cindy Staszak
Monument Manager
Grand Staircase-Escalante National Monument
669 S. Hwy 89-A
Kanab, UT 84741
Office: 435 644-1240
Cell: 435 691-4340
Fax: 435 644-1250

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

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

Cody Stewart <codystewart@utah.gov>

FOR COMMITTEE USE ONLY

From: Cody Stewart <codystewart@utah.gov>
Sent: Wed Sep 21 2016 13:33:45 GMT-0600 (MDT)
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject: Re: KSL on Vandalism

Ok. Thanks. I'll share with Gov.

Sent from my iPhone

On Sep 21, 2016, at 3:13 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Cody - You can scratch the "I believe" part below - Fox did correct their story: http://fox13now.com/2016/04/04/rangers-investigate-vandalism-at-grand-staircase-escalante-national-monument/
>
> "Vandalism in national parks is a growing problem, Crutchfield said.
> Last year, rangers conducted more than 1,462 backcountry patrols and removed more than 1,234 square feet of graffiti."
>
> On Wed, Sep 21, 2016 at 2:26 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
>
> > Trying to get something better. But here is a story that got the numbers right, and Fox corrected their story (I believe).
> >
> > Adding Liz to see if she has better numbers.
> >
> > -
> >
> > **From:** "Staszak, Cynthia" <cstaszak@blm.gov>
> > **Date:** September 13, 2016 at 10:51:48 AM EDT
> > **To:** Jenna Whitlock <jwhitloc@blm.gov>
> > **Subject: KSL on Vandalism**
> >
> > KSL got the # of square feet correct with 1200. Fox is the only one that translated the 1400 patrols into 1400 incidents of vandalism:
> >
> > http://www.ksl.com/?nid=148&sid=39188519
> >
> > ***Cindy Staszak***
> > ***Monument Manager***
> > ***Grand Staircase-Escalante National Monument***

669 S. Hwy 89-A
Kanab, UT 84741
Office: 435 644-1240
Cell: 435 691-4340
Fax: 435 644-1250

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

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

Conversation Contents

Fwd: Letter from the Ute Indian Tribe attached

Attachments:

/100. Fwd: Letter from the Ute Indian Tribe attached/1.1 16 9 19 Ltr to SITLA HR 5780 and Hill Creek Exchange Act.pdf
/100. Fwd: Letter from the Ute Indian Tribe attached/2.1 16 9 19 Ltr to SITLA HR 5780 and Hill Creek Exchange Act.pdf
/100. Fwd: Letter from the Ute Indian Tribe attached/3.1 16 9 19 Ltr to SITLA HR 5780 and Hill Creek Exchange Act.pdf

Cody Stewart <codystewart@utah.gov>

From:	Cody Stewart <codystewart@utah.gov>
Sent:	Tue Sep 20 2016 16:02:33 GMT-0600 (MDT)
To:	<nicole_buffa@ios.doi.gov>
Subject:	Fwd: Letter from the Ute Indian Tribe attached
Attachments:	16 9 19 Ltr to SITLA HR 5780 and Hill Creek Exchange Act.pdf

Sent from my iPad

Begin forwarded message:

> **From:** Jacey Skinner <jskinner@utah.gov>
> **Date:** September 19, 2016 at 11:54:34 PM EDT
> **To:** "Lt. Governor Chief of Staff Cody Stewart" <CodyStewart@utah.gov>
> **Subject: Fwd: Letter from the Ute Indian Tribe attached**
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** John Andrews <jandrews@utah.gov>
> > **Date:** September 19, 2016 at 8:46:29 PM MDT

To: jskinner@utah.gov
Subject: Fwd: Letter from the Ute Indian Tribe attached

Sent from my iPhone

Begin forwarded message:

From: John Andrews <jandrews@utah.gov>
Date: September 19, 2016 at 8:45:42 PM MDT
To: seisenma@utah.gov
Subject: Fwd: Letter from the Ute Indian Tribe attached

Can we talk about this tomorrow? I have a call at 8:30 but available after that.

Sent from my iPhone

Begin forwarded message:

From: Monique Douville <MDouville@ndnlaw.com>
Date: September 19, 2016 at 7:03:59 PM MDT
To: "dure@utah.gov" <dure@utah.gov>
Cc: "lavonne.garrison@utah.gov" <lavonne.garrison@utah.gov>, "jandrews@utah.gov" <jandrews@utah.gov>, "fstultz@utah.gov" <fstultz@utah.gov>, "grant.vaughn@sol.doi.go" <grant.vaughn@sol.doi.go>, "jmartin@uteenergyEXP.com" <jmartin@uteenergyEXP.com>, "bpargeets@utetribe.com" <bpargeets@utetribe.com>, "KirbyA@utetribe.com" <KirbyA@utetribe.com>, "betsyc@utetribe.com" <betsyc@utetribe.com>, "Jenna Whitlock (jwhitloc@blm.gov)" <jwhitloc@blm.gov>, Tom Fredericks <TFredericks@ndnlaw.com>, Jeremy Patterson <JPatterson@ndnlaw.com>,

"Rollie Wilson" <RWilson@ndnlaw.com>
Subject: Letter from the Ute Indian Tribe attached

Director Ure,

Please find attached a letter from the Ute Indian Tribe. For your convenience, a hard copy of this letter is being sent to you certified U.S. Mail.

Thank you.

Respectfully,
Monique Douville
Assistant to Tom Fredericks and Jeremy Patterson
Fredericks Peebles & Morgan LLP
1900 Plaza Drive
Louisville, Colorado 80027
(303)673-9600
FAX (303)673-9155
mdouville@ndnlaw.com
www.ndnlaw.com

Confidentiality Notice - This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read or play this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is **Strictly Prohibited**. If you have received this transmission in error, please immediately notify the sender by telephone or return e-mail and delete the original transmission and its attachments without reading or saving in any manner. Thank you.

Federal Tax Advice Disclaimer - We are required by U. S. Treasury Regulations to inform you that, to the extent this message includes any federal tax advice, this message is not intended or written by the sender to be used, and cannot be used, for the purpose of avoiding federal tax penalties.

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Tue Sep 20 2016 16:20:22 GMT-0600 (MDT)
To:	Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject:	Fwd: Letter from the Ute Indian Tribe attached
Attachments:	16 9 19 Ltr to SITLA HR 5780 and Hill Creek Exchange Act.pdf

The governor would like us to connect their lawyers with ours. Am thinking Jack?

Begin forwarded message:

> **From:** Cody Stewart <codystewart@utah.gov>
> **Date:** September 20, 2016 at 6:02:33 PM EDT
> **To:** <nicole_buffa@ios.doi.gov>
> **Subject: Fwd: Letter from the Ute Indian Tribe attached**
>
> Sent from my iPad
>
> Begin forwarded message:
>
> > **From:** Jacey Skinner <jskinner@utah.gov>
> > **Date:** September 19, 2016 at 11:54:34 PM EDT
> > **To:** "Lt. Governor Chief of Staff Cody Stewart" <CodyStewart@utah.gov>
> > **Subject: Fwd: Letter from the Ute Indian Tribe attached**
> >
> > Sent from my iPhone
> >
> > Begin forwarded message:
> >
> > > **From:** John Andrews <jandrews@utah.gov>
> > > **Date:** September 19, 2016 at 8:46:29 PM MDT
> > > **To:** jskinner@utah.gov
> > > **Subject: Fwd: Letter from the Ute Indian Tribe attached**

Sent from my iPhone

Begin forwarded message:

From: John Andrews <jandrews@utah.gov>
Date: September 19, 2016 at 8:45:42 PM MDT
To: seisenma@utah.gov
Subject: Fwd: Letter from the Ute Indian Tribe attached

Can we talk about this tomorrow? I have a call at 8:30 but available after that.

Sent from my iPhone

Begin forwarded message:

From: Monique Douville <MDouville@ndnlaw.com>
Date: September 19, 2016 at 7:03:59 PM MDT
To: "dure@utah.gov" <dure@utah.gov>
Cc: "lavonne.garrison@utah.gov" <lavonne.garrison@utah.gov>, "jandrews@utah.gov" <jandrews@utah.gov>, "fstultz@utah.gov" <fstultz@utah.gov>, "grant.vaughn@sol.doi.go" <grant.vaughn@sol.doi.go>, "jmartin@uteenergyEXP.com" <jmartin@uteenergyEXP.com>, "bpargeets@utetribe.com" <bpargeets@utetribe.com>, "KirbyA@utetribe.com" <KirbyA@utetribe.com>, "betsyc@utetribe.com" <betsyc@utetribe.com>, "Jenna Whitlock (jwhitloc@blm.gov)" <jwhitloc@blm.gov>, Tom Fredericks <TFredericks@ndnlaw.com>,

Jeremy Patterson <JPatterson@ndnlaw.com>, "Rollie Wilson" <RWilson@ndnlaw.com>
Subject: Letter from the Ute Indian Tribe attached

Director Ure,

Please find attached a letter from the Ute Indian Tribe. For your convenience, a hard copy of this letter is being sent to you certified U.S. Mail.

Thank you.

Respectfully,
Monique Douville
Assistant to Tom Fredericks and Jeremy Patterson
Fredericks Peebles & Morgan LLP
1900 Plaza Drive
Louisville, Colorado 80027
(303)673-9600
FAX (303)673-9155
mdouville@ndnlaw.com
www.ndnlaw.com

Confidentiality Notice - This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read or play this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is **Strictly Prohibited**. If you have received this transmission in error, please immediately notify the sender by telephone or return

e-mail and delete the original transmission and its attachments without reading or saving in any manner. Thank you.

Federal Tax Advice Disclaimer - We are required by U. S. Treasury Regulations to inform you that, to the extent this message includes any federal tax advice, this message is not intended or written by the sender to be used, and cannot be used, for the purpose of avoiding federal tax penalties.

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Sep 21 2016 06:54:46 GMT-0600 (MDT)
To:	Justin Pidot <justin.pidot@sol.doi.gov>
Subject:	Fwd: Letter from the Ute Indian Tribe attached
Attachments:	16 9 19 Ltr to SITLA HR 5780 and Hill Creek Exchange Act.pdf

Justin the governor of Utah would like a lawyer here to have direct contact with their lawyers on the ute issue. Can I connect you guys? Happy to provide more context by phone. Thanks!

Begin forwarded message:

> **From:** Cody Stewart <codystewart@utah.gov>
> **Date:** September 20, 2016 at 6:02:33 PM EDT
> **To:** <nicole_buffa@ios.doi.gov>
> **Subject: Fwd: Letter from the Ute Indian Tribe attached**
>
> Sent from my iPad
>
> Begin forwarded message:
>
> > **From:** Jacey Skinner <jskinner@utah.gov>
> > **Date:** September 19, 2016 at 11:54:34 PM EDT
> > **To:** "Lt. Governor Chief of Staff Cody Stewart" <CodyStewart@utah.gov>

Subject: Fwd: Letter from the Ute Indian Tribe attached

Sent from my iPhone

Begin forwarded message:

From: John Andrews <jandrews@utah.gov>
Date: September 19, 2016 at 8:46:29 PM MDT
To: jskinner@utah.gov
Subject: Fwd: Letter from the Ute Indian Tribe attached

Sent from my iPhone

Begin forwarded message:

From: John Andrews <jandrews@utah.gov>
Date: September 19, 2016 at 8:45:42 PM MDT
To: seisenma@utah.gov
Subject: Fwd: Letter from the Ute Indian Tribe attached

Can we talk about this tomorrow? I have a call at 8:30 but available after that.

Sent from my iPhone

Begin forwarded message:

From: Monique Douville <MDouville@ndnlaw.com>
Date: September 19, 2016 at 7:03:59 PM MDT
To: "dure@utah.gov" <dure@utah.gov>
Cc: "lavonne.garrison@utah.gov" <lavonne.garrison@utah.gov>, "jandrews@utah.gov"

<jandrews@utah.gov>, "fstultz@utah.gov" <fstultz@utah.gov>, "grant.vaughn@sol.doi.go" <grant.vaughn@sol.doi.go>, "jmartin@uteenergyEXP.com" <jmartin@uteenergyEXP.com>, "bpargeets@utetribe.com" <bpargeets@utetribe.com>, "KirbyA@utetribe.com" <KirbyA@utetribe.com>, "betsyc@utetribe.com" <betsyc@utetribe.com>, "Jenna Whitlock (jwhitloc@blm.gov)" <jwhitloc@blm.gov>, Tom Fredericks <TFredericks@ndnlaw.com>, Jeremy Patterson <JPatterson@ndnlaw.com>, "Rollie Wilson" <RWilson@ndnlaw.com>
Subject: Letter from the Ute Indian Tribe attached

Director Ure,

Please find attached a letter from the Ute Indian Tribe. For your convenience, a hard copy of this letter is being sent to you certified U.S. Mail.

Thank you.

Respectfully,
Monique Douville
Assistant to Tom Fredericks and Jeremy Patterson
Fredericks Peebles & Morgan LLP
1900 Plaza Drive
Louisville, Colorado 80027
(303)673-9600
FAX (303)673-9155

mdouville@ndnlaw.com
www.ndnlaw.com

Confidentiality Notice - This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read or play this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is **Strictly Prohibited**. If you have received this transmission in error, please immediately notify the sender by telephone or return e-mail and delete the original transmission and its attachments without reading or saving in any manner. Thank you.

Federal Tax Advice Disclaimer - We are required by U. S. Treasury Regulations to inform you that, to the extent this message includes any federal tax advice, this message is not intended or written by the sender to be used, and cannot be used, for the purpose of avoiding federal tax penalties.

"Pidot, Justin" <justin.pidot@sol.doi.gov>

From: "Pidot, Justin" <justin.pidot@sol.doi.gov>
Sent: Wed Sep 21 2016 07:22:32 GMT-0600 (MDT)
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Re: Letter from the Ute Indian Tribe attached

You can put him in touch with Jody and me, who have been jointly handling these issues. I am setting up a time this afternoon to talk to DOJ about this matter as well.

Justin Pidot
Deputy Solicitor for Land Resources, Office of the Solicitor
U.S. Department of the Interior
(202) 208-4423 Main
(202) 208-5584 Fax

NOTICE: This electronic mail message (including any attachments) is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the

intended recipient or the employee or agent responsible for delivery of this message to the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.

On Wed, Sep 21, 2016 at 8:54 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

Justin the governor of Utah would like a lawyer here to have direct contact with their lawyers on the ute issue. Can I connect you guys? Happy to provide more context by phone. Thanks!

Begin forwarded message:

From: Cody Stewart <codystewart@utah.gov>
Date: September 20, 2016 at 6:02:33 PM EDT
To: <nicole_buffa@ios.doi.gov>
Subject: Fwd: Letter from the Ute Indian Tribe attached

Sent from my iPad

Begin forwarded message:

From: Jacey Skinner <jskinner@utah.gov>
Date: September 19, 2016 at 11:54:34 PM EDT
To: "Lt. Governor Chief of Staff Cody Stewart" <CodyStewart@utah.gov>
Subject: Fwd: Letter from the Ute Indian Tribe attached

Sent from my iPhone

Begin forwarded message:

From: John Andrews <jandrews@utah.gov>
Date: September 19, 2016 at 8:46:29 PM MDT
To: jskinner@utah.gov
Subject: Fwd: Letter from the Ute Indian Tribe attached

Sent from my iPhone

Begin forwarded message:

From: John Andrews <jandrews@utah.gov>
Date: September 19, 2016 at 8:45:42 PM MDT
To: seisenma@utah.gov
Subject: Fwd: Letter from the Ute Indian Tribe attached

Can we talk about this tomorrow? I have a call at 8:30 but available after that.

Sent from my iPhone

Begin forwarded message:

From: Monique Douville <MDouville@ndnlaw.com>
Date: September 19, 2016 at 7:03:59 PM MDT
To: "dure@utah.gov" <dure@utah.gov>
Cc: "lavonne.garrison@utah.gov" <lavonne.garrison@utah.gov>, "jandrews@utah.gov" <jandrews@utah.gov>, "fstultz@utah.gov" <fstultz@utah.gov>, "grant.vaughn@sol.doi.go" <grant.vaughn@sol.doi.go>, "jmartin@uteenergyEXP.com" <jmartin@uteenergyEXP.com>, "bpargeets@utetribe.com" <bpargeets@utetribe.com>, "KirbyA@utetribe.com" <KirbyA@utetribe.com>, "betsyc@utetribe.com" <betsyc@utetribe.com>, "Jenna Whitlock (jwhitloc@blm.gov)" <jwhitloc@blm.gov>, Tom Fredericks <TFredericks@ndnlaw.com>, Jeremy Patterson <JPatterson@ndnlaw.com>,

"Rollie Wilson"
<RWilson@ndnlaw.com>
Subject: Letter from the Ute Indian Tribe attached

Director Ure,

Please find attached a letter from the Ute Indian Tribe. For your convenience, a hard copy of this letter is being sent to you certified U.S. Mail.

Thank you.

Respectfully,
Monique Douville
Assistant to Tom Fredericks and Jeremy Patterson
Fredericks Peebles & Morgan LLP
1900 Plaza Drive
Louisville, Colorado 80027
(303)673-9600
FAX (303)673-9155
mdouville@ndnlaw.com
www.ndnlaw.com

Confidentiality Notice - This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read or play this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is **Strictly Prohibited**. If you have received this transmission in error, please immediately notify the sender by telephone or return e-mail and delete

the original transmission and its attachments without reading or saving in any manner. Thank you.

Federal Tax Advice Disclaimer - We are required by U. S. Treasury Regulations to inform you that, to the extent this message includes any federal tax advice, this message is not intended or written by the sender to be used, and cannot be used, for the purpose of avoiding federal tax penalties.

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

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent: Wed Sep 21 2016 08:59:29 GMT-0600 (MDT)
To: Cody Stewart <codystewart@utah.gov>
Subject: Re: Letter from the Ute Indian Tribe attached

Hey there - Do you want me to loop Jacey with our lawyers on this email chain? Also, I gave Fred a brief readout of our meeting last night, when we talked this morning. I explained that it was an idea you guys were considering and raised with the Secretary.

On Tue, Sep 20, 2016 at 6:02 PM, Cody Stewart <codystewart@utah.gov> wrote:

Sent from my iPad

Begin forwarded message:

From: Jacey Skinner <jskinner@utah.gov>
Date: September 19, 2016 at 11:54:34 PM EDT
To: "Lt. Governor Chief of Staff Cody Stewart" <CodyStewart@utah.gov>
Subject: Fwd: Letter from the Ute Indian Tribe attached

Sent from my iPhone

Begin forwarded message:

From: John Andrews <jandrews@utah.gov>

Date: September 19, 2016 at 8:46:29 PM MDT
To: jskinner@utah.gov
Subject: Fwd: Letter from the Ute Indian Tribe attached

Sent from my iPhone

Begin forwarded message:

> **From:** John Andrews <jandrews@utah.gov>
> **Date:** September 19, 2016 at 8:45:42 PM MDT
> **To:** seisenma@utah.gov
> **Subject: Fwd: Letter from the Ute Indian Tribe attached**
>
> Can we talk about this tomorrow? I have a call at 8:30 but available after that.
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** Monique Douville <MDouville@ndnlaw.com>
> > **Date:** September 19, 2016 at 7:03:59 PM MDT
> > **To:** "dure@utah.gov" <dure@utah.gov>
> > **Cc:** "lavonne.garrison@utah.gov" <lavonne.garrison@utah.gov>, "jandrews@utah.gov" <jandrews@utah.gov>, "fstultz@utah.gov" <fstultz@utah.gov>, "grant.vaughn@sol.doi.go" <grant.vaughn@sol.doi.go>, "jmartin@uteenergyEXP.com" <jmartin@uteenergyEXP.com>, "bpargeets@utetribe.com" <bpargeets@utetribe.com>, "KirbyA@utetribe.com" <KirbyA@utetribe.com>, "betsyc@utetribe.com" <betsyc@utetribe.com>, "Jenna Whitlock (jwhitloc@blm.gov)" <jwhitloc@blm.gov>, Tom Fredericks <TFredericks@ndnlaw.com>, Jeremy

Patterson <JPatterson@ndnlaw.com>,
"Rollie Wilson" <RWilson@ndnlaw.com>
Subject: Letter from the Ute Indian Tribe attached

Director Ure,

Please find attached a letter from the Ute Indian Tribe. For your convenience, a hard copy of this letter is being sent to you certified U.S. Mail.

Thank you.

Respectfully,
Monique Douville
Assistant to Tom Fredericks and Jeremy Patterson
Fredericks Peebles & Morgan LLP
1900 Plaza Drive
Louisville, Colorado 80027
(303)673-9600
FAX (303)673-9155
mdouville@ndnlaw.com
www.ndnlaw.com

Confidentiality Notice - This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read or play this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is **Strictly Prohibited**. If you have received this transmission in error, please immediately notify the sender by telephone or return e-mail and delete the original transmission and its attachments without reading or saving in any manner. Thank you.

Federal Tax Advice Disclaimer - We are required by U. S. Treasury Regulations to inform you that, to the extent this message includes any federal tax advice, this message is not intended or written by the sender to be used, and cannot be used, for the purpose of avoiding federal tax penalties.

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

Cody Stewart <codystewart@utah.gov>

From: Cody Stewart <codystewart@utah.gov>
Sent: Wed Sep 21 2016 09:07:18 GMT-0600 (MDT)
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject: Re: Letter from the Ute Indian Tribe attached

Yes, please connect with Jacey.

I'll call you on the other matter if you have a minute in the next hour.

Sent from my iPhone

On Sep 21, 2016, at 11:00 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Hey there - Do you want me to loop Jacey with our lawyers on this email chain? Also, I gave Fred a brief readout of our meeting last night, when we talked this morning. I explained that it was an idea you guys were considering and raised with the Secretary.
>
> On Tue, Sep 20, 2016 at 6:02 PM, Cody Stewart <codystewart@utah.gov> wrote:
>
> > Sent from my iPad
> >
> > Begin forwarded message:
> >
> > **From:** Jacey Skinner <jskinner@utah.gov>
> > **Date:** September 19, 2016 at 11:54:34 PM EDT
> > **To:** "Lt. Governor Chief of Staff Cody Stewart" <CodyStewart@utah.gov>

Subject: Fwd: Letter from the Ute Indian Tribe attached

Sent from my iPhone

Begin forwarded message:

> **From:** John Andrews <jandrews@utah.gov>
> **Date:** September 19, 2016 at 8:46:29 PM MDT
> **To:** jskinner@utah.gov
> **Subject: Fwd: Letter from the Ute Indian Tribe attached**
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** John Andrews <jandrews@utah.gov>
> > **Date:** September 19, 2016 at 8:45:42 PM MDT
> > **To:** seisenma@utah.gov
> > **Subject: Fwd: Letter from the Ute Indian Tribe attached**
> >
> > Can we talk about this tomorrow? I have a call at 8:30 but available after that.
> >
> > Sent from my iPhone
> >
> > Begin forwarded message:
> >
> > > **From:** Monique Douville <MDouville@ndnlaw.com>
> > > **Date:** September 19, 2016 at 7:03:59 PM MDT
> > > **To:** "dure@utah.gov" <dure@utah.gov>
> > > **Cc:** "lavonne.garrison@utah.gov" <lavonne.garrison@utah.gov>,

"jandrews@utah.gov" <jandrews@utah.gov>, "fstultz@utah.gov" <fstultz@utah.gov>, "grant.vaughn@sol.doi.go" <grant.vaughn@sol.doi.go>, "jmartin@uteenergyEXP.com" <jmartin@uteenergyEXP.com>, "bpargeets@utetribe.com" <bpargeets@utetribe.com>, "KirbyA@utetribe.com" <KirbyA@utetribe.com>, "betsyc@utetribe.com" <betsyc@utetribe.com>, "Jenna Whitlock (jwhitloc@blm.gov)" <jwhitloc@blm.gov>, Tom Fredericks <TFredericks@ndnlaw.com>, Jeremy Patterson <JPatterson@ndnlaw.com>, "Rollie Wilson" <RWilson@ndnlaw.com>
Subject: Letter from the Ute Indian Tribe attached

Director Ure,

Please find attached a letter from the Ute Indian Tribe. For your convenience, a hard copy of this letter is being sent to you certified U.S. Mail.

Thank you.

Respectfully,
Monique Douville
Assistant to Tom Fredericks and Jeremy Patterson
Fredericks Peebles & Morgan LLP
1900 Plaza Drive
Louisville, Colorado 80027
(303)673-9600

FAX (303)673-9155
mdouville@ndnlaw.com
www.ndnlaw.com

Confidentiality Notice - This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read or play this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is **Strictly Prohibited**. If you have received this transmission in error, please immediately notify the sender by telephone or return e-mail and delete the original transmission and its attachments without reading or saving in any manner. Thank you.

Federal Tax Advice Disclaimer - We are required by U. S. Treasury Regulations to inform you that, to the extent this message includes any federal tax advice, this message is not intended or written by the sender to be used, and cannot be used, for the purpose of avoiding federal tax penalties.

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

Nicole Buffa <nicole_buffa@ios.doi.gov>

FOR COMMITTEE USE ONLY

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Wed Sep 21 2016 09:48:48 GMT-0600 (MDT)
To: Cody Stewart <codystewart@utah.gov>
Subject: Re: Letter from the Ute Indian Tribe attached

Yep. Call at noon? 202-412-4317.

On Sep 21, 2016, at 11:08 AM, Cody Stewart <codystewart@utah.gov> wrote:

> Yes, please connect with Jacey.
>
> I'll call you on the other matter if you have a minute in the next hour.
>
> Sent from my iPhone
>
> On Sep 21, 2016, at 11:00 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
>
> > Hey there - Do you want me to loop Jacey with our lawyers on this email chain? Also, I gave Fred a brief readout of our meeting last night, when we talked this morning. I explained that it was an idea you guys were considering and raised with the Secretary.
> >
> > On Tue, Sep 20, 2016 at 6:02 PM, Cody Stewart <codystewart@utah.gov> wrote:
> >
> > Sent from my iPad
> >
> > Begin forwarded message:
> >
> > **From:** Jacey Skinner <jskinner@utah.gov>
> > **Date:** September 19, 2016 at 11:54:34 PM EDT
> > **To:** "Lt. Governor Chief of Staff Cody Stewart" <CodyStewart@utah.gov>
> > **Subject: Fwd: Letter from the Ute Indian Tribe attached**
> >
> > Sent from my iPhone
> >
> > Begin forwarded message:
> >
> > **From:** John Andrews

<jandrews@utah.gov>
Date: September 19, 2016 at 8:46:29 PM MDT
To: jskinner@utah.gov
Subject: Fwd: Letter from the Ute Indian Tribe attached

Sent from my iPhone

Begin forwarded message:

From: John Andrews <jandrews@utah.gov>
Date: September 19, 2016 at 8:45:42 PM MDT
To: seisenma@utah.gov
Subject: Fwd: Letter from the Ute Indian Tribe attached

Can we talk about this tomorrow? I have a call at 8:30 but available after that.

Sent from my iPhone

Begin forwarded message:

From: Monique Douville <MDouville@ndnlaw.com>
Date: September 19, 2016 at 7:03:59 PM MDT
To: "dure@utah.gov" <dure@utah.gov>
Cc: "lavonne.garrison@utah.gov" <lavonne.garrison@utah.gov>, "jandrews@utah.gov" <jandrews@utah.gov>, "fstultz@utah.gov" <fstultz@utah.gov>,

"grant.vaughn@sol.doi.go" <grant.vaughn@sol.doi.go>, "jmartin@uteenergyEXP.com" <jmartin@uteenergyEXP.com>, "bpargeets@utetribe.com" <bpargeets@utetribe.com>, "KirbyA@utetribe.com" <KirbyA@utetribe.com>, "betsyc@utetribe.com" <betsyc@utetribe.com>, "Jenna Whitlock (jwhitloc@blm.gov)" <jwhitloc@blm.gov>, Tom Fredericks <TFredericks@ndnlaw.com>, Jeremy Patterson <JPatterson@ndnlaw.com>, "Rollie Wilson" <RWilson@ndnlaw.com>
Subject: Letter from the Ute Indian Tribe attached

Director Ure,

Please find attached a letter from the Ute Indian Tribe. For your convenience, a hard copy of this letter is being sent to you certified U.S. Mail.

Thank you.

Respectfully,
Monique Douville
Assistant to Tom Fredericks and Jeremy Patterson
Fredericks Peebles &

Morgan LLP
1900 Plaza Drive
Louisville, Colorado
80027
(303)673-9600
FAX
(303)673-9155
mdouville@ndnlaw.com
www.ndnlaw.com

Confidentiality Notice - This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read or play this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is **Strictly Prohibited**. If you have received this transmission in error, please immediately notify the sender by telephone or return e-mail and delete the original transmission and its attachments without reading or saving in any manner. Thank you.

Federal Tax Advice Disclaimer - We are

required by U. S. Treasury Regulations to inform you that, to the extent this message includes any federal tax advice, this message is not intended or written by the sender to be used, and cannot be used, for the purpose of avoiding federal tax penalties.

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

Cody Stewart <codystewart@utah.gov>

From: Cody Stewart <codystewart@utah.gov>
Sent: Wed Sep 21 2016 10:00:42 GMT-0600 (MDT)
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Re: Letter from the Ute Indian Tribe attached

Yep, I'll call you in about 2 minutes

Sent from my iPhone

On Sep 21, 2016, at 11:49 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Yep. Call at noon? 202-412-4317.
>
> On Sep 21, 2016, at 11:08 AM, Cody Stewart <codystewart@utah.gov> wrote:
>
> > Yes, please connect with Jacey.
> >
> > I'll call you on the other matter if you have a minute in the next hour.

Sent from my iPhone

On Sep 21, 2016, at 11:00 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Hey there - Do you want me to loop Jacey with our lawyers on this email chain? Also, I gave Fred a brief readout of our meeting last night, when we talked this morning. I explained that it was an idea you guys were considering and raised with the Secretary.
>
> On Tue, Sep 20, 2016 at 6:02 PM, Cody Stewart <codystewart@utah.gov> wrote:
>
> > Sent from my iPad
> >
> > Begin forwarded message:
> >
> > **From:** Jacey Skinner <jskinner@utah.gov>
> > **Date:** September 19, 2016 at 11:54:34 PM EDT
> > **To:** "Lt. Governor Chief of Staff Cody Stewart" <CodyStewart@utah.gov>
> > **Subject: Fwd: Letter from the Ute Indian Tribe attached**
> >
> > Sent from my iPhone
> >
> > Begin forwarded message:
> >
> > **From:** John Andrews <jandrews@utah.gov>
> > **Date:** September 19, 2016 at 8:46:29 PM MDT
> > **To:** jskinner@utah.gov
> > **Subject: Fwd: Letter from the Ute Indian Tribe attached**

Sent from my iPhone

Begin forwarded message:

From: John Andrews <jandrews@utah.gov>
Date: September 19, 2016 at 8:45:42 PM MDT
To: seisenma@utah.gov
Subject: Fwd: Letter from the Ute Indian Tribe attached

Can we talk about this tomorrow? I have a call at 8:30 but available after that.

Sent from my iPhone

Begin forwarded message:

From: Monique Douville <MDouville@ndnlaw.com>
Date: September 19, 2016 at 7:03:59 PM MDT
To: "dure@utah.gov" <dure@utah.gov>
Cc: "lavonne.garrison@utah.gov" <lavonne.garrison@utah.gov>,

"jandrews@utah.gov" <jandrews@utah.gov>, "fstultz@utah.gov" <fstultz@utah.gov>, "grant.vaughn@sol.doi.go" <grant.vaughn@sol.doi.go>, "jmartin@uteenergyEXP.com" <jmartin@uteenergyEXP.com>, "bpargeets@utetribe.com" <bpargeets@utetribe.com>, "KirbyA@utetribe.com" <KirbyA@utetribe.com>, "betsyc@utetribe.com" <betsyc@utetribe.com>, "Jenna Whitlock (jwhitloc@blm.gov)" <jwhitloc@blm.gov>, Tom Fredericks <TFredericks@ndnlaw.com>, Jeremy Patterson <JPatterson@ndnlaw.com>, "Rollie Wilson" <RWilson@ndnlaw.com>

Subject: **Letter from the Ute Indian Tribe attached**

Director Ure,

Please find attached a letter from the Ute Indian Tribe. For your convenience, a hard copy of this

letter is being sent to you certified U.S. Mail.

Thank you.

Respectfully,

Monique Douville
Assistant to Tom Fredericks and Jeremy Patterson
Fredericks Peebles & Morgan LLP
1900 Plaza Drive
Louisville, Colorado 80027
(303)673-9600
FAX (303)673-9155
mdouville@ndnlaw.com
www.ndnlaw.com

Confidentiality Notice - This e-

mail transmission, and any documents, files or previous e-mail messages attached to it, may contain information that is confidential or legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that you must not read or play this transmission and that any disclosure, copying, printing, distribution or use of any of the information contained in or attached to this transmission is **Strictly Prohibited**. If you have received this transmission in error, please immediately

notify the sender by telephone or return e-mail and delete the original transmission and its attachments without reading or saving in any manner. Thank you.

Federal Tax Advice Disclaimer - We are required by U. S. Treasury Regulations to inform you that, to the extent this message includes any federal tax advice, this message is not intended or written by the sender to be used, and cannot be used, for the purpose of avoiding federal tax penalties.

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

FOR COMMITTEE USE ONLY

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

September 19th, 2016

Dave Ure, Director
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

Dear Director Ure:

The Ute Indian Tribe writes to inform you that in light of the Utah School and Institutional Trust Lands Administration (SITLA) proposal included in the Utah Public Lands Initiative (PLI), HR 5780, to take 100,000 acres of Indian Country reservation land from within the Tribe's Uncompahgre Reservation, the Ute Indian Tribe will not be proceeding with any further work to implement the terms of the Hill Creek Exchange Act at this time. As outlined in SITLA's September 13th 2016 testimony before the House Subcommittee on Federal Lands, SITLA appears to believe that the ownership and jurisdiction of lands within the Uncompahgre Reservation are still in question and that the status of these lands is subject to final resolution before the 10th Circuit Court of Appeals. Your testimony in support of the PLI demonstrates that SITLA does not recognize established federal law precedent, where the 10th Circuit Court of Appeals has repeatedly confirmed that the Tribe's Uncompahgre Reservation has not been diminished or disestablished.

Your proposal to take 100,000 acres of Indian Country lands from within our Reservation to consolidate state-wide land and mineral holdings is contrary to existing federal law and given that SITLA has determined that it is uncertain about the jurisdictional status or ownership of these lands, the Ute Indian Tribe will not be moving forward with further work on the selection of exchange lands pursuant to the Hill Creek Exchange Act at this time.

The Ute Indian Tribe has previously requested that SITLA withdraw its proposal to take our homelands and had offered to work with SITLA on an alternative joint development proposal that would allow SITLA to consolidate existing lands elsewhere to promote energy development within the State of Utah that benefits us all. The Tribe hoped to build on our relationship and work to pass legislation providing for joint future energy development. However, your proposal to take lands from within our Reservation will now foreclose any future opportunity for the Tribe and SITLA to work on jointly developing resources within the Uintah Basin or to work collaboratively on other energy development initiatives in the Uintah Basin.

FOR COMMITTEE USE ONLY

Moreover, in light of STILA's continuing attack on our homeland through its PLI proposal, all past and continuing access to the Uintah and Ouray Reservation that SITLA may have previously enjoyed is hereby terminated immediately. If SITLA or any contractor or operator of SITLA is found on any Indian Country lands within the Reservation they will be cited for civil trespass and removed from the Reservation.

We also wish to comment on SITLA's oral testimony at the hearing on the PLI, in which you indicated that the theft of these lands from within our Reservation will serve to provide a benefit for all schoolchildren within the State of Utah including Ute Indian Tribe schoolchildren. It is the position of the Ute Indian Tribe that your statements in this regard are offensive to the Tribe and STILA should be universally condemned for attempting to involve children of the Ute Indian Tribe in this legislation, which would in fact have genocidal and devastating impacts upon our children if it is passed. We remind you that you are not authorized to speak for or represent what is in the best interests of the Ute Indian Tribe or our children and if you continue to attempt to do so in the future, the Ute Indian Tribe will take all lawful actions possible against SITLA and you personally to prohibit future misrepresentations of what is in our best interests.

Thank you for your attention in this matter.

Sincerely,

Shaun Chapoose, Chairman
Ute Tribal Business Committee

Cc: Utah Congressional Delegation
Governor Gary Herbert
Secretary of Interior Jewell
BLM Director Kornze
BLM Regional Director Jenna Whitlock
Regional Solicitor Grant Vaughn
John Martin, Ute Energy Marketing and Development
Bruce Parageets, Energy and Minerals Director
Kirby Arrive, Natural Resource Director
Betsy Chappoose, Cultural Resources Director

FOR COMMITTEE USE ONLY

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

September 19th, 2016

Dave Ure, Director
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

Dear Director Ure:

The Ute Indian Tribe writes to inform you that in light of the Utah School and Institutional Trust Lands Administration (SITLA) proposal included in the Utah Public Lands Initiative (PLI), HR 5780, to take 100,000 acres of Indian Country reservation land from within the Tribe's Uncompahgre Reservation, the Ute Indian Tribe will not be proceeding with any further work to implement the terms of the Hill Creek Exchange Act at this time. As outlined in SITLA's September 13th 2016 testimony before the House Subcommittee on Federal Lands, SITLA appears to believe that the ownership and jurisdiction of lands within the Uncompahgre Reservation are still in question and that the status of these lands is subject to final resolution before the 10th Circuit Court of Appeals. Your testimony in support of the PLI demonstrates that SITLA does not recognize established federal law precedent, where the 10th Circuit Court of Appeals has repeatedly confirmed that the Tribe's Uncompahgre Reservation has not been diminished or disestablished.

Your proposal to take 100,000 acres of Indian Country lands from within our Reservation to consolidate state-wide land and mineral holdings is contrary to existing federal law and given that SITLA has determined that it is uncertain about the jurisdictional status or ownership of these lands, the Ute Indian Tribe will not be moving forward with further work on the selection of exchange lands pursuant to the Hill Creek Exchange Act at this time.

The Ute Indian Tribe has previously requested that SITLA withdraw its proposal to take our homelands and had offered to work with SITLA on an alternative joint development proposal that would allow SITLA to consolidate existing lands elsewhere to promote energy development within the State of Utah that benefits us all. The Tribe hoped to build on our relationship and work to pass legislation providing for joint future energy development. However, your proposal to take lands from within our Reservation will now foreclose any future opportunity for the Tribe and SITLA to work on jointly developing resources within the Uintah Basin or to work collaboratively on other energy development initiatives in the Uintah Basin.

FOR COMMITTEE USE ONLY

Moreover, in light of STILA's continuing attack on our homeland through its PLI proposal, all past and continuing access to the Uintah and Ouray Reservation that SITLA may have previously enjoyed is hereby terminated immediately. If SITLA or any contractor or operator of SITLA is found on any Indian Country lands within the Reservation they will be cited for civil trespass and removed from the Reservation.

We also wish to comment on SITLA's oral testimony at the hearing on the PLI, in which you indicated that the theft of these lands from within our Reservation will serve to provide a benefit for all schoolchildren within the State of Utah including Ute Indian Tribe schoolchildren. It is the position of the Ute Indian Tribe that your statements in this regard are offensive to the Tribe and STILA should be universally condemned for attempting to involve children of the Ute Indian Tribe in this legislation, which would in fact have genocidal and devastating impacts upon our children if it is passed. We remind you that you are not authorized to speak for or represent what is in the best interests of the Ute Indian Tribe or our children and if you continue to attempt to do so in the future, the Ute Indian Tribe will take all lawful actions possible against SITLA and you personally to prohibit future misrepresentations of what is in our best interests.

Thank you for your attention in this matter.

Sincerely,

Shaun Chapoose, Chairman
Ute Tribal Business Committee

Cc: Utah Congressional Delegation
Governor Gary Herbert
Secretary of Interior Jewell
BLM Director Kornze
BLM Regional Director Jenna Whitlock
Regional Solicitor Grant Vaughn
John Martin, Ute Energy Marketing and Development
Bruce Parageets, Energy and Minerals Director
Kirby Arrive, Natural Resource Director
Betsy Chappoose, Cultural Resources Director

FOR COMMITTEE USE ONLY

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

September 19th, 2016

Dave Ure, Director
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

Dear Director Ure:

The Ute Indian Tribe writes to inform you that in light of the Utah School and Institutional Trust Lands Administration (SITLA) proposal included in the Utah Public Lands Initiative (PLI), HR 5780, to take 100,000 acres of Indian Country reservation land from within the Tribe's Uncompahgre Reservation, the Ute Indian Tribe will not be proceeding with any further work to implement the terms of the Hill Creek Exchange Act at this time. As outlined in SITLA's September 13th 2016 testimony before the House Subcommittee on Federal Lands, SITLA appears to believe that the ownership and jurisdiction of lands within the Uncompahgre Reservation are still in question and that the status of these lands is subject to final resolution before the 10th Circuit Court of Appeals. Your testimony in support of the PLI demonstrates that SITLA does not recognize established federal law precedent, where the 10th Circuit Court of Appeals has repeatedly confirmed that the Tribe's Uncompahgre Reservation has not been diminished or disestablished.

Your proposal to take 100,000 acres of Indian Country lands from within our Reservation to consolidate state-wide land and mineral holdings is contrary to existing federal law and given that SITLA has determined that it is uncertain about the jurisdictional status or ownership of these lands, the Ute Indian Tribe will not be moving forward with further work on the selection of exchange lands pursuant to the Hill Creek Exchange Act at this time.

The Ute Indian Tribe has previously requested that SITLA withdraw its proposal to take our homelands and had offered to work with SITLA on an alternative joint development proposal that would allow SITLA to consolidate existing lands elsewhere to promote energy development within the State of Utah that benefits us all. The Tribe hoped to build on our relationship and work to pass legislation providing for joint future energy development. However, your proposal to take lands from within our Reservation will now foreclose any future opportunity for the Tribe and SITLA to work on jointly developing resources within the Uintah Basin or to work collaboratively on other energy development initiatives in the Uintah Basin.

FOR COMMITTEE USE ONLY

Moreover, in light of STILA's continuing attack on our homeland through its PLI proposal, all past and continuing access to the Uintah and Ouray Reservation that SITLA may have previously enjoyed is hereby terminated immediately. If SITLA or any contractor or operator of SITLA is found on any Indian Country lands within the Reservation they will be cited for civil trespass and removed from the Reservation.

We also wish to comment on SITLA's oral testimony at the hearing on the PLI, in which you indicated that the theft of these lands from within our Reservation will serve to provide a benefit for all schoolchildren within the State of Utah including Ute Indian Tribe schoolchildren. It is the position of the Ute Indian Tribe that your statements in this regard are offensive to the Tribe and STILA should be universally condemned for attempting to involve children of the Ute Indian Tribe in this legislation, which would in fact have genocidal and devastating impacts upon our children if it is passed. We remind you that you are not authorized to speak for or represent what is in the best interests of the Ute Indian Tribe or our children and if you continue to attempt to do so in the future, the Ute Indian Tribe will take all lawful actions possible against SITLA and you personally to prohibit future misrepresentations of what is in our best interests.

Thank you for your attention in this matter.

Sincerely,

Shaun Chapoose, Chairman
Ute Tribal Business Committee

Cc: Utah Congressional Delegation
Governor Gary Herbert
Secretary of Interior Jewell
BLM Director Kornze
BLM Regional Director Jenna Whitlock
Regional Solicitor Grant Vaughn
John Martin, Ute Energy Marketing and Development
Bruce Parageets, Energy and Minerals Director
Kirby Arrive, Natural Resource Director
Betsy Chappoose, Cultural Resources Director

FOR COMMITTEE USE ONLY

Conversation Contents

Weekly UT Check-in Call

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Tue Sep 20 2016 20:02:47 GMT-0600 (MDT)
To:	fred.ferguson@mail.house.gov, codystewart@utah.gov, john_tanner@hatch.senate.gov, devin.wiser@mail.house.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov
Subject:	Weekly UT Check-in Call

Guys - I heard many of you will be in a meeting tomorrow at this time. Do you want me to move this/reschedule/hold for next week?

Weekly UT Check-in Call
Scheduled: Wednesday, Sep 21, 2016 from 9:30 AM to 10:00 AM
Location: Dial-in: (b) (5) and code: (b) (5)
Invitees: fred.ferguson@mail.house.gov, Cody Stewart, john_tanner@hatch.senate.gov, devin.wiser@mail.house.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov

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

From:	"Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>
Sent:	Tue Sep 20 2016 20:10:33 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Weekly UT Check-in Call

I'm ok to reschedule.

Sent from my iPhone

On Sep 20, 2016, at 10:04 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Guys - I heard many of you will be in a meeting tomorrow at this time. Do you want me to move this/reschedule/hold for next week?

FOR COMMITTEE USE ONLY

Weekly UT Check-in Call
Scheduled: Wednesday, Sep 21, 2016 from 9:30 AM to 10:00 AM
Location: Dial-in: (b) (5) and code: (b) (5)
Invitees: fred.ferguson@mail.house.gov, Cody Stewart, john_tanner@hatch.senate.gov, devin.wiser@mail.house.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov

"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>

From:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Sent:	Wed Sep 21 2016 06:38:06 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Weekly UT Check-in Call

9:30 works for me

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

On Sep 20, 2016, at 22:03, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Guys - I heard many of you will be in a meeting tomorrow at this time. Do you want me to move this/reschedule/hold for next week?
>
> **Weekly UT Check-in Call**
> Scheduled: Wednesday, Sep 21, 2016 from 9:30 AM to 10:00 AM
> Location: Dial-in: (b) (5) and code: (b) (5)
> Invitees: fred.ferguson@mail.house.gov, Cody Stewart, john_tanner@hatch.senate.gov, devin.wiser@mail.house.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Wed Sep 21 2016 06:41:36 GMT-0600 (MDT)
To:	"Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
CC:	"codystewart@utah.gov" <codystewart@utah.gov>, "john_tanner@hatch.senate.gov" <john_tanner@hatch.senate.gov>, "Wiser, Devin" <Devin.Wiser@mail.house.gov>, "Snider, Casey" <Casey.Snider@mail.house.gov>, "chris_prandoni@lee.senate.gov" <chris_prandoni@lee.senate.gov>, "wendy_baig@lee.senate.gov"

<wendy_baig@lee.senate.gov>

Subject: Re: Weekly UT Check-in Call

Ok. Let's stick with 930am. Thanks.

On Sep 21, 2016, at 8:38 AM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> 9:30 works for me
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell
>
> On Sep 20, 2016, at 22:03, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> > Guys - I heard many of you will be in a meeting tomorrow at this time. Do you want me to move this/reschedule/hold for next week?
> >
> > **Weekly UT Check-in Call**
> > Scheduled: Wednesday, Sep 21, 2016 from 9:30 AM to 10:00 AM
> > Location: Dial-in: (b) (5) and code: (b) (5)
> > Invitees: fred.ferguson@mail.house.gov, Cody Stewart, john_tanner@hatch.senate.gov, devin.wiser@mail.house.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov

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

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent: Wed Sep 21 2016 07:36:26 GMT-0600 (MDT)
To: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject: Re: Weekly UT Check-in Call

You jumping on?

On Wed, Sep 21, 2016 at 8:38 AM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> 9:30 works for me
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell
>
> On Sep 20, 2016, at 22:03, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
>
> > Guys - I heard many of you will be in a meeting tomorrow at this time. Do you want me to move this/reschedule/hold for next week?

FOR COMMITTEE USE ONLY

Weekly UT Check-in Call
Scheduled: Wednesday, Sep 21, 2016 from 9:30 AM to 10:00 AM
Location: Dial-in: (b) (5) and code: (b) (5)
Invitees: fred.ferguson@mail.house.gov, Cody Stewart, john_tanner@hatch.senate.gov, devin.wiser@mail.house.gov, casey.snider@mail.house.gov, chris_prandoni@lee.senate.gov, wendy_baig@lee.senate.gov

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

"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>

From:	"Prandoni, Chris (Lee)" <Chris_Prandoni@lee.senate.gov>
Sent:	Wed Sep 21 2016 07:53:35 GMT-0600 (MDT)
To:	Nicole Buffa <nicole_buffa@ios.doi.gov>, "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Subject:	Re: Weekly UT Check-in Call

Just tried. Sorry I missed you all.

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Date: Wednesday, September 21, 2016 at 8:41 AM
To: "Ferguson, Fred" <Fred.Ferguson@mail.house.gov>
Cc: "codystewart@utah.gov" <codystewart@utah.gov>, "Tanner, John (Hatch)" <John_Tanner@hatch.senate.gov>, "Wiser, Devin" <Devin.Wiser@mail.house.gov>, "Snider, Casey" <Casey.Snider@mail.house.gov>, Chris Prandoni <chris_prandoni@lee.senate.gov>, "Baig, Wendy (Lee)" <Wendy_Baig@lee.senate.gov>
Subject: Re: Weekly UT Check-in Call

Ok. Let's stick with 930am. Thanks.

On Sep 21, 2016, at 8:38 AM, Ferguson, Fred <Fred.Ferguson@mail.house.gov> wrote:

> 9:30 works for me
>
> **Fred Ferguson**
> Chief of Staff
> Rep. Chaffetz (UT-03)
> 202-631-0560 cell

On Sep 20, 2016, at 22:03, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

> Guys - I heard many of you will be in a meeting tomorrow at this time. Do you want me to move this/reschedule/hold for next week?
>
> **Weekly UT Check-in Call**
> Scheduled: Wednesday, Sep 21, 2016 from 9:30 AM to 10:00 AM
> Location: Dial-in: (b) (5) and code: (b) (5)
> Invitees: fred.ferguson@mail.house.gov?, Cody Stewart?, john_tanner@hatch.senate.gov?, devin.wiser@mail.house.gov?, casey.snider@mail.house.gov?, chris_prandoni@lee.senate.gov?, wendy_baig@lee.senate.gov

Conversation Contents

Thank you/Bluff Area

Attachments:

/102. Thank you/Bluff Area/1.1 BearsEars_FINAL_36x48_09122016.pdf
/102. Thank you/Bluff Area/1.2 ProposedAcquired_Bluff_11x17_09122016.pdf
/102. Thank you/Bluff Area/3.1 BearsEars_FINAL_36x48_09122016.pdf
/102. Thank you/Bluff Area/3.2 ProposedAcquired_Bluff_11x17_09122016.pdf

John Andrews <jandrews@utah.gov>

From:	John Andrews <jandrews@utah.gov>
Sent:	Tue Sep 13 2016 14:45:02 GMT-0600 (MDT)
To:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>, <nkornze@blm.gov>
Subject:	Thank you/Bluff Area
Attachments:	BearsEars_FINAL_36x48_09122016.pdf ProposedAcquired_Bluff_11x17_09122016.pdf

Nikki;

Thank you to yourself, Neil Kornze, Tommy Boudreaux and the rest of your team for meeting with Dave Ure, Allen Freemyer and myself last week to talk over southeast Utah land exchange issues. We truly appreciate the amount of time your office has devoted to the school trust land issue.

Per your request at the meeting, we have re-done our conceptual exchange map (attached) to be more clear about where there are conflicts with the so-called "redrock" wilderness proposal. There are only two - one on the large block of lands northwest of Moab, and a much smaller one near Lisbon Valley in San Juan County. We think we can get past this fairly minor issue.

You also asked about the Bluff area, and subsequently forwarded material from Friends of Cedar Mesa about the SITLA proposal in that area. We have now mapped existing oil and gas leasing and other encumbrances (also attached) on the existing SITLA lands at Bluff, and the proposed acquisition area.

The entire existing SITLA Bluff block is leased for oil and gas (shown by the double cross-hatching). In addition, the proposed NCA boundary in the PLI that follows Highway 191 would include a sizeable existing sand and gravel operation (shown in brown), plus powerlines, a large substation, etc. that are not compatible with a conservation

designation. We continue to believe that a boundary that tracks the western boundary of the SITLA block makes more sense. We would be happy to engage with FCM about perhaps creating some sort of visual buffer on the cliffs above the town that would preclude any visual impact from the town.

As to the BLM lands proposed for exchange to SITLA, there are existing federal oil and gas leases on most of the lands, and active oil and gas wells (green dots), as well as lots of historic oil and gas wells. We think the horse is pretty much out of the barn on the leasing/development of this area. SITLA does apply a cultural resources regime equivalent to that of BLM, so there would be protection of any specific cultural resources found in the area. Finally, as we have previously noted, SITLA will be under considerable pressure from the county and the Utah legislature to acquire substantial land in southern San Juan County, and if Bluff isn't the place, it may be difficult to find anything else.

We are happy to engage further with FCM on this issue, as well as your team - I'm sure there may be some middle ground somewhere. Thanks again.

John Andrews

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Tue Sep 20 2016 08:32:56 GMT-0600 (MDT)
To:	John Andrews <jandrews@utah.gov>
CC:	"Whitlock, Jenna" <jwhitloc@blm.gov>, David Ure <dure@utah.gov>, Allen Freemyer <allen@adfpc.com>, Justin Pidot <justin.pidot@sol.doi.gov>
Subject:	Re: Thank you/Bluff Area

Hi John - Thank you for your note and for quickly following-up with new maps. They are very helpful. Any further engagement you could have with Friends of Cedar Mesa, would also be helpful. And I'm happy to join you on those calls if that would be useful.

In our meeting a few weeks back, I think Allen mentioned that a MOU had been signed between DOI and SITLA/Utah around the Grand Staircase exchanges and designation.

Did I hear that right? If so, do you guys have a copy of that MOU?

many thanks,
Nikki

On Tue, Sep 13, 2016 at 4:45 PM, John Andrews <jandrews@utah.gov> wrote:

Nikki;

Thank you to yourself, Neil Kornze, Tommy Boudreaux and the rest of your team for meeting with Dave Ure, Allen Freemyer and myself last week to talk over southeast Utah land exchange issues. We truly appreciate the amount of time your office has devoted to the school trust land issue.

Per your request at the meeting, we have re-done our conceptual exchange map (attached) to be more clear about where there are conflicts with the so-called "redrock" wilderness proposal. There are only two - one on the large block of lands northwest of Moab, and a much smaller one near Lisbon Valley in San Juan County. We think we can get past this fairly minor issue.

You also asked about the Bluff area, and subsequently forwarded material from Friends of Cedar Mesa about the SITLA proposal in that area. We have now mapped existing oil and gas leasing and other encumbrances (also attached) on the existing SITLA lands at Bluff, and the proposed acquisition area.

The entire existing SITLA Bluff block is leased for oil and gas (shown by the double cross-hatching). In addition, the proposed NCA boundary in the PLI that follows Highway 191 would include a sizeable existing sand and gravel operation (shown in brown), plus powerlines, a large substation, etc. that are not compatible with a conservation designation. We continue to believe that a boundary that tracks the western boundary of the SITLA block makes more sense. We would be happy to engage with FCM about perhaps creating some sort of visual buffer on the cliffs above the town that would preclude any visual impact from the town.

As to the BLM lands proposed for exchange to SITLA, there are existing federal oil and gas leases on most of the lands, and active oil and gas wells (green dots), as well as lots of historic oil and gas wells. We think the horse is pretty much out of the barn on the leasing/development of this area. SITLA does apply a cultural resources regime equivalent to that of BLM, so there would be protection of any specific cultural resources found in the area. Finally, as we have previously noted, SITLA will be under considerable pressure from the county and the Utah legislature to acquire substantial land in southern San Juan County, and if Bluff isn't the place, it may be difficult to find anything else.

We are happy to engage further with FCM on this issue, as well as your team - I'm sure there may be some middle ground somewhere. Thanks again.

John Andrews

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

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

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

From:	"Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent:	Tue Sep 20 2016 09:07:20 GMT-0600 (MDT)
To:	Justin Pidot <justin.pidot@sol.doi.gov>, Liz Pardue <lpardue@blm.gov>
Subject:	Fwd: Thank you/Bluff Area
Attachments:	BearsEars_FINAL_36x48_09122016.pdf ProposedAcquired_Bluff_11x17_09122016.pdf

Here are the attachments.

---------- Forwarded message ----------
From: **John Andrews** <jandrews@utah.gov>
Date: Tue, Sep 13, 2016 at 4:45 PM
Subject: Thank you/Bluff Area
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>, nkornze@blm.gov
Cc: "Whitlock, Jenna" <jwhitloc@blm.gov>, David Ure <dure@utah.gov>, Allen Freemyer <allen@adfpc.com>

Nikki;

Thank you to yourself, Neil Kornze, Tommy Boudreaux and the rest of your team for

meeting with Dave Ure, Allen Freemyer and myself last week to talk over southeast Utah land exchange issues. We truly appreciate the amount of time your office has devoted to the school trust land issue.

Per your request at the meeting, we have re-done our conceptual exchange map (attached) to be more clear about where there are conflicts with the so-called "redrock" wilderness proposal. There are only two - one on the large block of lands northwest of Moab, and a much smaller one near Lisbon Valley in San Juan County. We think we can get past this fairly minor issue.

You also asked about the Bluff area, and subsequently forwarded material from Friends of Cedar Mesa about the SITLA proposal in that area. We have now mapped existing oil and gas leasing and other encumbrances (also attached) on the existing SITLA lands at Bluff, and the proposed acquisition area.

The entire existing SITLA Bluff block is leased for oil and gas (shown by the double cross-hatching). In addition, the proposed NCA boundary in the PLI that follows Highway 191 would include a sizeable existing sand and gravel operation (shown in brown), plus powerlines, a large substation, etc. that are not compatible with a conservation designation. We continue to believe that a boundary that tracks the western boundary of the SITLA block makes more sense. We would be happy to engage with FCM about perhaps creating some sort of visual buffer on the cliffs above the town that would preclude any visual impact from the town.

As to the BLM lands proposed for exchange to SITLA, there are existing federal oil and gas leases on most of the lands, and active oil and gas wells (green dots), as well as lots of historic oil and gas wells. We think the horse is pretty much out of the barn on the leasing/development of this area. SITLA does apply a cultural resources regime equivalent to that of BLM, so there would be protection of any specific cultural resources found in the area. Finally, as we have previously noted, SITLA will be under considerable pressure from the county and the Utah legislature to acquire substantial land in southern San Juan County, and if Bluff isn't the place, it may be difficult to find anything else.

We are happy to engage further with FCM on this issue, as well as your team - I'm sure there may be some middle ground somewhere. Thanks again.

John Andrews

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

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

John Andrews <jandrews@utah.gov>

From: John Andrews <jandrews@utah.gov>
Sent: Tue Sep 20 2016 09:19:33 GMT-0600 (MDT)
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject: Re: Thank you/Bluff Area

Thank you, Nikki;

We will reach out to Friends of Cedar Mesa. As to the Grand Staircase, I have on my list today to provide you all with the agreements for the exchange deal, and the corresponding statute, and will also forward the similar agreement and statute for the West Desert transaction shortly afterward.

At the recent hearing on the PLI, Neil Kornze reached out to Allen Freemyer to see if we could get in touch with Justin and begin talking through the legal issues associated with this. I was planning a trip backto DC late next week or the following week if those times are available for him.

Look for a follow up email with the documents later today. Thanks.

John Andrews

On Tue, Sep 20, 2016 at 8:32 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Hi John - Thank you for your note and for quickly following-up with new maps. They are very helpful. Any further engagement you could have with Friends of Cedar Mesa, would also be helpful. And I'm happy to join you on those calls if that would be useful.
>
> In our meeting a few weeks back, I think Allen mentioned that a MOU had been signed between DOI and SITLA/Utah around the Grand Staircase exchanges and designation. Did I hear that right? If so, do you guys have a copy of that MOU?
>
> many thanks,
> Nikki

On Tue, Sep 13, 2016 at 4:45 PM, John Andrews <jandrews@utah.gov> wrote:

Nikki;

Thank you to yourself, Neil Kornze, Tommy Boudreaux and the rest of your team for meeting with Dave Ure, Allen Freemyer and myself last week to talk over southeast Utah land exchange issues. We truly appreciate the amount of time your office has devoted to the school trust land issue.

Per your request at the meeting, we have re-done our conceptual exchange map (attached) to be more clear about where there are conflicts with the so-called "redrock" wilderness proposal. There are only two - one on the large block of lands northwest of Moab, and a much smaller one near Lisbon Valley in San Juan County. We think we can get past this fairly minor issue.

You also asked about the Bluff area, and subsequently forwarded material from Friends of Cedar Mesa about the SITLA proposal in that area. We have now mapped existing oil and gas leasing and other encumbrances (also attached) on the existing SITLA lands at Bluff, and the proposed acquisition area.

The entire existing SITLA Bluff block is leased for oil and gas (shown by the double cross-hatching). In addition, the proposed NCA boundary in the PLI that follows Highway 191 would include a sizeable existing sand and gravel operation (shown in brown), plus powerlines, a large substation, etc. that are not compatible with a conservation designation. We continue to believe that a boundary that tracks the western boundary of the SITLA block makes more sense. We would be happy to engage with FCM about perhaps creating some sort of visual buffer on the cliffs above the town that would preclude any visual impact from the town.

As to the BLM lands proposed for exchange to SITLA, there are existing federal oil and gas leases on most of the lands, and active oil and gas wells (green dots), as well as lots of historic oil and gas wells. We think the horse is pretty much out of the barn on the leasing/development of this area. SITLA does apply a cultural resources regime equivalent to that of BLM, so there would be protection of any specific cultural resources found in the area. Finally, as we have previously noted, SITLA will be under considerable pressure from the county and the Utah legislature to acquire substantial land in southern San Juan County, and if Bluff isn't the place, it may be difficult to find anything else.

We are happy to engage further with FCM on this issue, as well as your team - I'm sure there may be some middle ground somewhere. Thanks again.

John Andrews

--

John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration

675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

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

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

John Andrews <jandrews@utah.gov>

From: John Andrews <jandrews@utah.gov>
Sent: Tue Sep 20 2016 15:49:29 GMT-0600 (MDT)
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject: Re: Thank you/Bluff Area

Nikki;

Thank you for your voice message earlier today. I tried to respond to what I thought was your cell, but the line was not set up for voicemail. I can best be reached on my cell - (b) (6) [redacted]

Thanks!

FOR COMMITTEE USE ONLY

John Andrews

On Tue, Sep 20, 2016 at 9:19 AM, John Andrews <jandrews@utah.gov> wrote:

> Thank you, Nikki;
>
> We will reach out to Friends of Cedar Mesa. As to the Grand Staircase, I have on my list today to provide you all with the agreements for the exchange deal, and the corresponding statute, and will also forward the similar agreement and statute for the West Desert transaction shortly afterward.
>
> At the recent hearing on the PLI, Neil Kornze reached out to Allen Freemyer to see if we could get in touch with Justin and begin talking through the legal issues associated with this. I was planning a trip backto DC late next week or the following week if those times are available for him.
>
> Look for a follow up email with the documents later today. Thanks.
>
> John Andrews
>
> On Tue, Sep 20, 2016 at 8:32 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:
>
> > Hi John - Thank you for your note and for quickly following-up with new maps. They are very helpful. Any further engagement you could have with Friends of Cedar Mesa, would also be helpful. And I'm happy to join you on those calls if that would be useful.
> >
> > In our meeting a few weeks back, I think Allen mentioned that a MOU had been signed between DOI and SITLA/Utah around the Grand Staircase exchanges and designation. Did I hear that right? If so, do you guys have a copy of that MOU?
> >
> > many thanks,
> > Nikki
> >
> > On Tue, Sep 13, 2016 at 4:45 PM, John Andrews <jandrews@utah.gov> wrote:
> >
> > > Nikki;
> > >
> > > Thank you to yourself, Neil Kornze, Tommy Boudreaux and the rest of your team for meeting with Dave Ure, Allen Freemyer and myself last week to talk over southeast Utah land exchange issues. We truly appreciate the amount of time your office has devoted to the school trust land issue.
> > >
> > > Per your request at the meeting, we have re-done our conceptual exchange map (attached) to be more clear about where there are conflicts with the so-called "redrock" wilderness proposal. There are only two - one on the large block of lands northwest of Moab, and a much smaller one near Lisbon Valley in San Juan County. We think we can get past this fairly minor issue.
> > >
> > > You also asked about the Bluff area, and subsequently forwarded material from Friends of Cedar Mesa about the SITLA proposal in that area. We have now

mapped existing oil and gas leasing and other encumbrances (also attached) on the existing SITLA lands at Bluff, and the proposed acquisition area.

The entire existing SITLA Bluff block is leased for oil and gas (shown by the double cross-hatching). In addition, the proposed NCA boundary in the PLI that follows Highway 191 would include a sizeable existing sand and gravel operation (shown in brown), plus powerlines, a large substation, etc. that are not compatible with a conservation designation. We continue to believe that a boundary that tracks the western boundary of the SITLA block makes more sense. We would be happy to engage with FCM about perhaps creating some sort of visual buffer on the cliffs above the town that would preclude any visual impact from the town.

As to the BLM lands proposed for exchange to SITLA, there are existing federal oil and gas leases on most of the lands, and active oil and gas wells (green dots), as well as lots of historic oil and gas wells. We think the horse is pretty much out of the barn on the leasing/development of this area. SITLA does apply a cultural resources regime equivalent to that of BLM, so there would be protection of any specific cultural resources found in the area. Finally, as we have previously noted, SITLA will be under considerable pressure from the county and the Utah legislature to acquire substantial land in southern San Juan County, and if Bluff isn't the place, it may be difficult to find anything else.

We are happy to engage further with FCM on this issue, as well as your team - I'm sure there may be some middle ground somewhere. Thanks again.

John Andrews

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

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

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

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

From:	"Whitlock, Jenna" <jwhitloc@blm.gov>
Sent:	Tue Sep 20 2016 18:22:45 GMT-0600 (MDT)
To:	Justin Pidot <justin.pidot@sol.doi.gov>
CC:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Fwd: Thank you/Bluff Area

Justin -- We should find some time this week to visit about this. Thanks. j

---------- Forwarded message ----------
From: **John Andrews** <jandrews@utah.gov>
Date: Tue, Sep 20, 2016 at 9:19 AM
Subject: Re: Thank you/Bluff Area
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Cc: "Whitlock, Jenna" <jwhitloc@blm.gov>, David Ure <dure@utah.gov>, Allen Freemyer <allen@adfpc.com>, Justin Pidot <justin.pidot@sol.doi.gov>

Thank you, Nikki;

We will reach out to Friends of Cedar Mesa. As to the Grand Staircase, I have on my list today to provide you all with the agreements for the exchange deal, and the corresponding statute, and will also forward the similar agreement and statute for the West Desert transaction shortly afterward.

At the recent hearing on the PLI, Neil Kornze reached out to Allen Freemyer to see if we could get in touch with Justin and begin talking through the legal issues associated with this. I was planning a trip backto DC late next week or the following week if those times are available for him.

Look for a follow up email with the documents later today. Thanks.

John Andrews

On Tue, Sep 20, 2016 at 8:32 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Hi John - Thank you for your note and for quickly following-up with new maps. They are very helpful. Any further engagement you could have with Friends of Cedar Mesa, would also be helpful. And I'm happy to join you on those calls if that would be useful.
>
> In our meeting a few weeks back, I think Allen mentioned that a MOU had been signed between DOI and SITLA/Utah around the Grand Staircase exchanges and designation. Did I hear that right? If so, do you guys have a copy of that MOU?
>
> many thanks,
> Nikki
>
> On Tue, Sep 13, 2016 at 4:45 PM, John Andrews <jandrews@utah.gov> wrote:
>
> > Nikki;
> >
> > Thank you to yourself, Neil Kornze, Tommy Boudreaux and the rest of your team for meeting with Dave Ure, Allen Freemyer and myself last week to talk over southeast Utah land exchange issues. We truly appreciate the amount of time your office has devoted to the school trust land issue.
> >
> > Per your request at the meeting, we have re-done our conceptual exchange map (attached) to be more clear about where there are conflicts with the so-called "redrock" wilderness proposal. There are only two - one on the large block of lands northwest of Moab, and a much smaller one near Lisbon Valley in San Juan County. We think we can get past this fairly minor issue.
> >
> > You also asked about the Bluff area, and subsequently forwarded material from Friends of Cedar Mesa about the SITLA proposal in that area. We have now mapped existing oil and gas leasing and other encumbrances (also attached) on the existing SITLA lands at Bluff, and the proposed acquisition area.
> >
> > The entire existing SITLA Bluff block is leased for oil and gas (shown by the double cross-hatching). In addition, the proposed NCA boundary in the PLI that follows

Highway 191 would include a sizeable existing sand and gravel operation (shown in brown), plus powerlines, a large substation, etc. that are not compatible with a conservation designation. We continue to believe that a boundary that tracks the western boundary of the SITLA block makes more sense. We would be happy to engage with FCM about perhaps creating some sort of visual buffer on the cliffs above the town that would preclude any visual impact from the town.

As to the BLM lands proposed for exchange to SITLA, there are existing federal oil and gas leases on most of the lands, and active oil and gas wells (green dots), as well as lots of historic oil and gas wells. We think the horse is pretty much out of the barn on the leasing/development of this area. SITLA does apply a cultural resources regime equivalent to that of BLM, so there would be protection of any specific cultural resources found in the area. Finally, as we have previously noted, SITLA will be under considerable pressure from the county and the Utah legislature to acquire substantial land in southern San Juan County, and if Bluff isn't the place, it may be difficult to find anything else.

We are happy to engage further with FCM on this issue, as well as your team - I'm sure there may be some middle ground somewhere. Thanks again.

John Andrews

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

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

--
John W. Andrews

FOR COMMITTEE USE ONLY

Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

--

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

Join the Conversation!

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

From:	Justin Pidot <justin.pidot@sol.doi.gov>
Sent:	Tue Sep 20 2016 18:49:23 GMT-0600 (MDT)
To:	"Whitlock, Jenna" <jwhitloc@blm.gov>
CC:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject:	Re: Thank you/Bluff Area

I'm just getting off a plane. Thursday might work.

Sent from my iPhone

On Sep 20, 2016, at 8:22 PM, Whitlock, Jenna <jwhitloc@blm.gov> wrote:

> Justin -- We should find some time this week to visit about this. Thanks. j
>
> ---------- Forwarded message ----------
> From: **John Andrews** <jandrews@utah.gov>
> Date: Tue, Sep 20, 2016 at 9:19 AM
> Subject: Re: Thank you/Bluff Area
> To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
> Cc: "Whitlock, Jenna" <jwhitloc@blm.gov>, David Ure <dure@utah.gov>,

Allen Freemyer <allen@adfpc.com>, Justin Pidot <justin.pidot@sol.doi.gov>

Thank you, Nikki;

We will reach out to Friends of Cedar Mesa. As to the Grand Staircase, I have on my list today to provide you all with the agreements for the exchange deal, and the corresponding statute, and will also forward the similar agreement and statute for the West Desert transaction shortly afterward.

At the recent hearing on the PLI, Neil Kornze reached out to Allen Freemyer to see if we could get in touch with Justin and begin talking through the legal issues associated with this. I was planning a trip backto DC late next week or the following week if those times are available for him.

Look for a follow up email with the documents later today. Thanks.

John Andrews

On Tue, Sep 20, 2016 at 8:32 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Hi John - Thank you for your note and for quickly following-up with new maps. They are very helpful. Any further engagement you could have with Friends of Cedar Mesa, would also be helpful. And I'm happy to join you on those calls if that would be useful.
>
> In our meeting a few weeks back, I think Allen mentioned that a MOU had been signed between DOI and SITLA/Utah around the Grand Staircase exchanges and designation. Did I hear that right? If so, do you guys have a copy of that MOU?
>
> many thanks,
> Nikki
>
> On Tue, Sep 13, 2016 at 4:45 PM, John Andrews <jandrews@utah.gov> wrote:
>
> > Nikki;
> >
> > Thank you to yourself, Neil Kornze, Tommy Boudreaux and the rest of your team for meeting with Dave Ure, Allen Freemyer and myself last week to talk over southeast Utah land exchange issues. We truly appreciate the amount of time your office has devoted to the school trust land issue.
> >
> > Per your request at the meeting, we have re-done our conceptual exchange map (attached) to be more clear about where there are conflicts with the so-called "redrock" wilderness proposal. There are only two - one on the large block of lands northwest of Moab, and a much

smaller one near Lisbon Valley in San Juan County. We think we can get past this fairly minor issue.

You also asked about the Bluff area, and subsequently forwarded material from Friends of Cedar Mesa about the SITLA proposal in that area. We have now mapped existing oil and gas leasing and other encumbrances (also attached) on the existing SITLA lands at Bluff, and the proposed acquisition area.

The entire existing SITLA Bluff block is leased for oil and gas (shown by the double cross-hatching). In addition, the proposed NCA boundary in the PLI that follows Highway 191 would include a sizeable existing sand and gravel operation (shown in brown), plus powerlines, a large substation, etc. that are not compatible with a conservation designation. We continue to believe that a boundary that tracks the western boundary of the SITLA block makes more sense. We would be happy to engage with FCM about perhaps creating some sort of visual buffer on the cliffs above the town that would preclude any visual impact from the town.

As to the BLM lands proposed for exchange to SITLA, there are existing federal oil and gas leases on most of the lands, and active oil and gas wells (green dots), as well as lots of historic oil and gas wells. We think the horse is pretty much out of the barn on the leasing/development of this area. SITLA does apply a cultural resources regime equivalent to that of BLM, so there would be protection of any specific cultural resources found in the area. Finally, as we have previously noted, SITLA will be under considerable pressure from the county and the Utah legislature to acquire substantial land in southern San Juan County, and if Bluff isn't the place, it may be difficult to find anything else.

We are happy to engage further with FCM on this issue, as well as your team - I'm sure there may be some middle ground somewhere. Thanks again.

John Andrews

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

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

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

--

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

Join the Conversation!

Nicole Buffa <nicole_buffa@ios.doi.gov>

From:	Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent:	Tue Sep 20 2016 19:19:42 GMT-0600 (MDT)
To:	"Whitlock, Jenna" <jwhitloc@blm.gov>
CC:	Justin Pidot <justin.pidot@sol.doi.gov>
Subject:	Re: Thank you/Bluff Area

Please keep me in the loop. Thank you!

On Sep 20, 2016, at 8:22 PM, Whitlock, Jenna <jwhitloc@blm.gov> wrote:

Justin -- We should find some time this week to visit about this. Thanks. j

---------- Forwarded message ----------
From: **John Andrews** <jandrews@utah.gov>
Date: Tue, Sep 20, 2016 at 9:19 AM
Subject: Re: Thank you/Bluff Area
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Cc: "Whitlock, Jenna" <jwhitloc@blm.gov>, David Ure <dure@utah.gov>, Allen Freemyer <allen@adfpc.com>, Justin Pidot <justin.pidot@sol.doi.gov>

Thank you, Nikki;

We will reach out to Friends of Cedar Mesa. As to the Grand Staircase, I have on my list today to provide you all with the agreements for the exchange deal, and the corresponding statute, and will also forward the similar agreement and statute for the West Desert transaction shortly afterward.

At the recent hearing on the PLI, Neil Kornze reached out to Allen Freemyer to see if we could get in touch with Justin and begin talking through the legal issues associated with this. I was planning a trip backto DC late next week or the following week if those times are available for him.

Look for a follow up email with the documents later today. Thanks.

John Andrews

On Tue, Sep 20, 2016 at 8:32 AM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

> Hi John - Thank you for your note and for quickly following-up with new maps. They are very helpful. Any further engagement you could have with Friends of Cedar Mesa, would also be helpful. And I'm happy to join you on those calls if that would be useful.
>
> In our meeting a few weeks back, I think Allen mentioned that a MOU had been signed between DOI and SITLA/Utah around the Grand Staircase exchanges and designation. Did I hear that right? If so, do you guys have a copy of that MOU?
>
> many thanks,
> Nikki
>
> On Tue, Sep 13, 2016 at 4:45 PM, John Andrews <jandrews@utah.gov> wrote:

Nikki;

Thank you to yourself, Neil Kornze, Tommy Boudreaux and the rest of your team for meeting with Dave Ure, Allen Freemyer and myself last week to talk over southeast Utah land exchange issues. We truly appreciate the amount of time your office has devoted to the school trust land issue.

Per your request at the meeting, we have re-done our conceptual exchange map (attached) to be more clear about where there are conflicts with the so-called "redrock" wilderness proposal. There are only two - one on the large block of lands northwest of Moab, and a much smaller one near Lisbon Valley in San Juan County. We think we can get past this fairly minor issue.

You also asked about the Bluff area, and subsequently forwarded material from Friends of Cedar Mesa about the SITLA proposal in that area. We have now mapped existing oil and gas leasing and other encumbrances (also attached) on the existing SITLA lands at Bluff, and the proposed acquisition area.

The entire existing SITLA Bluff block is leased for oil and gas (shown by the double cross-hatching). In addition, the proposed NCA boundary in the PLI that follows Highway 191 would include a sizeable existing sand and gravel operation (shown in brown), plus powerlines, a large substation, etc. that are not compatible with a conservation designation. We continue to believe that a boundary that tracks the western boundary of the SITLA block makes more sense. We would be happy to engage with FCM about perhaps creating some sort of visual buffer on the cliffs above the town that would preclude any visual impact from the town.

As to the BLM lands proposed for exchange to SITLA, there are existing federal oil and gas leases on most of the lands, and active oil and gas wells (green dots), as well as lots of historic oil and gas wells. We think the horse is pretty much out of the barn on the leasing/development of this area. SITLA does apply a cultural resources regime equivalent to that of BLM, so there would be protection of any specific cultural resources found in the area. Finally, as we have previously noted, SITLA will be under considerable pressure from the county and the Utah legislature to acquire substantial land in southern San Juan County, and if Bluff isn't the place, it may be difficult to find anything else.

We are happy to engage further with FCM on this issue, as well as your team - I'm sure there may be some middle ground somewhere. Thanks again.

John Andrews

--

John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

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

--
John W. Andrews
Associate Director & Chief Legal Counsel
Utah School and Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, Utah 84102

(801) 538-5180 (o)
(801) 538-5118 (fax)
(801) 243-8611 (mobile)

--

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

Join the Conversation!