

Conversation Contents

STATEMENT: Utah Legislature Continues Bears Ears Monument Witch Hunt in Special Session

Center for Western Priorities <info@westernpriorities.org>

From: Center for Western Priorities <info@westernpriorities.org>
Sent: Tue May 17 2016 14:38:37 GMT-0600 (MDT)
To: <tommy_beaudreau@ios.doi.gov>
Subject: STATEMENT: Utah Legislature Continues Bears Ears Monument Witch Hunt in Special Session



CONTACT

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

FOR IMMEDIATE RELEASE

MAY 17, 2016

Utah Legislature Continues Bears Ears Monument Witch Hunt in Special Session

DENVER—On Wednesday the Utah State Legislature is expected to consider a resolution opposing a proposed Bears Ears National Monument in southeast Utah. This special session comes just weeks after state legislators asked Utah’s Attorney General to investigate five Native American tribes, questioning their motives for protecting their cultural heritage. A new poll by Creation Justice Ministries shows 7 in 10 Utahns support protecting the Bears Ears as a monument.

In response to the Utah State Legislature’s special session, the Center for Western Priorities released the following statement:

Executive Director Jennifer Rokala:

“Utah politicians are wasting time and taxpayer money to push a resolution that is out of step with Utahns, who broadly support protecting the state’s outdoor spaces. Instead of respecting public input, Utah politicians have launched a witch hunt questioning the motives of tribes seeking to protect their cultural heritage.

“Utah legislators should stop tilting at windmills and start respecting our parks and

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public lands.”

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

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

[Center for Western Priorities](#) | 820 16th Street Ste 450, Denver, CO 80202 | 303.974.7761

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Conversation Contents

Fwd: Navajo Nation letter to Obama re Bears Ears initiative.pdf

Attachments:

/3. Fwd: Navajo Nation letter to Obama re Bears Ears initiative.pdf/1.1 Ltr to Obama re Bears Ears initiative.pdf

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/3. Fwd: Navajo Nation letter to Obama re Bears Ears initiative.pdf/4.1 Ltr to Obama re Bears Ears initiative.pdf

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Mon May 09 2016 14:12:58 GMT-0600 (MDT)
To: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, Jon Jarvis <jon_jarvis@nps.gov>
Subject: Fwd: Navajo Nation letter to Obama re Bears Ears initiative.pdf
Attachments: Ltr to Obama re Bears Ears initiative.pdf

Letter from Navajo nation president (and other Navajo leaders) asking for antiquities designation and "coequal" management of the site.

Begin forwarded message:

From: Natasha <njohnson@grandcanyontrust.org>
Date: May 9, 2016 at 3:57:45 PM EDT
To: Michael Degnan <(b) (6)>, Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Navajo Nation letter to Obama re Bears Ears initiative.pdf

Dear Michael and Nikki,

Please see the attached letter from the Navajo Nation. It has been signed by President Russell Begaye, Vice-President Jonathan Nez, Speaker Lorenzo Bates of the Navajo Nation Council, as well as Council Delegates Herman Daniels, Jr., Davis Filfred, and Walter Phelps.

This letter will be mailed today from the Navajo Nation President's Office.

Best,
N

Sent from my iPhone

"Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>

From: "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
Sent: Mon May 09 2016 14:55:18 GMT-0600 (MDT)
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Re: Navajo Nation letter to Obama re Bears Ears initiative.pdf

Pretty powerful letter.

On Mon, May 9, 2016 at 4:12 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
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From: "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
Sent: Mon May 09 2016 14:55:36 GMT-0600 (MDT)
To: Michael Connor <michael_connor@ios.doi.gov>
Subject: Fwd: Navajo Nation letter to Obama re Bears Ears initiative.pdf
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"Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>

From: "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
Sent: Mon May 16 2016 09:52:59 GMT-0600 (MDT)
To: Heather Zicha (b) (6)
Subject: Fwd: Navajo Nation letter to Obama re Bears Ears initiative.pdf
Attachments: Ltr to Obama re Bears Ears initiative.pdf

The Navajo letter.

TPB



April 16, 2016

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

RE: Bears Ears Initiative

President Obama,

The Bears Ears region is distinctive and significant in both culture and tradition to surrounding tribes, including the Navajo Nation. It is a unique cultural landscape including ancient villages, cliff dwellings, rock art, and the gravesites of our ancestors. The Bears Ears region is especially important to the Navajo Nation (Diné) as the birthplace of Headman Manuelito, an important figure in our contemporary history who helped our people return from Bosque Redondo to our Diné homeland after the Long Walk. Diné relate to the Bears Ears and the surrounding lands much like non-native people relate to a relative. When we visit the Bears Ears region, we greet these places by their names as if they were people - other than human people - with whom we can communicate, and who can communicate with us. Through this relationship, we are able to negotiate healing, not just of body, but also of mind, soul, and heart, but also as a community and society.

With this, the Navajo Nation respectfully requests that 1.9 million acres of federal public lands around the Bears Ears Buttes (Shash Jaa') in southeastern Utah be designated a national monument pursuant to the Antiquities Act of 1906. Furthermore, because of the Navajo people's direct tie to this land, there must be co-equal management of these lands that is respectful and will ensure protection of our history that exists in every part of this region. While your administration may be criticized using your Presidential authority, for the Navajo Nation and many tribes, your action will be one that will be remembered amongst our People for centuries as protecting our sacred resources, our history and our memories while preserving what we consider a place of healing and spirituality.

At the 2015 White House Tribal Nations Conference that you stated you will "*review tribal proposals to permanently protect sacred lands for future generations.*" Throughout your 8 years in office, you have been a friend to tribes and our initiatives, we can only hope and pray before you leave office you will "Protect the Bear Ears".

Respectfully,

THE NAVAJO NATION

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Russell Begaye, President


Handwritten signature of Jonathan Nez in blue ink.

Jonathan Nez, Vice President

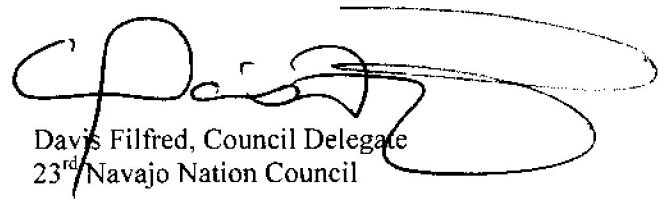
Re: Bears Ears Initiative

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April 16, 2016



LoRenzo Bates, Speaker
23rd Navajo Nation Council



Davis Filfred, Council Delegate
23rd Navajo Nation Council



Herman Daniels, Jr., Council Delegate
23rd Navajo Nation Council



Walter Phelps, Council Delegate
23rd Navajo Nation Council

CC: The Honorable Sally Jewell, Secretary of the Interior
The Honorable Tom Vilsack, Secretary of Agriculture
The Honorable Christina W. Goldfuss, Managing Director,
White House Council on Environmental Quality



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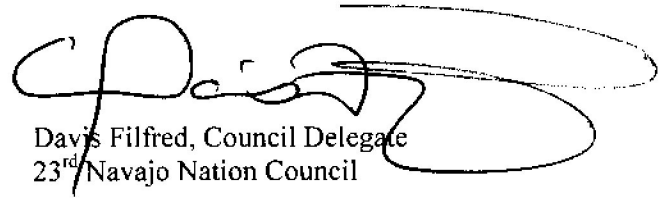
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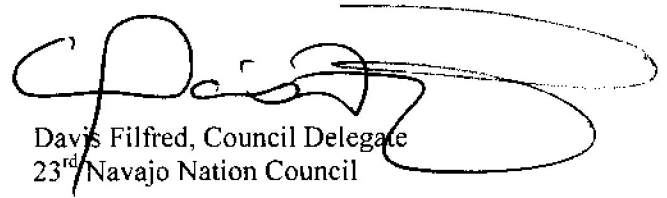
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CC: The Honorable Sally Jewell, Secretary of the Interior
The Honorable Tom Vilsack, Secretary of Agriculture
The Honorable Christina W. Goldfuss, Managing Director,
White House Council on Environmental Quality

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From: SR12@ios.doi.gov
To: benjamin_milakofsky@ios.doi.gov; tommy_beaudreau@ios.doi.gov; mally_click@ios.doi.gov; john_hair@ios.doi.gov; SR12@ios.doi.gov; nicole_buffa@ios.doi.gov; dalybriefin@ios.doi.gov
Subject: Call with Jerry Abramson 202-456-3428
Start: Friday, May 06, 2016 4:45:00 PM
End: Friday, May 06, 2016 5:00:00 PM
Location: Solly to col 202-456-3428

Topic: Bears Ears

(b) (5)

(b) (5)

Conversation Contents

Updated Invitation: HOLD: Call with Jerry Abramson @ Fri May 6, 2016 4:45pm - 5pm (tommy_beaudreau@ios.doi.gov)

Attachments:

/7. Updated Invitation: HOLD: Call with Jerry Abramson @ Fri May 6, 2016 4:45pm - 5pm (tommy_beaudreau@ios.doi.gov)/1.1 invite.ics

/7. Updated Invitation: HOLD: Call with Jerry Abramson @ Fri May 6, 2016 4:45pm - 5pm (tommy_beaudreau@ios.doi.gov)/1.2 invite.ics

Francis Iacobucci <francis_iacobucci@ios.doi.gov>

From: Francis Iacobucci <francis_iacobucci@ios.doi.gov>
Sent: Fri May 06 2016 08:03:58 GMT-0600 (MDT)
To: tommy_beaudreau@ios.doi.gov, dailybriefingbinder@ios.doi.gov, "SRJ2@ios.doi.gov" <srj2@ios.doi.gov>, benjamin_milakofsky@ios.doi.gov, molly_click@ios.doi.gov, john_blair@ios.doi.gov, nicole_buffa@ios.doi.gov
Subject: Updated Invitation: HOLD: Call with Jerry Abramson @ Fri May 6, 2016 4:45pm - 5pm (tommy_beaudreau@ios.doi.gov)
Attachments: invite.ics invite.ics

This event has been changed.

HOLD: Call with Jerry Abramson

[more details »](#)

Changed: Topic: Bears Ears

When Fri May 6, 2016 4:45pm – 5pm Eastern Time

Where Sally to call TBD number ([map](#))

Calendar tommy_beaudreau@ios.doi.gov

Who

- SRJ2@ios.doi.gov - organizer
- francis_iacobucci@ios.doi.gov - creator
- dailybriefingbinder@ios.doi.gov
- benjamin_milakofsky@ios.doi.gov
- molly_click@ios.doi.gov
- john_blair@ios.doi.gov
- nicole_buffa@ios.doi.gov
- tommy_beaudreau@ios.doi.gov

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Going? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this email at the account tommy_beaudreau@ios.doi.gov because you are subscribed for updated invitations on calendar tommy_beaudreau@ios.doi.gov.

To stop receiving these emails, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).

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From: SR12@ios.doi.gov
To: dalybriffinbinder@ios.doi.gov; SR12@ios.doi.gov; benjamin_milakofsky@ios.doi.gov; molly_click@ios.doi.gov; john_blaire@ios.doi.gov; nikole_buffa@ios.doi.gov; tommy_beaudreau@ios.doi.gov
Subject: HOLD: Call with Jerry Abramson
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(b) (5)

Conversation Contents

Fwd: Looting/vandalism/damage

Attachments:

/9. Fwd: Looting/vandalism/damage/1.1 FCM-BearsEars-damagebrief_V6.pdf

/9. Fwd: Looting/vandalism/damage/3.1 FCM-BearsEars-damagebrief_V6.pdf

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Wed May 04 2016 15:20:22 GMT-0600 (MDT)
To: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject: Fwd: Looting/vandalism/damage
Attachments: FCM-BearsEars-damagebrief_V6.pdf

I think SJ would appreciate seeing this, if you could share.

They gave this set to BD on Monday.

Begin forwarded message:

From: Brian O'Donnell <brian@conservationlands.org>
Date: May 4, 2016 at 9:44:50 AM HST
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Looting/vandalism/damage

"Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>

From: "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>

Sent: Wed May 04 2016 15:22:55 GMT-0600 (MDT)
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Re: Looting/vandalism/damage

Excellent - thank you

On Wed, May 4, 2016 at 5:20 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:
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"Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>

From: "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
Sent: Wed May 04 2016 15:24:40 GMT-0600 (MDT)
To: "Kathleen O'Leary" <kathleen_oleary@ios.doi.gov>
Subject: Fwd: Looting/vandalism/damage
Attachments: FCM-BearsEars-damagebrief_V6.pdf

Tomorrow, please print a couple color copies of this for me.

Thanks,

TPB

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Date: Wed, May 4, 2016 at 5:20 PM
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"Kathleen O'Leary" <kathleen_oleary@ios.doi.gov>

From: "Kathleen O'Leary" <kathleen_oleary@ios.doi.gov>
Sent: Wed May 04 2016 15:25:45 GMT-0600 (MDT)
To: "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
Subject: Re: Looting/vandalism/damage

Will do.

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<FCM-BearsEars-damagebrief_V6.pdf>



CULTURAL RESOURCE DAMAGE IN THE GREATER CEDAR MESA & BEARS EARS REGION

Sacred Sites Imperiled

The greater Cedar Mesa area is home to more than 56,000 archaeological sites, with the larger Bears Ears cultural landscape holding in excess of 100,000 cultural sites. Destruction of these sites and mass export of Native American artifacts from the Cedar Mesa area was part of the reason for the creation of the Antiquities Act in 1906.

After more than a century, looting and vandalism of cultural resources continues at alarming levels, causing irreparable damage to American history and great disrespect to Native American people.

Dramatic increases in visitation to cultural sites in Bears Ears, combined with a severe lack of resources for effective visitor management also create newer but no less menacing challenges.

Types of Cultural Resource Damage in Bears Ears

Vandalism on our public lands can take many forms, such as intentionally knocking down walls of prehistoric structures, burning historic hogans, self-congratulatory graffiti on rock art, and using petroglyph panels for target practice. Intentionally irresponsible off-road vehicle driving can also cause significant damage to cultural sites.



Bullet holes in petroglyph panel in Butler Wash

Looting is the removal of archaeological resources and artifacts from their historic or prehistoric resting place. Looters steal national treasures for personal gain or pocket rare artifacts for personal display.

Desecration of burials is the most disturbing form of looting. “Grave robbers” dig up burial sites to look for grave goods like ceramics that were buried with the deceased. Grave robbing is a personal affront to modern day Native American descendants.



Looted burial site in Cottonwood Canyon

Careless visitation by uneducated hikers presents a constant threat to sacred sites in the Bears Ears region. Unsupervised children climb on walls, ignorant visitors pocket 1,000 year-old pot sherds, unleashed dogs create erosion around architectural features, fires in alcoves obscure rock art, wannabe ancients grind away prehistoric grinding slicks, and even hiking poles scar surface rock art.



Wall knocked down by careless visitor or possibly a cow.

While these impacts may seem small on an individual basis, they have significant long term effects. For example, some sites that had hundreds of pot sherds on the ground just a decade ago now have no artifacts evident at all.

A Real & Persistent Problem

Vandalized pictograph panel in Grand Gulch
Photo: William Doelle

Between October 2011 and April 2016, law enforcement for the Bureau of Land Management Monticello Field Office **investigated 25 incidents** of looting, vandalism and disturbance of human remains. Those are the incidents the BLM is aware of on lands it manages and does not include incidents on Forest Service, Park Service and SITLA managed lands.

Friends of Cedar Mesa estimates the actual number of incidents over this time frame could easily top 50 incidents. In just the **first four months of 2016, Friends of Cedar Mesa is tracking five incidents** across different jurisdictions.

FCM estimates more than 50 incidents of looting & vandalism since 2011, with 5 incidents in the first 4 months of 2016.



Bones tossed aside by looters desecrating a burial site.

petroglyph partially removed from the wall with a rock saw and chisel near Bluff.



Petroglyph marred by attempted removal with rock saw and chisel. Photo: J.R. Lancaster

- April 3rd, 2016, rogue ATV riders intentionally

tore up a hiking trail, leaving the trail to drive through two archaeological sites in the Lower Fish Creek Wilderness Study area.

- In March of 2016, rock art in a cave was vandalized by modern signatures.
- In March of 2016, a modern fire ring on Muley Point was found to have been constructed out of building blocks from a 2000-3000-year old habitation site.
- During the winter of 2014/2015, a visitor (or possibly a cow) knocked down a standing wall at Double Stack Ruin on Comb Ridge.
- In 2014, vandalism was found at a 2,000 year old pictograph site in Grand Gulch.
- In 2013, a burial site in Butler Wash was desecrated by looters seeking grave goods.
- In 2012, a historic Navajo Hogan was torn down by campers for use in a campfire.

Recent Examples of Cultural Resource Damage

- In 2015, three remote sites on Cedar Mesa were the victim of pot hunters digging in burial sites.
- In June of 2015, a reckless visitor pulled down a prehistoric wall at Monarch Cave on Comb Ridge.
- During the summer of 2015, significant digging was found in a burial alcove in Beef Basin.
- In January of 2016, locals discovered a



Hogan destroyed for campfire Photo: Comb Ridge HP



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Desecration of burials is the most disturbing form of looting. “Grave robbers” dig up burial sites to look for grave goods like ceramics that were buried with the deceased. Grave robbing is a personal affront to modern day Native American descendants.



Looted burial site in Cottonwood Canyon

Careless visitation by uneducated hikers presents a constant threat to sacred sites in the Bears Ears region. Unsupervised children climb on walls, ignorant visitors pocket 1,000 year-old pot sherds, unleashed dogs create erosion around architectural features, fires in alcoves obscure rock art, wannabe ancients grind away prehistoric grinding slicks, and even hiking poles scar surface rock art.



Wall knocked down by careless visitor or possibly a cow.

While these impacts may seem small on an individual basis, they have significant long term effects. For example, some sites that had hundreds of pot sherds on the ground just a decade ago now have no artifacts evident at all.

A Real & Persistent Problem

Vandalized pictograph panel in Grand Gulch
Photo: William Doelle

Between October 2011 and April 2016, law enforcement for the Bureau of Land Management Monticello Field Office **investigated 25 incidents** of looting, vandalism and disturbance of human remains. Those are the incidents the BLM is aware of on lands it manages and does not include incidents on Forest Service, Park Service and SITLA managed lands.

Friends of Cedar Mesa estimates the actual number of incidents over this time frame could easily top 50 incidents. In just the **first four months of 2016, Friends of Cedar Mesa is tracking five incidents** across different jurisdictions.

FCM estimates more than 50 incidents of looting & vandalism since 2011, with 5 incidents in the first 4 months of 2016.



Bones tossed aside by looters desecrating a burial site.

petroglyph partially removed from the wall with a rock saw and chisel near Bluff.

- April 3rd, 2016, rogue ATV riders intentionally tore up a hiking trail, leaving the trail to drive through two archaeological sites in the Lower Fish Creek Wilderness Study area.
- In March of 2016, rock art in a cave was vandalized by modern signatures.
- In March of 2016, a modern fire ring on Muley Point was found to have been constructed out of building blocks from a 2000-3000-year old habitation site.
- During the winter of 2014/2015, a visitor (or possibly a cow) knocked down a standing wall at Double Stack Ruin on Comb Ridge.
- In 2014, vandalism was found at a 2,000 year old pictograph site in Grand Gulch.
- In 2013, a burial site in Butler Wash was desecrated by looters seeking grave goods.
- In 2012, a historic Navajo Hogan was torn down by campers for use in a campfire.



Petroglyph marred by attempted removal with rock saw and chisel. Photo: J.R. Lancaster

Recent Examples of Cultural Resource Damage

- In 2015, three remote sites on Cedar Mesa were the victim of pot hunters digging in burial sites.
- In June of 2015, a reckless visitor pulled down a prehistoric wall at Monarch Cave on Comb Ridge.
- During the summer of 2015, significant digging was found in a burial alcove in Beef Basin.
- In January of 2016, locals discovered a



Hogan destroyed for campfire Photo: Comb Ridge HP

Conversation Contents

Clip: Cortez Journal: Tribes come together to promote Bears Ears National Monument

"Duran, Leah" <leah_duran@ios.doi.gov>

From: "Duran, Leah" <leah_duran@ios.doi.gov>
Sent: Mon May 02 2016 11:36:08 GMT-0600 (MDT)
To: "Kershaw, Jessica" <jessica_kershaw@ios.doi.gov>
 Kelly Kate <kate_kelly@ios.doi.gov>, Androff Blake <blake_androff@ios.doi.gov>, Interior Press <interior_press@ios.doi.gov>, Buffa Nikki <nicole_buffa@ios.doi.gov>, John Blair <john_blair@ios.doi.gov>, Sarah Neimeyer <sarah_neimeyer@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Elizabeth Klein <Elizabeth_Klein@ios.doi.gov>, Sarah Greenberger <sarah_greenberger@ios.doi.gov>, Rachael Johnson <rachael_johnson@ios.doi.gov>, Emily Bokar <emily_bokar@ios.doi.gov>, Jeremy Bratt <jeremy_bratt@ios.doi.gov>, "Degroff, Amanda" <amanda_degroff@ios.doi.gov>
CC:
Subject: Clip: Cortez Journal: Tribes come together to promote Bears Ears National Monument

[Tribes come together to promote Bears Ears National Monument](#)

Fifty attend meeting to show support for plan

By Jim Mimiaga Journal staff writer

TOWAOC — The Ute Mountain Ute tribe expressed enthusiasm for the proposed Bears Ears National Monument at a community meeting Thursday attended by 50 Ute and Navajo tribal members.

Related stories:

[Utah recreation mecca considered for monument status](#)

[Utes, Navajo seek monument to preserve canyon](#)

Ute Mountain has joined the Bears Ears Inter-tribal Coalition along with the Uintah-Ouray Utes, Navajo, Hopi, and Zuni tribes to lobby for the federal action.

They are asking President Obama to declare the national monument on 1.9 million acres in southeast Utah to protect traditional Native American lands and ancient cultural sites.

Under the proposal, it would be the first national monument to be co-managed by the BLM and native tribes with current and ancestral ties to the land.

"It's time that our concerns were heard," said Navajo Albert Holiday. "We've been on the land for 500 years."

The meeting was one of a series organized by Utah Dine Bikeyah, a non-profit group who first proposed the monument and is working to educate the public.

As home-made stew and frybread were served to the audience, 15 Utes and Navajos spoke in support of the monument, talking first in their native languages, then translating to English.

"We welcome the opportunity to have input in the decision making of public lands we still depend on," said Mary Jane Yazzie, a Ute Mountain Ute and Dine Bikeyah boardmember. "Utes and Navajos used to not get along, but today that is not the case. Tribes are working together with the goal of protecting these lands."

Added Ute Mountain councilman Malcom Lehi: "We're gaining momentum and thanks to your support we are being heard at the national level."

Navajo Mark Maryboy said attempts to form a 1.1 million acre National Conservation Area with Utah and San Juan County legislatures failed because tribes felt they had been left out of the process.

"They did not take us seriously, so we parted ways and went to the Secretary Interior to pursue a monument," he said. "The (Utah governments) think they've been there forever, but it has only been 130 years. Native tribes have been here for thousands of years."

Dine Bikeyah chairman Willie Greyeyes said there have been incidents of tickets being issued to native peoples using Utah's federal public lands in traditional ways.

"Natural plants are our pharmacy, we use that land for healing, gathering herbs, wood cutting and for hunting," he said.

Maryboy rejected claims that a monument would "lock out" native people.

"Our co-management plan is unprecedented and allows for Native American traditional uses and ceremonies," he said.

The canyon country area is dominated by Cedar Mesa and the prominent Bears Ears mesas. It holds some 56,000 archeological sites, many considered sacred by regional tribes.

"There has been a lot of media attention, and President Obama may sign it, so now it is getting a lot of pushback," Maryboy said.

He was referring to Utah lawmaker Mike Noel's call to investigate financial ties between the Coalition and environmental groups supporting the monument.

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"People ask why are we in partnership with the environmentalists? Because we have shared values," Maryboy said.

Every summer the tribes have a spiritual gathering at the foot of Bears Ears on Cedar Mesa, and another is planned this year.

"Hundreds of teepees are put up," said Navajo Ken Maryboy. "The tribes arrive in traditional attire by horse or by foot. We pray side by side to our deities."

Interior Secretary Sally Jewell recently said she is planning a visit to Utah, but a date has not been set.

"We're promoting the monument for all of us, no matter where you are from," Lehi said. "Our ancestors are still there and have chosen us to go to D.C. so we can all share in this area."

On Wed, Apr 27, 2016 at 6:48 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

AP: State and local officials want to investigate groups pushing for a new national monument in southern Utah



By MICHELLE L. PRICE

Published: 4/27/16 6:18 pm EDT - Updated: 4/27/16 6:18 pm EDT

A A A



SALT LAKE CITY — State lawmakers who oppose a new national monument in southern Utah questioned Wednesday whether American Indian people support the idea and called for an investigation.

State Rep. Mike Noel, R-Kanab, said he believes the group advocating for the proposed 1.9-million-acre Bears Ears National Monument doesn't represent the Navajo people in the area. Noel questioned if environmental groups were driving the push, rather than tribal members.

Navajo Nation lawmaker Davis Filfred, who is a member of the Bears Ears Inter-Tribal Coalition, said it was insulting to suggest that the sovereign tribal nations were being manipulated by environmental groups.

"We speak for ourselves and our tribal members who have overwhelmingly called on us to make sure Bears Ears becomes a national monument," Filfred said in a statement.

Republican lawmakers and local officials are fiercely opposed to the proposed monument, saying it's overly broad and will hurt local economies and prevent American Indian elders from going there for cultural reasons such as hunting.

The long-rumored concept gained new urgency when Interior Secretary Sally Jewell recently announced plans to visit Utah later this year.

Interior spokeswoman Jessica Kershaw did not comment on whether a monument might be declared but said in a statement that Jewell will stop in Utah to hear from locals about proposals to further protect lands in the state.

Noel and the rest of Utah's Constitutional Defense Council voted Wednesday to urge the governor and attorney general's office to investigate those supporting and opposing the monument and where they receive money for the effort.

It wasn't clear Wednesday if Utah will investigate.

Gov. Gary Herbert's spokesman Jon Cox said in an email that the governor believes there should be transparency and his office is asking the Utah attorney general how best to address the questions raised Wednesday.

Dan Burton, a spokesman for the Utah Attorney General's Office, declined to comment on whether there would be an investigation.

At the Constitutional Defense Council's meeting Wednesday, Noel originally called for an investigation just to the pro-monument organization.

Rep. Brian King, D-Salt Lake City, said he couldn't support a one-sided inquiry and that some feel coal companies and energy groups are working to oppose the monument because they want access to the land.

"I don't have any opposition to transparency," King said. "But I think it ought to be even-handed and I think it ought not be a witch hunt."

Noel then asked the council to encourage the governor and attorney

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general to look into both sides and report their findings to the Legislature. The council unanimously supported the vote.

The council issues recommendations to state officials about legal battles with the federal government over issues such as control of public land and rural county roads.

On Wed, Apr 20, 2016 at 10:46 PM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

Salt Lake Tribune: Lawmakers say tribal support for Bears Ears monument is a 'charade'

By [BRIAN MAFFLY](#) | The Salt Lake Tribune [CONNECT](#)

First Published 1 hour ago • Updated 55 minutes ago

(Al Hartmann | The Salt Lake Tribune) Actor for Western Values Project, portraying a snake oil salesman, mocks Rep. Ken Ivory, and Congressman Rob Bishop at the Capitol before the 9 a.m. meeting of the Commission for the Stewardship of Public Lands where a resolution condemning the Antiquities Act was expected to pass. Also in contention as part of the Antiquities Act is a proposal before President Obama setting aside hundreds of thousands of acres in San Juan County for a Bear's Ears National Monument.

Public lands » Panel endorses resolution against "unilateral" monument designation; Herbert adds bill to May 18 special session.



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ARTICLE PHOTO GALLERY (15)



The legislative commission overseeing Utah's land-transfer efforts passed two controversial resolutions Wednesday, opposing "unilateral use" of the Antiquities Act to designate national monuments in Utah and calling for a lawsuit against the federal government to demand control of 31 million acres of public land.

Dozens of supporters of the Bears Ears monument proposal, pushed by several tribal groups, crammed the Capitol room where the Commission for the Stewardship of Public Lands conducted a contentious meeting that often devolved into partisan bickering and name-calling.

Rep. Mike Noel, R-Kanab, blasted audience members, many of them Salt Lake City conservationists, as "selfish and greedy" for trying to impose their will on residents of southeastern Utah who would have to live with the 1.9-million-acre monument.

Noel and other Utah leaders are convinced President Barack Obama will make such a designation in the coming months and cited Interior Secretary Sally Jewell's Tuesday announcement of a "major course correction" for conservation and a visit to Utah this summer.

Utah Dine Bikeyah, a nonprofit led by Navajos who follow traditional spiritual practices, has spearheaded the monument idea, which has been embraced by the leadership of two dozen other tribes, many of which can trace ancestral ties to the land around Cedar Mesa and the Abajos. These lands, which harbor tens of thousands of archaeological sites, are considered sacred, and members of a variety of tribes visit to gather herbs and firewood and pursue spiritual experiences.

But Noel and other critics say Utah Dine Bikeyah does not represent American Indians who live in Utah, and is really a front for environmental groups whose true aim is to shut down public access.

An investigation into the group's funding is in the works, Noel said.

Some tribal leaders call such allegations "insulting and false."

For the past several years, Utah Dine Bikeyah has sought conservation status for the land surrounding the Bears Ears buttes and has nurtured buy-in from numerous tribes that have not always gotten along with the Navajo.

Access for traditional activities and a management framework that give tribes a say are core elements of their proposal.

But San Juan County Commissioner Rebecca Benally, a Navajo and a Democrat, said Wednesday that a monument will curtail Native Americans' use of the land and bring further harm to what is already Utah's most economically distressed region, plagued with high rates of suicide and unemployment.

"A national monument will be a devastation for San Juan County," Benally said. "Speaking on behalf of my elders and descendants, they truly and heartfelt request that they do not want a monument. We already have three." Those monuments — Rainbow Bridge, Natural Bridges and Hovenweep — have not improved the unemployment rate, and neither would a fourth, she said.

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Ute Mountain Ute Tribal Councilwoman Regina Lopez-Whiteskunk, co-chairwoman of the Bears Ears Inter-Tribal Coalition, spoke in support of monument protection and uniting the tribes on this issue.

"We have to come together and reach across reservation and state boundary lines and other unwritten lines between one another, that we come together to find a solution," she said. "We need to protect it now. We don't need to do it several years down the road. It is something that desperately needs to be addressed."

Several of the other elected Utah tribal leaders who do support the monument, including Navajo Nation Council delegates Herman Daniels and Davis Filfred, were at a council session Wednesday in Window Rock, Ariz.

Monument proponents say Cedar Mesa is being trashed by off-roaders and pot hunters; looting and grave desecration are on the rise.

Cynthia Wilson, Utah Dine Bikeyah's outreach director, said six of the seven Navajo chapter houses in Utah have endorsed Bears Ears. Yet commission co-Chairman Sen. David Hinkins, whose Senate district covers San Juan County, said he has seen no support among Utah Navajo.

"I have gone to all the chapter houses and talked to all the leaders. I don't feel that is the case at all," said Hinkins, R-Orangeville.

Sent from my iPhone

On Apr 20, 2016, at 7:49 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

AP-UT: Governor asks lawmakers to pass anti-monument resolution

By - Associated Press - Wednesday, April 20, 2016

SALT LAKE CITY (AP) - Gov. Gary Herbert is calling on lawmakers to pass a resolution opposing a new national monument in the state, a move he says would be "absolutely irresponsible" for President Barack Obama to consider without input from residents.

The Republican governor issued a statement Wednesday calling lawmakers into a special session May 18 to pass the resolution. They're also expected to restore money cut from education programs.

Herbert and legislative leaders announced the upcoming session earlier this week after reaching a deal on the education programs.

The push declaring opposition to a new monument gained new urgency this week when Interior Secretary Sally Jewell announced plans to visit Utah.

Utah Republicans oppose a proposed 1.9 million-acre Bears Ears National Monument, but American Indian tribes and conservation groups say the land is threatened by off-road vehicles and looting.

<http://www.washingtontimes.com/news/2016/apr/20/governor-asks-lawmakers-to-pass-anti-monument-reso/>

On Tue, Apr 19, 2016 at 5:25 PM, Degroff, Amanda <amanda_degroff@ios.doi.gov> wrote:

[Jewell commits to Utah visit to hear conservation proposals](#)

AP // April 19, 2016

Utah is among the places Interior Secretary Sally Jewell plans to visit this summer to hear about proposals for conserving public lands. American Indian tribes and Utah's congressional delegation have been at odds over land management in southeastern Utah. The tribes and conservation groups have called on President Barack Obama to designate 1.9 million acres as the Bears Ears National Monument. They say the land is under constant threat from off-road vehicles and looting.

[Jewell confronts critics, declares 'new conservation era'](#)

E&E // Corbin Hiar // April 19, 2016

Interior Secretary Sally Jewell today took aim at critics of public lands and outlined her priorities for the remainder of the Obama administration. She also announced a nationwide listening tour on conservation and a Commerce Department study on the impact of outdoor recreation on the U.S. economy. "I believe we are at the dawn of a new conservation era in America," Jewell said. "Americans are more determined than ever to solve the problems we face. To take action to confront climate change. To pass ballot initiatives to fund parks and open space. To work the lands in a sustainable way. To give everyone an equal chance to get outdoors." Timed to coincide with National Park Week and the National Park Service's centennial celebration, the speech began by detailing the challenges facing the 100-year-old agency. In addition to struggling with a \$11.9 billion deferred maintenance backlog, the Park Service has visitors who are older and whiter than the nation as a whole.

On Tue, Apr 19, 2016 at 4:12 PM, Degroff, Amanda <amanda_degroff@ios.doi.gov> wrote:

[Interior secretary calls for 'major course correction' on conservation](#)

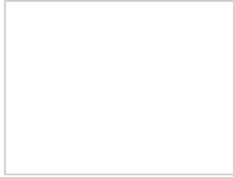
The Hill // Tim Cama // April 19

Interior Secretary Sally Jewell called Tuesday for major changes in how the country handles conservation in an effort to modernize efforts to protect public land. In a major speech in Washington to mark the 100th anniversary of the creation of the National Park Service, Jewell said federal lands — parks, wildlife refuges, forests, grazing areas and more — are facing numerous threats that are natural, manmade and political. "If we stay on this trajectory, 100 years from now, national parks and wildlife refuges will be like postage stamps of nature on a map, isolated islands of conservation with run-down facilities that crowds of Americans visit like zoos to catch a glimpse of our nation's remaining wildlife and undeveloped patches of land," Jewell said.

On Tue, Apr 19, 2016 at 4:11 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

USA Today: National Parks looking for young, diverse visitors

 John Bacon, USA TODAY 3:15 p.m. EDT April 19, 2016



(Photo: Mandel Ngan, AFP/Getty Images)

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The National Park Service must do a better job of outreach to women, millennials and minorities as it heads into its second century, Interior Secretary Sally Jewell said in a speech Tuesday marking National Park Week.

On Tue, Apr 19, 2016 at 2:53 PM, Amanda Degroff <amanda_degroff@ios.doi.gov> wrote:



"The majority of visitors to national parks today look like me: older and whiter," Jewell said at the National Geographic Society in Washington. "Which means we haven't found a way to connect to the young people of today, who are more diverse, more tech-savvy and more disconnected from nature than ever before."

Only a "sliver" of parks and historic sites focus on women and minorities, Jewell said. She said she will travel to parks across the nation this summer to hear what people and communities want and need.

The National Park Service is marking its 100th anniversary this year, and admission to all its parks is free until April 24. Jewell's speech stressed the need to protect the parks from encroaching financial and ecological pressures. She cited an analysis by the non-profit Conservation Science Partners that said natural areas in the West are disappearing at the rate of a football field every two-and-a-half minutes.

Jewell said public lands are threatened by politicians pressing to sell it off "for short term gains to the highest bidder," and by extremists such as the ranchers who seized the Malheur Wildlife Refuge in Oregon for more than a month earlier this year.



USA TODAY
Most Americans say climate changing, humans to blame



USA TODAY
Sally Jewell is environmentalist, business exec

"If you add that all up, you're looking at a pretty bleak picture," she said. If changes aren't made, "100 years from now, national parks and wildlife refuges will be like postage stamps of nature on a map."

Jewell, who was president and CEO of outdoor apparel and equipment company Recreational Equipment Inc. (REI) before President Obama brought her to Washington in 2013, stressed the business side of the parks. She noted the parks are drawing record visitors, including 307 million visits last year alone. But she added the maintenance backlog pricetag of almost \$12 billion is also a record.

Consumer spending for outdoor recreation is almost equal to pharmaceuticals and motor vehicles and parts combined, Jewell said. Conservation aside, parks generated \$32 billion in economic activity in 2015 on a \$3 billion budget, she said.

"Taxpayers saw a 10-to-1 return on investment. As a businessperson, I can tell you that's pretty darn good," she said.

<http://www.usatoday.com/story/news/nation/2016/04/19/national-parks-looking-young-diverse-visitors/83235694/>

Denver Post: Secretary Jewell calls for "major course correction" in conservation

By Bruce Finley The Denver Post

Tuesday, April 19, 2016 - 2:41 p.m.

Natural areas are disappearing at the rate of a soccer field every 2½ minutes, and dangerous movements threaten the

future of public lands, Interior Secretary Sally Jewell said Tuesday, urging a major increase of conservation efforts that embraces young Americans.

"We as a country need to make a major course correction in how we approach conservation to ensure a bright future for our public land and waters," Jewell said in [a speech](#) in Washington D.C.

The majority of people visiting national parks in Colorado and other western states are increasingly old and largely white, Jewell said.

"Which means we haven't found a way to connect to the young people of today, who are more diverse, more tech-savvy and more disconnected from nature than ever before," she said.

"We need to kick off the new century of American conservation by issuing a giant, open invitation to every American to visit their national parks and public lands."

Advertisement

A new analysis by the non-profit group Conservation Science Partners, based on satellite images and federal land data, found that natural areas are disappearing rapidly. Jewell said that group's "Disappearing West" report is alarming "because healthy, intact ecosystems are fundamental to the health of our nation."

Population growth and development and the impact of climate change are to blame, she said.

The degradation of nature and loss of natural land coincides with flareups in the movement to seize public lands. Jewell referred to the armed standoff in Oregon this year, a 41-day ordeal at the Malheur National Wildlife Refuge that highlighted sentiments in western states against federal control over activities on public land.

At the same time, politicians have proposed selloffs of public land and putting more federal lands under state control.

"This movement has propped up dangerous voices that reject the rule of law, put communities and hard-working public servants at risk, and fail to appreciate how deeply democratic and American our national parks and public lands are," Jewell said.

"If we stay on this trajectory, 100 years from now, national parks and wildlife refuges will be like postage stamps of nature on a map. What we need is smart planning, on a landscape-level ...

"This country's national parks, forests, refuges, and public lands are some of the most valuable assets that we collectively own. At a time when they face threats from land grabs to climate change, we can't afford to turn our backs on them."

Sent from my iPhone

On Apr 19, 2016, at 6:49 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

And here's where we landed w/Politico's Morning Energy tip sheet:

ME FIRST - JEWELL'S 'STATE OF THE PARKS' ADDRESS : Interior Secretary Sally Jewell is expected to mount a strong defense of the importance of federal lands and call for "a major course correction in how we approach conservation," in a speech at the National Geographic Society at 2 p.m. today, according to remarks shared with ME.

"This country's national parks, forests, refuges, and public lands are some of the most valuable assets that we collectively own," Jewell is set to say. "At a time when they face threats from land grabs to climate change, we can't afford to turn our backs on them."

The speech, which marks a weeklong celebration of the National Park Service's centennial year, comes the day after Jewell announced a \$95 million distribution to every state, territory, and the District of Columbia out of the Land and Water Conservation Fund. The fund expired last year, but got a few years of reprieve as part of the omnibus.

Sent from my iPhone

On Apr 19, 2016, at 6:35 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

Have to say - wasn't really expecting this angle for the preview:

AP: Jewell: Oregon takeover among several threats to West

BY ASSOCIATED PRESS | April 19, 2016 @ 3:20 am



FILE- In this Dec. 9, 2015, file photo, Interior Secretary Sally Jewell testifies on Capitol Hill in Washington before the House Natural Resources Oversight Committee hearing on the Animas River Spill in Colorado. An armed takeover of an Oregon national wildlife refuge is part of a disturbing "extreme movement" to seize public lands and reject the rule of law, putting communities and public employees at risk throughout the West, Jewell said in a speech outlining Obama administration conservation policies. (AP Photo/Manuel Balce Ceneta, File)

WASHINGTON (AP) — An armed takeover of an Oregon national wildlife refuge is part of a disturbing "extreme movement" to seize public lands and reject the rule of law — putting communities and public employees at risk throughout the West, Interior Secretary Sally Jewell says in a speech outlining Obama administration conservation policies.

The 41-day standoff this winter came at the same time as two other trends that threaten the West, Jewell said: A push by some politicians to sell off lands that belong to all Americans to the highest bidder, and the rapid disappearance of natural areas throughout the region due to climate change and increased development.

Citing a new analysis by a non-profit conservation group, Jewell said natural areas in the West are disappearing at the rate of a football field every two-and-a-half minutes. The trend is especially alarming "because healthy, intact ecosystems are fundamental to the health of our nation," she said.

Jewell, who began her fourth year as Interior secretary this month, is set to deliver the speech Tuesday at the National Geographic Society in Washington. The Associated Press obtained excerpts in advance.

The convergence of trends threatening the West has "propped up dangerous voices that reject the rule of law, put communities and hard-working public servants at risk, and fail to appreciate how deeply democratic and American our national parks and public lands are," Jewell said.

More than two dozen armed occupiers took over the Malheur National Wildlife Refuge in Oregon in January, demanding that the government turn over the land to locals and release two ranchers imprisoned for setting fires. The standoff left one man dead and exposed simmering anger over the government's control of vast expanses of Western land.

At least 25 people have been indicted on federal charges of conspiracy to impede employees at the wildlife refuge from performing their duties.

The takeover followed an armed confrontation with government agents two years ago by Nevada rancher Cliven Bundy and at least 18 other people. Bundy's son Ammon Bundy led the Oregon standoff.

Besides rejecting the demands of extremists, officials must address the dual threats of climate change and development, Jewell said, noting that her speech comes as the National Park Service celebrates its 100th anniversary.

"This country's national parks, forests, refuges and public lands are some of the most valuable assets that we collectively own," she said. "At a time when they face threats from land grabs to climate change, we can't afford to turn our backs on them. Let us use this special year of the (Park Service) centennial to set a new path for conservation in the 21st century."

On other topics, Jewell said the Park Service and other agencies need to do a better job reaching out to "under-represented communities," including women, young people and minorities.

"The majority of visitors to national parks today look like me: older and whiter," Jewell said. "We need to kick off the new century of American conservation by issuing a giant, open invitation to every American to visit their national parks and public lands."

Jewell said she will kick off the effort herself, traveling to parks and other sites this summer on what aides call a "conservation road tour" from coast to coast.

Follow Matthew Daly at <http://twitter.com/MatthewDalyWDC>

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Jessica Kershaw
Senior Adviser & Press Secretary

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Conversation Contents

Updated Invitation: Call with Governor Herbert @ Mon May 2, 2016 10:20am - 10:35am (tommy_beaudreau@ios.doi.gov)

Attachments:

/11. Updated Invitation: Call with Governor Herbert @ Mon May 2, 2016 10:20am - 10:35am (tommy_beaudreau@ios.doi.gov)/1.1 invite.ics

/11. Updated Invitation: Call with Governor Herbert @ Mon May 2, 2016 10:20am - 10:35am (tommy_beaudreau@ios.doi.gov)/1.2 invite.ics

Francis Iacobucci <francis_iacobucci@ios.doi.gov>

From: Francis Iacobucci <francis_iacobucci@ios.doi.gov>
Sent: Sun May 01 2016 08:58:50 GMT-0600 (MDT)
To: tommy_beaudreau@ios.doi.gov, "nicole_buffa@ios.doi.gov" <nikki_buffa@ios.doi.gov>, john_blair@ios.doi.gov, molly_click@ios.doi.gov, dailybriefingbinder@ios.doi.gov, "SRJ2@ios.doi.gov" <srj2@ios.doi.gov>
Subject: Updated Invitation: Call with Governor Herbert @ Mon May 2, 2016 10:20am - 10:35am (tommy_beaudreau@ios.doi.gov)
Attachments: invite.ics invite.ics

This event has been changed.

Changed: Call with Governor Herbert

[more details »](#)

Topic: Bears Ears

When Mon May 2, 2016 10:20am – 10:35am Eastern Time

Where Molly will call Fran Stultz at 801-538-1680 and connect the Sec and Gov ([map](#))

Calendar tommy_beaudreau@ios.doi.gov

Who

- SRJ2@ios.doi.gov - organizer
- francis_iacobucci@ios.doi.gov - creator
- nicole_buffa@ios.doi.gov
- john_blair@ios.doi.gov
- molly_click@ios.doi.gov
- benjamin_milakofsky@ios.doi.gov
- dailybriefingbinder@ios.doi.gov
- tommy_beaudreau@ios.doi.gov

FOR COMMITTEE USE ONLY

Going? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

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From: SR12@ios.doi.gov
To: nicole_buffa@ios.doi.gov; john_blaiz@ios.doi.gov; molly_dick@ios.doi.gov; benjamin_milakofsky@ios.doi.gov; dailysriefingbinder@ios.doi.gov; tommy_beaudreau@ios.doi.gov; SR12@ios.doi.gov
Subject: Call with Governor Herbert
Start: Monday, May 02, 2016 10:20:00 AM
End: Monday, May 02, 2016 10:35:00 AM
Location: Molly will call Fran Stultz at 801-538-1680 and connect the Sec and Gov

Topic: Bears Ears
View your event at (b) (5)
(b) (5)

Conversation Contents

Updated Invitation: HOLD: Call with Governor Herbert (not confirmed) @ Mon May 2, 2016 10:20am - 10:35am (tommy_beaudreau@ios.doi.gov)

Attachments:

/13. Updated Invitation: HOLD: Call with Governor Herbert (not confirmed) @ Mon May 2, 2016 10:20am - 10:35am (tommy_beaudreau@ios.doi.gov)/1.1 invite.ics
/13. Updated Invitation: HOLD: Call with Governor Herbert (not confirmed) @ Mon May 2, 2016 10:20am - 10:35am (tommy_beaudreau@ios.doi.gov)/1.2 invite.ics

Francis Iacobucci <francis_iacobucci@ios.doi.gov>

From: Francis Iacobucci <francis_iacobucci@ios.doi.gov>
Sent: Wed Apr 27 2016 08:39:50 GMT-0600 (MDT)
To: tommy_beaudreau@ios.doi.gov, dailybriefingbinder@ios.doi.gov, john_blair@ios.doi.gov, "nicole_buffa@ios.doi.gov" <nikki_buffa@ios.doi.gov>, "SRJ2@ios.doi.gov" <srj2@ios.doi.gov>, molly_click@ios.doi.gov
Subject: Updated Invitation: HOLD: Call with Governor Herbert (not confirmed) @ Mon May 2, 2016 10:20am - 10:35am (tommy_beaudreau@ios.doi.gov)
Attachments: invite.ics invite.ics

This event has been changed.

HOLD: Call with Governor Herbert (not confirmed)

[more details »](#)

Topic: Bears Ears

When Mon May 2, 2016 10:20am – 10:35am Eastern Time

Where **Changed:** Molly will call Fran Stultz at 801-538-1680 and connect the Sec and Gov ([map](#))

Calendar tommy_beaudreau@ios.doi.gov

Who

- SRJ2@ios.doi.gov - organizer
- francis_iacobucci@ios.doi.gov - creator
- tommy_beaudreau@ios.doi.gov
- dailybriefingbinder@ios.doi.gov
- john_blair@ios.doi.gov
- benjamin_milakofsky@ios.doi.gov
- nicole_buffa@ios.doi.gov
- molly_click@ios.doi.gov

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From: SR12@ios.doi.gov
To: tommy_beaudrcsau@ios.doi.gov; dalybriefingbinder@ios.doi.gov; john_blair@ios.doi.gov; benjamin_mialkofsky@ios.doi.gov; nicole_buffa@ios.doi.gov; SR12@ios.doi.gov; molly_click@ios.doi.gov
Subject: HOLD: Call with Governor Herbert (not confirmed)
Start: Monday, May 02, 2016 10:20:00 AM
End: Monday, May 02, 2016 10:35:00 AM
Location: Molly will call Fran Stultz at 801-538-1680 and connect the Sec and Gov

Topic: Bears Ears
View your event at [\(b\) \(5\)](#)
[\(b\) \(5\)](#)

Conversation Contents

Invitation: HOLD: Call with Governor Herbert (not confirmed) @ Mon May 2, 2016 10:20am - 10:35am (tommy_beaudreau@ios.doi.gov)

Attachments:

/14. Invitation: HOLD: Call with Governor Herbert (not confirmed) @ Mon May 2, 2016 10:20am - 10:35am (tommy_beaudreau@ios.doi.gov)/1.1 invite.ics

/14. Invitation: HOLD: Call with Governor Herbert (not confirmed) @ Mon May 2, 2016 10:20am - 10:35am (tommy_beaudreau@ios.doi.gov)/1.2 invite.ics

"SRJ2@ios.doi.gov" <srj2@ios.doi.gov>

From: "SRJ2@ios.doi.gov" <srj2@ios.doi.gov>
Sent: Wed Apr 27 2016 08:14:50 GMT-0600 (MDT)
To: tommy_beaudreau@ios.doi.gov, "nicole_buffa@ios.doi.gov" <nikki_buffa@ios.doi.gov>, molly_click@ios.doi.gov, dailybriefingbinder@ios.doi.gov, john_blair@ios.doi.gov, benjamin_milakofsky@ios.doi.gov
Subject: Invitation: HOLD: Call with Governor Herbert (not confirmed) @ Mon May 2, 2016 10:20am - 10:35am (tommy_beaudreau@ios.doi.gov)
Attachments: invite.ics invite.ics

HOLD: Call with Governor Herbert (not confirmed)

[more details »](#)

Topic: Bears Ears

When Mon May 2, 2016 10:20am – 10:35am Eastern Time

Where SJ will call TBD # ([map](#))

Calendar tommy_beaudreau@ios.doi.gov

Who

- SRJ2@ios.doi.gov - organizer
- francis_jacobucci@ios.doi.gov - creator
- nicole_buffa@ios.doi.gov
- molly_click@ios.doi.gov
- dailybriefingbinder@ios.doi.gov
- john_blair@ios.doi.gov
- benjamin_milakofsky@ios.doi.gov
- tommy_beaudreau@ios.doi.gov

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From: SR12@ios.doi.gov
To: nicole_buffa@ios.doi.gov; molly_click@ios.doi.gov; dailybriefngtinder@ios.doi.gov; SR12@ios.doi.gov; john_blair@ios.doi.gov; benjamin_milekofsky@ios.doi.gov; tommy_beaudreau@ios.doi.gov
Subject: HOLD: Call with Governor Herbert (not confirmed)
Start: Monday, May 02, 2016 10:20:00 AM
End: Monday, May 02, 2016 10:35:00 AM
Location: Molly will call Fran Stultz at 801-538-1680 and connect the Sec and Gov

Topic: Bears Ears
Mention your guest as (b) (5)
(b) (5)

Conversation Contents

Fwd: Time Certain Call Between Governor Herbert and Secretary Jewell

"Click, Molly" <molly_click@ios.doi.gov>

From: "Click, Molly" <molly_click@ios.doi.gov>
Sent: Tue Apr 26 2016 13:39:46 GMT-0600 (MDT)
To: Nicole Buffa <nikki_buffa@ios.doi.gov>, John Blair <john_blair@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
CC: Francis Iacobucci <francis_iacobucci@ios.doi.gov>
Subject: Fwd: Time Certain Call Between Governor Herbert and Secretary Jewell

(b) (5)

----- Forwarded message -----

From: Fran Stultz <fstultz@utah.gov>
Date: Tue, Apr 26, 2016 at 3:34 PM
Subject: Time Certain Call Between Governor Herbert and Secretary Jewell
To: "Click, Molly" <molly_click@ios.doi.gov>

Dear Molly -

Utah Governor Gary R. Herbert respectfully requests a time certain call with Secretary Jewell to discuss "Bears Ears" As you may know the Bears Ears are a pair of buttes located in San Juan County, Utah - possibly being considered for new monument designation.

Governor Herbert can be available for the call:

Mon, May 2
8:20 am MST
10:20 am MST
Any time between noon and 1:30 pm MST

If Monday, May 2nd does not work well for the Secretary, I can reschedule many of the Governor's May 3 -5 meetings in order to secure a call with Secretary Jewell.

Thank you, Fran

Fran Stultz
Executive Assistant to the Governor
State of Utah

fstultz@utah.gov

801-538-1000

801-538-1680

--

Molly Click
Special Assistant to the Secretary
Department of the Interior
(202) 208-6087

John Blair <john_blair@ios.doi.gov>

From: John Blair <john_blair@ios.doi.gov>
Sent: Tue Apr 26 2016 14:23:24 GMT-0600 (MDT)
To: Molly Click <molly_click@ios.doi.gov>, Nicole Buffa <nikki_buffa@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
CC: Francis Iacobucci <francis_iacobucci@ios.doi.gov>
Subject: RE: Time Certain Call Between Governor Herbert and Secretary Jewell

(b) (5)

From: Click, Molly [mailto:molly_click@ios.doi.gov]
Sent: Tuesday, April 26, 2016 3:40 PM
To: Nicole Buffa <nikki_buffa@ios.doi.gov>; John Blair <john_blair@ios.doi.gov>; Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Cc: Francis Iacobucci <francis_iacobucci@ios.doi.gov>
Subject: Fwd: Time Certain Call Between Governor Herbert and Secretary Jewell

(b) (5)

----- Forwarded message -----

From: Fran Stultz <fstultz@utah.gov>
Date: Tue, Apr 26, 2016 at 3:34 PM
Subject: Time Certain Call Between Governor Herbert and Secretary Jewell
To: "Click, Molly" <molly_click@ios.doi.gov>

Dear Molly -

Utah Governor Gary R. Herbert respectfully requests a time certain call with Secretary Jewell to discuss "Bears Ears" As you may know the Bears Ears are a pair of buttes located in San Juan County, Utah - possibly being considered for new monument designation.

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Mon, May 2

8:20 am MST

10:20 am MST

Any time between noon and 1:30 pm MST

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Thank you, Fran

Fran Stultz

Executive Assistant to the Governor

State of Utah

fstultz@utah.gov

801-538-1000

801-538-1680

--

Molly Click

Special Assistant to the Secretary

Department of the Interior

(202) 208-6087

Conversation Contents

Fwd: Updated Cedar Mesa historical timeline

Attachments:

/17. Fwd: Updated Cedar Mesa historical timeline/1.1 History of efforts to protect Cedar Mesa-4-18-16.pdf

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

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent: Thu Apr 21 2016 18:43:24 GMT-0600 (MDT)
To: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject: Fwd: Updated Cedar Mesa historical timeline
Attachments: History of efforts to protect Cedar Mesa-4-18-16.pdf

For awareness.

----- Forwarded message -----

From: Josh Ewing <josh@cedarmesafriends.org>
Date: Mon, Apr 18, 2016 at 10:55 AM
Subject: Updated Cedar Mesa historical timeline
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>

Nikki: I've attached an updated version of the timeline I sent you previously. In particular, we found a 1903 report about the archaeology of the Cedar Mesa area sent to the DOI that concluded:

“It is to be hoped that steps may soon be taken to protect these relics of a most instructive phase of primitive culture, and that authorized and intelligent research may be encouraged to enter a field still full of the promise of most interesting discovery.”

This pushes the history back to 113 years of documented calls for protecting this area and its archaeological resources.

I'll be in DC next week to meet with the Conservation Alliance and leaders from the outdoor recreation industry. It sounds like you're presenting to the group as well, so I look forward to seeing you.

--

Josh Ewing

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Executive Director
Friends of Cedar Mesa
801.410.0773 | PO Box 338 | Bluff, UT 84512

--

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

History of protection efforts for the greater Cedar Mesa area
Compiled by Friends of Cedar Mesa

1903 – T. Mitchel Prudden publishes detailed report on the archaeological resources of the greater Cedar Mesa area, which is submitted to the Department of Interior. The report concludes:

“It is to be hoped that steps may soon be taken to protect these relics of a most instructive phase of primitive culture, and that authorized and intelligent research may be encouraged to enter a field still full of the promise of most interesting discovery.”

1906 – Congress creates the **Antiquities Act** largely in response to the rampant looting of archaeological sites in the Four Corners region, including the greater Cedar Mesa area. Thousands of Native American “mummies” and their associated grave goods were removed from the Bears Ears region, many of which were sold to private collectors.

1908 – President Theodore Roosevelt creates **Natural Bridges National Monument**.

Two small “units” of Natural Bridges National Monument on Cedar Mesa (one at Cigarette Springs and one at Snow Flat Springs Cave) were used by early visitors to Natural Bridges until the highway was constructed allowing direct access from the East. It’s unknown if these units were ever officially decommissioned.

1910 – Upon returning from a trip to Cedar Mesa, Byron Cummings, University of Utah Dean, decries the “spoliation of prehistoric ruins in Utah and the **devastation of ancient cliff dwellings** of their trophies of ante-civilized tribes.” A Salt Lake Herald report of Cummings’ trip claims the Dean had “succeeded in Interesting State and Government in the Protection of the Vast Historic Wealth.”

1935 – Department of Interior **Secretary Harold Ickes prepares a National Monument proposal** for consideration by President Roosevelt, which includes Cedar Mesa, Arch Canyon and a large region in southern Utah, ranging from the current boundaries of Canyonlands National Park to the Grand Staircase. The detailed proposal, including maps, called for a Monument twice the size of Yellowstone National Park at 6,968 square miles.

1936 – Secretary Ickes’ proposal received a **favorable review from the Utah State Planning Board** in a report prepared by its director, Ray West.

1937 – Zeke Johnson, the first Superintendent of Natural Bridges National Monument encourages the development of a smaller National Monument proposal around Arch Canyon, calling the area “. . . much more attractive and from the scenic standpoint has **greater possibilities than Zion** (national park).”

1940 – Secretary Ickes encouraged President Roosevelt to name this smaller “**Arch Canyon National Monument**,” covering some 53,000 acres around Arch, Texas, Hammond, and Mule Canyons. A draft **proclamation is sent to the President** for his signature, but is never signed, likely due to the President’s focus on World War II.

1962 – San Juan County Commission supports **expansion of Natural Bridges National Monument** and asks Senator Frank Moss to find out “what was causing the delay on the enlargement” at the Department of the Interior. The monument is expanded over the opposition of Utah Governor Clyde.

Ogarette Springs Cave and Snow Flat Spring Cave units on Cedar Mesa that were part of Natural Bridges were returned to the BLM in 1962/ 1960s.

1971 – BLM establishes **Grand Gulch Primitive Area** to protect archaeological resources and ends grazing in the canyon.

*** Upon establishment, **7 full-time rangers are hired to patrol the area**, help visitors, and stop looters. In 2016, 2 part-time rangers handle visitor management and 1 BLM law enforcement ranger is on patrol.

1972 – Glen Canyon National Recreation Area is created as a conservation unit of the National Park Service. The area encompasses the lower San Juan River and areas bordering Lake Powell.

1982 – Grand Gulch Archaeological District is added to the National Register of Historic Places. Neither this designation nor the Grand Gulch Primitive Area designation gave it permanent protection.

1984 – Congress establishes the **Dark Canyon Wilderness Area** – 47,116 acres just north of Bears Ears Buttes.

1989 – BLM proposes a **400,000 acre National Conservation Area** for the Cedar Mesa-Grand Gulch area.

1991 – Grand Gulch, Road Canyon, Fish Creek, Mule Canyon **Wilderness Study Areas** are named in the final Utah State Wilderness Study Report and are designated to be managed to preserve wilderness values.

Conversation Contents

Clip: E&E: Utah governor calls special session to denounce Bears Ears proposal

"Duran, Leah" <leah_duran@ios.doi.gov>

From: "Duran, Leah" <leah_duran@ios.doi.gov>
Sent: Thu Apr 21 2016 13:28:56 GMT-0600 (MDT)
To: "Kershaw, Jessica" <jessica_kershaw@ios.doi.gov>
 Kelly Kate <kate_kelly@ios.doi.gov>, Androff Blake <blake_androff@ios.doi.gov>, Interior Press <interior_press@ios.doi.gov>, Buffa Nikki <nicole_buffa@ios.doi.gov>, John Blair <john_blair@ios.doi.gov>, Sarah Neimeyer <sarah_neimeyer@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Elizabeth Klein <Elizabeth_Klein@ios.doi.gov>, Sarah Greenberger <sarah_greenberger@ios.doi.gov>, Rachael Johnson <rachael_johnson@ios.doi.gov>, Emily Bokar <emily_bokar@ios.doi.gov>, Jeremy Bratt <jeremy_bratt@ios.doi.gov>, "Degroff, Amanda" <amanda_degroff@ios.doi.gov>, Lawrence Roberts <lawrence_roberts@ios.doi.gov>, Sarah Walters <sarah_walters@ios.doi.gov>
CC:
Subject: Clip: E&E: Utah governor calls special session to denounce Bears Ears proposal

NATIONAL MONUMENTS:

[Utah governor calls special session to denounce Bears Ears proposal](#)

Phil Taylor, E&E reporter

Published: Thursday, April 21, 2016

Utah Gov. Gary Herbert (R) yesterday called for a May 18 special session of the state's Legislature to pass a resolution opposing President Obama's potential use of the Antiquities Act to designate a 1.9-million-acre national monument in southeast Utah known as Bears Ears.

Herbert's announcement came one day after Interior Secretary Sally Jewell said in a speech in Washington, D.C., that she will visit Utah, where there are "a range of conservation proposals -- legislative and otherwise" -- to protect public lands.

For some American Indians and conservationists, that was code for Bears Ears, a region in San Juan County bordering Navajo Nation that's rich in Native American historic and cultural sites, juniper-speckled mesas, and winding canyons.

An Interior spokeswoman said no sites have been confirmed for Jewell's visit but that it will likely happen in the summer.

Herbert and the Utah congressional delegation oppose Obama protecting the area under the Antiquities Act, arguing it would give local residents too little sway in how the lands would be managed. House Natural Resources Chairman Rob Bishop (R-Utah) and Rep. Jason Chaffetz (R-Utah) are pushing legislation that would designate a 1.1-million-acre Bears Ears National Conservation Area, a proposal Chaffetz in February described as a "middle ground" between what the county and environmentalists want.

"It is absolutely irresponsible for the Obama administration to consider a new national monument that is over two and a half times the size of Rhode Island without input from Utahns from across the state who will be significantly impacted by this decision," Herbert said in a statement yesterday. "I have stated repeatedly that I oppose such a declaration. Today, I am asking every member of the Utah state Legislature to go on record and join me in expressing our opposition to another unilateral national monument within the state."

While such a resolution should easily pass, it won't have any legal force. The lands eyed for protection at Bears Ears are federally owned and managed primarily by the Bureau of Land Management.

Herbert said a similar resolution was passed by the Utah House during the most recent legislative session but was not taken up in the state Senate.

Jewell on Tuesday told *Greenwire* she's spoken to members of the Utah delegation about areas they believe should be protected and developed, calling the issue "an ongoing conversation."

In her prepared remarks, she called the Antiquities Act "one of the most important tools a president has to improve our country."

"I do not think the act should only be used in places where there is complete agreement, as some are suggesting," she said.

The Bears Ears Inter-Tribal Coalition, a partnership of the Hopi, Navajo, Uintah and Ouray Ute, Ute Mountain Ute and Zuni governments pushing for the monument, said it was encouraged by Jewell's decision to visit Utah.

All of the landscape-scale national monuments designated under the Obama administration have been preceded by a visit from a high-level Interior or Agriculture department official. Jewell's visit -- particularly if she decides to see or discuss Bears Ears -- might hint at the administration's intentions.

Last summer, tribal officials hosted several Obama administration officials at a meeting at Bears Ears, including Assistant Secretary for Indian Affairs Kevin Washburn, National Park Service Director Jon Jarvis, BLM Deputy Director Steve Ellis and the Agriculture Department's deputy undersecretary for natural resources and environment, Butch Blazer.

"It is not possible to fully appreciate the importance of the Bears Ears region to Native Americans without seeing the sites that our ancestors walked, talking with tribal members about their connections to the land and wildlife, and experiencing the beauty of the region firsthand," said Regina Lopez-Whiteskunk, councilwoman of Ute Mountain Ute Tribe and co-chair of the coalition. "We are excited that Secretary Jewell will be able to experience the Bears Ears cultural landscape."

The proposal carries the support of several tribal governments including the Navajo Nation and Ute Mountain Ute. The National Congress of American Indians endorsed it last September.

Utah elected officials still seethe over President Clinton's decision in 1996 to designate the 1.7-million-acre Grand Staircase-Escalante National Monument in southern Utah, a move critics called underhanded, secretive and politically driven.

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Herbert said he will hold Obama administration officials to their word to "engage directly with Utah's elected officials and the general public on any proposed national monument in the state of Utah."

Reporter Corbin Hiar contributed.

On Thu, Apr 21, 2016 at 3:18 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

BEARS EARS INTER-TRIBAL COALITION ENCOURAGED BY SECRETARY JEWELL'S INTENTION TO VISIT BEARS EARS

BY **NATIVE NEWS ONLINE STAFF** / **CURRENTS** / 21 APR 2016



Tribal Leaders Eager to Show Secretary Unmatched Cultural Landscape and Urgent Need for a Bears Ears National Monument

Published April 21, 2016

BEARS EARS, UTAH – Leaders of the Bears Ears Inter-Tribal Coalition welcomed Interior Secretary Sally Jewell's commitment to visit the Bears Ears region and hear about its importance to Tribal Nations and local citizens. Earlier today, Secretary Jewell delivered a major conservation speech at National Geographic in Washington, D.C. During the speech she outlined a conservation agenda for the next century that is more inclusive of the broad spectrum of American citizens and one that advances protections for important cultural and natural lands. Jewell listed Bears Ears among the places she intends to visit and noted the long history of efforts to conserve the area.

"It is not possible to fully appreciate the importance of the Bears Ears region to Native Americans without seeing the sites that our ancestors walked, talking with Tribal members about their connections to the land and wildlife and experiencing the beauty of the region firsthand," said Regina Lopez-Whiteskunk, Councilwoman of Ute Mountain Ute Tribe and Co-Chair of the Bears Ears Inter-Tribal Coalition. "We are excited that Secretary Jewell will be able to experience the Bears Ears cultural landscape."

"By visiting the Bears Ears region, Secretary Jewell will be able to see why it is so important to our people. Unfortunately, she will also see evidence of the looting and vandalism that our ancestral sites are facing and the urgent need to protect the Bears Ears region as a National Monument," said Alfred Lomahquahu, Hopi Vice Chairman and Co-Chair of the Bears Ears Inter-Tribal Coalition.

An unprecedented coalition of Tribal governments from the Ute Mountain Ute, Zuni, Hopi, Navajo, and Ute Tribe of the Uintah and Ouray have joined together to seek a Bears Ears National Monument that protects archaeological and cultural resources; preserves historic sites, items of spiritual significance and ongoing cultural activities; protects native fish, wildlife and plants; provides access for hunting, ceremonies, fuel wood and herb collection; preserves wilderness and scenic values and allows for Tribal collaborative management of the area. Responding to six years worth of grassroots legwork, Tribes have coalesced around their aboriginal lands facing ongoing looting, vandalism and destruction of cultural and sacred sites. The Bears Ears coalition has presented a detailed proposal for a National Monument for the area to President Obama.

"Protecting the Bears Ears as a National Monument is supported by all of the Tribal governments in the region, local grassroots Navajo and Ute people and the vast majority of the citizens of Utah. We are looking forward to Secretary Jewell's visit and hope President Obama will act swiftly to protect the Bears Ears as a National Monument," said Jonathan Nez, Navajo Nation Vice President.

"Protecting Bears Ears was unanimously supported by the Navajo Nation Council and it has overwhelming support from grassroots Navajo people and Navajo Chapters in Utah," said Davis Filfred, Navajo Nation Council Delegate (Mexican Water, Aneth, Teecnospos, Tóíkan, Red Mesa).

<http://nativenewsonline.net/currents/bears-ears-inter-tribal-coalition-encouraged-secretary-jewells-intention-visit-bears-ears/>

On Wed, Apr 20, 2016 at 10:46 PM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:



Interior Secretary Sally Jewell

Salt Lake Tribune: Lawmakers say tribal support for Bears Ears monument is a 'charade'

By [BRIAN MAFFLY](#) | The Salt Lake Tribune [CONNECT](#)

First Published 1 hour ago • Updated 55 minutes ago

(Al Hartmann | The Salt Lake Tribune) Actor for Western Values Project, portraying a snake oil salesman, mocks Rep. Ken Ivory, and Congressman Rob Bishop at the Capitol before the 9 a.m. meeting of the Commission for the Stewardship of Public Lands where a resolution condemning the Antiquities Act was expected to pass. Also in contention as part of the Antiquities Act is a proposal before President Obama setting aside hundreds of thousands of acres in San Juan County for a Bear's Ears National Monument.

Public lands » Panel endorses resolution against "unilateral" monument designation; Herbert adds bill to May 18 special session.



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ARTICLE PHOTO GALLERY (15)



The legislative commission overseeing Utah's land-transfer efforts passed two controversial resolutions Wednesday, opposing "unilateral use" of the Antiquities Act to designate national monuments in Utah and calling for a lawsuit against the federal government to demand control of 31 million acres of public land.

Dozens of supporters of the Bears Ears monument proposal, pushed by several tribal groups, crammed the Capitol room where the Commission for the Stewardship of Public Lands conducted a contentious meeting that often devolved into partisan bickering and name-calling.

Rep. Mike Noel, R-Kanab, blasted audience members, many of them Salt Lake City conservationists, as "selfish and greedy" for trying to impose their will on residents of southeastern Utah who would have to live with the 1.9-million-acre monument.

Noel and other Utah leaders are convinced President Barack Obama will make such a designation in the coming months and cited Interior Secretary Sally Jewell's Tuesday announcement of a "major course correction" for conservation and a visit to Utah this summer.

Utah Dine Bikeyah, a nonprofit led by Navajos who follow traditional spiritual practices, has spearheaded the monument idea, which has been embraced by the leadership of two dozen other tribes, many of which can trace ancestral ties to the land around Cedar Mesa and the Abajos. These lands, which harbor tens of thousands of archaeological sites, are considered sacred, and members of a variety of tribes visit to gather herbs and firewood and pursue spiritual experiences.

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Ute Mountain Ute Tribal Councilwoman Regina Lopez-Whiteskunk, co-chairwoman of the Bears Ears Inter-Tribal Coalition, spoke in support of monument protection and uniting the tribes on this issue.

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"I have gone to all the chapter houses and talked to all the leaders. I don't feel that is the case at all," said Hinkins, R-Orangeville.

Sent from my iPhone

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AP-UT: Governor asks lawmakers to pass anti-monument resolution

By - Associated Press - Wednesday, April 20, 2016

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The push declaring opposition to a new monument gained new urgency this week when Interior Secretary Sally Jewell announced plans to visit Utah.

Utah Republicans oppose a proposed 1.9 million-acre Bears Ears National Monument, but American Indian tribes and conservation groups say the land is threatened by off-road vehicles and looting.

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[Jewell commits to Utah visit to hear conservation proposals](#)

AP // April 19, 2016

Utah is among the places Interior Secretary Sally Jewell plans to visit this summer to hear about proposals for conserving public lands. American Indian tribes and Utah's congressional delegation have been at odds over land management in southeastern Utah. The tribes and conservation groups have called on President Barack Obama to designate 1.9 million acres as the Bears Ears National Monument. They say the land is under constant threat from off-road vehicles and looting.

[Jewell confronts critics, declares 'new conservation era'](#)

E&E // Corbin Hiar // April 19, 2016

Interior Secretary Sally Jewell today took aim at critics of public lands and outlined her priorities for the remainder of the Obama administration. She also announced a nationwide listening tour on conservation and a Commerce Department study on the impact of outdoor recreation on the U.S. economy. "I believe we are at the dawn of a new conservation era in America," Jewell said. "Americans are more determined than ever to solve the problems we face. To take action to confront climate change. To pass ballot initiatives to fund parks and open space. To work the lands in a sustainable way. To give everyone an equal chance to get outdoors." Timed to coincide with National Park Week and the National Park Service's centennial celebration, the speech began by detailing the challenges facing the 100-year-old agency. In addition to struggling with a \$11.9 billion deferred maintenance backlog, the Park Service has visitors who are older and whiter than the nation as a whole.

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[Interior secretary calls for 'major course correction' on conservation](#)

The Hill // Tim Cama // April 19

Interior Secretary Sally Jewell called Tuesday for major changes in how the country handles conservation in an effort to modernize efforts to protect public land. In a major speech in Washington to mark the 100th anniversary of the creation of the National Park Service, Jewell said federal lands — parks, wildlife refuges, forests, grazing areas and more — are facing numerous threats that are natural, manmade and political. "If we stay on this trajectory, 100 years from now, national parks and wildlife refuges will be like postage stamps of nature on a map, isolated islands of conservation with run-down facilities that crowds of Americans visit like zoos to catch a glimpse of our nation's remaining wildlife and undeveloped patches of land," Jewell said.

On Tue, Apr 19, 2016 at 4:11 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

USA Today: National Parks looking for young, diverse visitors



John Bacon, USA TODAY 3:15 p.m. EDT April 19, 2016



(Photo: Mandel Ngan, AFP/Getty Images)

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The National Park Service must do a better job of outreach to women, millennials and minorities as it heads into its second century, Interior Secretary Sally Jewell said in a speech Tuesday marking National Park Week.

On Tue, Apr 19, 2016 at 2:53 PM, Amanda Degroff <amanda_degroff@ios.doi.gov> wrote:



"The majority of visitors to national parks today look like me: older and whiter," Jewell said at the National Geographic Society in Washington. "Which means we haven't found a way to connect to the young people of today, who are more diverse, more tech-savvy and more disconnected from nature than ever before."

Only a "sliver" of parks and historic sites focus on women and minorities, Jewell said. She said she will travel to parks across the nation this summer to hear what people and communities want and need.

The National Park Service is marking its 100th anniversary this year, and admission to all its parks is free until April 24. Jewell's speech stressed the need to protect the parks from encroaching financial and ecological pressures. She cited an analysis by the non-profit Conservation Science Partners that said natural areas in the West are disappearing at the rate of a football field every two-and-a-half minutes.

Jewell said public lands are threatened by politicians pressing to sell it off "for short term gains to the highest bidder," and by extremists such as the ranchers who seized the Malheur Wildlife Refuge in Oregon for more than a month earlier this year.



USA TODAY Most Americans say climate changing, humans to blame



USA TODAY Sally Jewell is environmentalist, business exec

"If you add that all up, you're looking at a pretty bleak picture," she said. If changes aren't made, "100 years from now, national parks and wildlife refuges will be like postage stamps of nature on a map."

Jewell, who was president and CEO of outdoor apparel and equipment company Recreational Equipment Inc. (REI) before President Obama brought her to Washington in 2013, stressed the business side of the parks. She noted the parks are drawing record visitors, including 307 million visits last year alone. But she added the maintenance backlog pricetag of almost \$12 billion is also a record.

Consumer spending for outdoor recreation is almost equal to pharmaceuticals and motor vehicles and parts combined, Jewell said. Conservation aside, parks generated \$32 billion in economic activity in 2015 on a \$3 billion budget, she said.

"Taxpayers saw a 10-to-1 return on investment. As a businessperson, I can tell you that's pretty darn good," she said.

<http://www.usatoday.com/story/news/nation/2016/04/19/national-parks-looking-young-diverse-visitors/83235694/>

Denver Post: Secretary Jewell calls for "major course correction" in conservation

By Bruce Finley The Denver Post

Tuesday, April 19, 2016 - 2:41 p.m.

Natural areas are disappearing at the rate of a soccer field every 2½ minutes, and dangerous movements threaten the future of public lands, Interior Secretary Sally Jewell said Tuesday, urging a major increase of conservation efforts that embraces young Americans.

"We as a country need to make a major course correction in how we approach conservation to ensure a bright future for our public land and waters," Jewell said in a speech in Washington D.C.

The majority of people visiting national parks in Colorado and other western states are increasingly old and largely white, Jewell said.

"Which means we haven't found a way to connect to the young people of today, who are more diverse, more tech-savvy and more disconnected from nature than ever before," she said.

"We need to kick off the new century of American conservation by issuing a giant, open invitation to every American to visit their national parks and public lands."

Advertisement

A new analysis by the non-profit group Conservation Science Partners, based on satellite images and federal land data, found that natural areas are disappearing rapidly. Jewell said that group's "Disappearing West" report is alarming "because healthy, intact ecosystems are fundamental to the health of our nation."

Population growth and development and the impact of climate change are to blame, she said.

The degradation of nature and loss of natural land coincides with flareups in the movement to seize public lands. Jewell referred to the armed standoff in Oregon this year, a 41-day ordeal at the Malheur National Wildlife Refuge that highlighted sentiments in western states against federal control over activities on public land.

At the same time, politicians have proposed selloffs of public land and putting more federal lands under state control.

"This movement has propped up dangerous voices that reject the rule of law, put communities and hard-working public servants at risk, and fail to appreciate how deeply democratic and American our national parks and public lands are," Jewell said.

"If we stay on this trajectory, 100 years from now, national parks and wildlife refuges will be like postage stamps of nature on a map. What we need is smart planning, on a landscape-level ...

"This country's national parks, forests, refuges, and public lands are some of the most valuable assets that we collectively own. At a time when they face threats from land grabs to climate change, we can't afford to turn our backs on them."

Sent from my iPhone

On Apr 19, 2016, at 6:49 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

And here's where we landed w/Politico's Morning Energy tip sheet:

ME FIRST - JEWELL'S 'STATE OF THE PARKS' ADDRESS : Interior Secretary Sally Jewell is expected to mount a strong defense of the importance of federal lands and call for "a major course correction in how we approach conservation," in a speech at the National Geographic Society at 2 p.m. today, according to remarks shared with ME.

"This country's national parks, forests, refuges, and public lands are some of the most valuable assets that we collectively own," Jewell is set to say. "At a time when they face threats from land grabs to climate change, we can't afford to turn our backs on them."

The speech, which marks a weeklong celebration of the National Park Service's centennial year, comes the day after Jewell announced a \$95 million distribution to every state, territory, and the District of Columbia out of the Land and Water Conservation Fund. The fund expired last year, but got a few years of reprieve as part of the omnibus.

Sent from my iPhone

On Apr 19, 2016, at 6:35 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

Have to say - wasn't really expecting this angle for the preview:

AP: Jewell: Oregon takeover among several threats to West

BY ASSOCIATED PRESS | April 19, 2016 @ 3:20 am



FILE- In this Dec. 9, 2015, file photo, Interior Secretary Sally Jewell testifies on Capitol Hill in Washington before the House Natural Resources Oversight Committee hearing on the Animas River Spill in Colorado. An armed takeover of an Oregon national wildlife refuge is part of a

disturbing “extreme movement” to seize public lands and reject the rule of law, putting communities and public employees at risk throughout the West, Jewell said in a speech outlining Obama administration conservation policies. (AP Photo/Manuel Balce Ceneta, File)

WASHINGTON (AP) — An armed takeover of an Oregon national wildlife refuge is part of a disturbing “extreme movement” to seize public lands and reject the rule of law — putting communities and public employees at risk throughout the West, Interior Secretary Sally Jewell says in a speech outlining Obama administration conservation policies.

The 41-day standoff this winter came at the same time as two other trends that threaten the West, Jewell said: A push by some politicians to sell off lands that belong to all Americans to the highest bidder, and the rapid disappearance of natural areas throughout the region due to climate change and increased development.

Citing a new analysis by a non-profit conservation group, Jewell said natural areas in the West are disappearing at the rate of a football field every two-and-a-half minutes. The trend is especially alarming “because healthy, intact ecosystems are fundamental to the health of our nation,” she said.

Jewell, who began her fourth year as Interior secretary this month, is set to deliver the speech Tuesday at the National Geographic Society in Washington. The Associated Press obtained excerpts in advance.

The convergence of trends threatening the West has “propped up dangerous voices that reject the rule of law, put communities and hard-working public servants at risk, and fail to appreciate how deeply democratic and American our national parks and public lands are,” Jewell said.

More than two dozen armed occupiers took over the Malheur National Wildlife Refuge in Oregon in January, demanding that the government turn over the land to locals and release two ranchers imprisoned for setting fires. The standoff left one man dead and exposed simmering anger over the government’s control of vast expanses of Western land.

At least 25 people have been indicted on federal charges of conspiracy to impede employees at the wildlife refuge from performing their duties.

The takeover followed an armed confrontation with government agents two years ago by Nevada rancher Cliven Bundy and at least 18 other people. Bundy’s son Ammon Bundy led the Oregon standoff.

Besides rejecting the demands of extremists, officials must address the dual threats of climate change and development, Jewell said, noting that her speech comes as the National Park Service celebrates its 100th anniversary.

“This country’s national parks, forests, refuges and public lands are some of the most valuable assets that we collectively own,” she said. “At a time when they face threats from land grabs to climate change, we can’t afford to turn our backs on them. Let us use this special year of the (Park Service) centennial to set a new path for conservation in the 21st century.”

On other topics, Jewell said the Park Service and other agencies need to do a better job reaching out to “under-represented communities,” including women, young people and minorities.

“The majority of visitors to national parks today look like me: older and whiter,” Jewell said. “We need to kick off the new century of American conservation by issuing a giant, open invitation to every American to visit their national parks and public lands.”

Jewell said she will kick off the effort herself, traveling to parks and other sites this summer on what aides call a “conservation road tour” from coast to coast.

Follow Matthew Daly at <http://twitter.com/MatthewDalyWDC>

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Senior Adviser & Press Secretary
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Cell: (202) 713-8638

Conversation Contents

Native News Online: BEARS EARS INTER-TRIBAL COALITION ENCOURAGED BY SECRETARY JEWELL'S INTENTION TO VISIT BEARS EARS

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

From: "Kershaw, Jessica" <jessica_kershaw@ios.doi.gov>
Sent: Thu Apr 21 2016 13:18:36 GMT-0600 (MDT)
To: Jessica Kershaw <jessica_kershaw@ios.doi.gov>
Kelly Kate <kate_kelly@ios.doi.gov>, Androff Blake <blake_androff@ios.doi.gov>, Interior Press <interior_press@ios.doi.gov>, Buffa Nikki <nicole_buffa@ios.doi.gov>, John Blair <john_blair@ios.doi.gov>, Sarah Neimeyer <sarah_neimeyer@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Elizabeth Klein <Elizabeth_Klein@ios.doi.gov>, Sarah Greenberger <sarah_greenberger@ios.doi.gov>, Rachael Johnson <rachael_johnson@ios.doi.gov>, Emily Bokar <emily_bokar@ios.doi.gov>, Jeremy Bratt <jeremy_bratt@ios.doi.gov>, "Degroff, Amanda" <amanda_degroff@ios.doi.gov>, Lawrence Roberts <lawrence_roberts@ios.doi.gov>, Sarah Walters <sarah_walters@ios.doi.gov>
CC:
Subject: Native News Online: BEARS EARS INTER-TRIBAL COALITION ENCOURAGED BY SECRETARY JEWELL'S INTENTION TO VISIT BEARS EARS

BEARS EARS INTER-TRIBAL COALITION ENCOURAGED BY SECRETARY JEWELL'S INTENTION TO VISIT BEARS EARS

BY NATIVE NEWS ONLINE STAFF / CURRENTS / 21 APR 2016



Tribal Leaders Eager to Show Secretary Unmatched Cultural Landscape and Urgent Need for a Bears Ears National Monument

Published April 21, 2016

BEARS EARS, UTAH – Leaders of the Bears Ears Inter-Tribal Coalition welcomed Interior Secretary Sally Jewell's commitment to visit the Bears Ears region and hear about its importance to Tribal Nations and local citizens. Earlier today, Secretary Jewell delivered a major conservation speech at National Geographic in Washington, D.C. During the speech she outlined a conservation agenda for the next century that is more inclusive of the broad spectrum of American citizens and one that advances protections for important cultural and natural lands. Jewell listed Bears Ears among the places she intends to visit and noted the long history of efforts to conserve the area.

"It is not possible to fully appreciate the importance of the Bears Ears region to Native Americans without seeing the sites that our ancestors walked, talking with Tribal members about their connections to the land and wildlife and experiencing the beauty of the region firsthand," said Regina Lopez-Whiteskunk, Councilwoman of Ute Mountain Ute Tribe and Co-Chair of the Bears Ears Inter-Tribal Coalition. "We are excited that Secretary Jewell will be able to experience the Bears Ears cultural landscape."

"By visiting the Bears Ears region, Secretary Jewell will be able to see why it is so important to our people. Unfortunately, she will also see evidence of the looting and vandalism that our ancestral sites are facing and the urgent need to protect the Bears Ears region as a National Monument," said Alfred Lomahquahu, Hopi Vice Chairman and Co-Chair of the Bears Ears Inter-Tribal Coalition.

An unprecedented coalition of Tribal governments from the Ute Mountain Ute, Zuni, Hopi, Navajo, and Ute Tribe of the Uintah and Ouray have joined together to seek a Bears Ears National Monument that protects archaeological and cultural resources; preserves historic sites, items of spiritual significance and ongoing cultural activities; protects



Interior Secretary Sally Jewell

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native fish, wildlife and plants; provides access for hunting, ceremonies, fuel wood and herb collection; preserves wilderness and scenic values and allows for Tribal collaborative management of the area. Responding to six years worth of grassroots legwork, Tribes have coalesced around their aboriginal lands facing ongoing looting, vandalism and destruction of cultural and sacred sites. The Bears Ears coalition has presented a detailed proposal for a National Monument for the area to President Obama.

"Protecting the Bears Ears as a National Monument is supported by all of the Tribal governments in the region, local grassroots Navajo and Ute people and the vast majority of the citizens of Utah. We are looking forward to Secretary Jewell's visit and hope President Obama will act swiftly to protect the Bears Ears as a National Monument," said Jonathan Nez, Navajo Nation Vice President.

"Protecting Bears Ears was unanimously supported by the Navajo Nation Council and it has overwhelming support from grassroots Navajo people and Navajo Chapters in Utah," said Davis Filfred, Navajo Nation Council Delegate (Mexican Water, Aneth, Teecnospos, Tólikan, Red Mesa).

<http://nativenewsonline.net/currents/bears-ears-inter-tribal-coalition-encouraged-secretary-jewells-intention-visit-bears-ears/>

On Wed, Apr 20, 2016 at 10:46 PM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

Salt Lake Tribune: Lawmakers say tribal support for Bears Ears monument is a 'charade'

By [BRIAN MAFFLY](#) | The Salt Lake Tribune [CONNECT](#)

First Published 1 hour ago • Updated 55 minutes ago

(Al Hartmann | The Salt Lake Tribune) Actor for Western Values Project, portraying a snake oil salesman, mocks Rep. Ken Ivory, and Congressman Rob Bishop at the Capitol before the 9 a.m. meeting of the Commission for the Stewardship of Public Lands where a resolution condemning the Antiquities Act was expected to pass. Also in contention as part of the Antiquities Act is a proposal before President Obama setting aside hundreds of thousands of acres in San Juan County for a Bear's Ears National Monument.

Public lands » Panel endorses resolution against "unilateral" monument designation; Herbert adds bill to May 18 special session.



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ARTICLE PHOTO GALLERY (15)



The legislative commission overseeing Utah's land-transfer efforts passed two controversial resolutions Wednesday, opposing "unilateral use" of the Antiquities Act to designate national monuments in Utah and calling for a lawsuit against the federal government to demand control of 31 million acres of public land.

Dozens of supporters of the Bears Ears monument proposal, pushed by several tribal groups, crammed the Capitol room where the Commission for the Stewardship of Public Lands conducted a contentious meeting that often devolved into partisan bickering and name-calling.

Rep. Mike Noel, R-Kanab, blasted audience members, many of them Salt Lake City conservationists, as "selfish and greedy" for trying to impose their will on residents of southeastern Utah who would have to live with the 1.9-million-acre monument.

Noel and other Utah leaders are convinced President Barack Obama will make such a designation in the coming months and cited Interior Secretary Sally Jewell's Tuesday announcement of a "major course correction" for conservation and a visit to Utah this summer.

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Sent from my iPhone

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By - Associated Press - Wednesday, April 20, 2016

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AP // April 19, 2016

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[Jewell confronts critics, declares 'new conservation era'](#)

E&E // Corbin Hiar // April 19, 2016

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[Interior secretary calls for 'major course correction' on conservation](#)

The Hill // Tim Cama // April 19

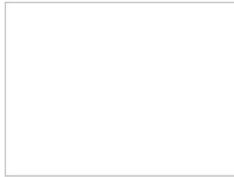
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USA Today: National Parks looking for young, diverse visitors



John Bacon, USA TODAY 3:15 p.m. EDT April 19, 2016



(Photo: Mandel Ngan, AFP/Getty Images)

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The National Park Service must do a better job of outreach to women, millennials and minorities as it heads into its second century, Interior Secretary Sally Jewell said in a speech Tuesday marking National Park Week.

On Tue, Apr 19, 2016 at 2:53 PM, Amanda Degroff <amanda_degroff@ios.doi.gov> wrote:



"The majority of visitors to national parks today look like me: older and whiter," Jewell said at the National Geographic Society in Washington. "Which means we haven't found a way to connect to the young people of today, who are more diverse, more tech-savvy and more disconnected from nature than ever before."

Only a "sliver" of parks and historic sites focus on women and minorities, Jewell said. She said she will travel to parks across the nation this summer to hear what people and communities want and need.

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Jewell said public lands are threatened by politicians pressing to sell it off "for short term gains to the highest bidder," and by extremists such as the ranchers who seized the Malheur Wildlife Refuge in Oregon for more than a month earlier this year.



USA TODAY Most Americans say climate changing, humans to blame



USA TODAY Sally Jewell is environmentalist, business exec

"If you add that all up, you're looking at a pretty bleak picture," she said. If changes aren't made, "100 years from now, national parks and wildlife refuges will be like postage stamps of nature on a map."

Jewell, who was president and CEO of outdoor apparel and equipment company Recreational Equipment Inc. (REI) before President Obama brought her to Washington in 2013, stressed the business side of the parks. She noted the parks are drawing record visitors, including 307 million visits last year alone. But she added the maintenance backlog pricetag of almost \$12 billion is also a record.

Consumer spending for outdoor recreation is almost equal to pharmaceuticals and motor vehicles and parts combined, Jewell said. Conservation aside, parks generated \$32 billion in economic activity in 2015 on a \$3 billion budget, she said.

"Taxpayers saw a 10-to-1 return on investment. As a businessperson, I can tell you that's pretty darn good," she said.

<http://www.usatoday.com/story/news/nation/2016/04/19/national-parks-looking-young-diverse-visitors/83235694/>

Denver Post: Secretary Jewell calls for "major course correction" in conservation

By Bruce Finley The Denver Post

Tuesday, April 19, 2016 - 2:41 p.m.

Natural areas are disappearing at the rate of a soccer field every 2½ minutes, and dangerous movements threaten the future of public lands, Interior Secretary Sally Jewell said Tuesday, urging a major increase of conservation efforts that embraces young Americans.

"We as a country need to make a major course correction in how we approach conservation to ensure a bright future for our public land and waters," Jewell said in [a speech](#) in Washington D.C.

The majority of people visiting national parks in Colorado and other western states are increasingly old and largely white, Jewell said.

"Which means we haven't found a way to connect to the young people of today, who are more diverse, more tech-savvy and more disconnected from nature than ever before," she said.

"We need to kick off the new century of American conservation by issuing a giant, open invitation to every American to visit their national parks and public lands."

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A new analysis by the non-profit group Conservation Science Partners, based on satellite images and federal land data, found that natural areas are disappearing rapidly. Jewell said that group's "Disappearing West" report is alarming "because healthy, intact ecosystems are fundamental to the health of our nation."

Population growth and development and the impact of climate change are to blame, she said.

The degradation of nature and loss of natural land coincides with flareups in the movement to seize public lands. Jewell referred to the armed standoff in Oregon this year, a 41-day ordeal at the Malheur National Wildlife Refuge that highlighted sentiments in western states against federal control over activities on public land.

At the same time, politicians have proposed selloffs of public land and putting more federal lands under state control.

"This movement has propped up dangerous voices that reject the rule of law, put communities and hard-working public servants at risk, and fail to appreciate how deeply democratic and American our national parks and public lands are," Jewell said.

"If we stay on this trajectory, 100 years from now, national parks and wildlife refuges will be like postage stamps of nature on a map. What we need is smart planning, on a landscape-level ...

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The speech, which marks a weeklong celebration of the National Park Service's centennial year, comes the day after Jewell announced a \$95 million distribution to every state, territory, and the District of Columbia out of the Land and Water Conservation Fund. The fund expired last year, but got a few years of reprieve as part of the omnibus.

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AP: Jewell: Oregon takeover among several threats to West

BY ASSOCIATED PRESS | April 19, 2016 @ 3:20 am



FILE- In this Dec. 9, 2015, file photo, Interior Secretary Sally Jewell testifies on Capitol Hill in Washington before the House Natural Resources Oversight Committee hearing on the Animas River Spill in Colorado. An armed takeover of an Oregon national wildlife refuge is part of a disturbing "extreme movement" to seize public lands and reject the rule of law, putting communities and public employees at risk throughout the West, Jewell said in a speech outlining Obama administration conservation policies. (AP Photo/Manuel Balce Ceneta, File)

WASHINGTON (AP) — An armed takeover of an Oregon national wildlife refuge is part of a disturbing "extreme movement" to seize public lands and reject the rule of law — putting communities and public employees at risk throughout the West, Interior Secretary Sally Jewell says in a speech outlining Obama administration conservation policies.

The 41-day standoff this winter came at the same time as two other trends that threaten the West, Jewell said: A push by some politicians to sell off lands that belong to all Americans to the highest bidder, and the rapid disappearance of natural areas throughout the region due to climate change and increased development.

Citing a new analysis by a non-profit conservation group, Jewell said natural areas in the West are disappearing at the rate of a football field every two-and-a-half minutes. The trend is especially alarming "because healthy, intact ecosystems are fundamental to the health of our nation," she said.

Jewell, who began her fourth year as Interior secretary this month, is set to deliver the speech Tuesday at the National Geographic Society in Washington. The Associated Press obtained excerpts in advance.

The convergence of trends threatening the West has "propped up dangerous voices that reject the rule of law, put communities and hard-working public servants at risk, and fail to appreciate how deeply democratic and American our national parks and public lands are," Jewell said.

More than two dozen armed occupiers took over the Malheur National Wildlife Refuge in Oregon in January, demanding that the government turn over the land to locals and release two ranchers imprisoned for setting fires. The standoff left one man dead and exposed simmering anger over the government's control of vast expanses of Western land.

At least 25 people have been indicted on federal charges of conspiracy to impede employees at the wildlife refuge from performing their duties.

The takeover followed an armed confrontation with government agents two years ago by Nevada rancher Cliven Bundy and at least 18 other people. Bundy's son Ammon Bundy led the Oregon standoff.

Besides rejecting the demands of extremists, officials must address the dual threats of climate change and development, Jewell said, noting that her speech comes as the National Park Service celebrates its 100th anniversary.

"This country's national parks, forests, refuges and public lands are some of the most valuable assets that we collectively own," she said. "At a time when they face threats from land grabs to climate change, we can't afford to turn our backs on them. Let us use this special year of the (Park Service) centennial to set a new path for conservation in the 21st century."

On other topics, Jewell said the Park Service and other agencies need to do a better job reaching out to "under-represented communities," including women, young people and minorities.

"The majority of visitors to national parks today look like me: older and whiter," Jewell said. "We need to kick off the new century of American conservation by issuing a giant, open invitation to every American to visit their national parks and public lands."

Jewell said she will kick off the effort herself, traveling to parks and other sites this summer on what aides call a "conservation road tour" from coast to coast.

Follow Matthew Daly at <http://twitter.com/MatthewDalyWDC>

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Conversation Contents

Clip: Native News Online: BEARS EARS INTER-TRIBAL COALITION ENCOURAGED BY SECRETARY JEWELL'S INTENTION TO VISIT BEARS EARS

"Duran, Leah" <leah_duran@ios.doi.gov>

From: "Duran, Leah" <leah_duran@ios.doi.gov>
Sent: Thu Apr 21 2016 07:18:18 GMT-0600 (MDT)
To: Jessica Kershaw <jessica_kershaw@ios.doi.gov>
 Kelly Kate <kate_kelly@ios.doi.gov>, Androff Blake <blake_androff@ios.doi.gov>, Interior Press <interior_press@ios.doi.gov>, Buffa Nikki <nicole_buffa@ios.doi.gov>, John Blair <john_blair@ios.doi.gov>, Sarah Neimeyer <sarah_neimeyer@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Elizabeth Klein <Elizabeth_Klein@ios.doi.gov>, Sarah Greenberger <sarah_greenberger@ios.doi.gov>, Rachael Johnson <rachael_johnson@ios.doi.gov>, Emily Bokar <emily_bokar@ios.doi.gov>, Jeremy Bratt <jeremy_bratt@ios.doi.gov>, "Degroff, Amanda" <amanda_degroff@ios.doi.gov>
CC:
Subject: Clip: Native News Online: BEARS EARS INTER-TRIBAL COALITION ENCOURAGED BY SECRETARY JEWELL'S INTENTION TO VISIT BEARS EARS

[BEARS EARS INTER-TRIBAL COALITION ENCOURAGED BY SECRETARY JEWELL'S INTENTION TO VISIT BEARS EARS](#)

BEARS EARS, UTAH – Leaders of the Bears Ears Inter-Tribal Coalition welcomed Interior Secretary Sally Jewell's commitment to visit the Bears Ears region and hear about its importance to Tribal Nations and local citizens. Earlier today, Secretary Jewell delivered a major conservation speech at National Geographic in Washington, D.C. During the speech she outlined a conservation agenda for the next century that is more inclusive of the broad spectrum of American citizens and one that advances protections for important cultural and natural lands. Jewell listed Bears Ears among the places she intends to visit and noted the long history of efforts to conserve the area.

"It is not possible to fully appreciate the importance of the Bears Ears region to Native Americans without seeing the sites that our ancestors walked, talking with Tribal members about their connections to the land and wildlife and experiencing the beauty of the region firsthand," said Regina Lopez-Whiteskunk, Councilwoman of Ute Mountain Ute Tribe and Co-Chair of the Bears Ears Inter-Tribal Coalition. "We are excited that Secretary Jewell will be able to experience the Bears Ears cultural landscape."

"By visiting the Bears Ears region, Secretary Jewell will be able to see why it is so important to our people. Unfortunately, she will also see evidence of the looting and vandalism that our ancestral sites are facing and the urgent need to protect the Bears Ears region as a National Monument," said Alfred Lomahquahu, Hopi Vice Chairman and Co-Chair of the Bears Ears Inter-Tribal Coalition.

An unprecedented coalition of Tribal governments from the Ute Mountain Ute, Zuni, Hopi, Navajo, and Ute Tribe of the Uintah and Ouray have joined together to seek a Bears Ears National Monument that protects archaeological and cultural resources; preserves historic sites, items of spiritual significance and ongoing cultural activities; protects native fish, wildlife and plants; provides access for hunting, ceremonies, fuel wood and herb collection; preserves wilderness and scenic values and allows for Tribal collaborative management of the area. Responding to six years worth of grassroots legwork, Tribes have coalesced around their aboriginal lands facing ongoing looting, vandalism and destruction of cultural and sacred sites. The Bears Ears coalition has presented a detailed proposal for a National Monument for the area to President Obama.

"Protecting the Bears Ears as a National Monument is supported by all of the Tribal governments in the region, local grassroots Navajo and Ute people and the vast majority of the citizens of Utah. We are looking forward to Secretary Jewell's visit and hope President Obama will act swiftly to protect the Bears Ears as a National Monument," said Jonathan Nez, Navajo Nation Vice President.

"Protecting Bears Ears was unanimously supported by the Navajo Nation Council and it has overwhelming support from grassroots Navajo people and Navajo Chapters in Utah," said Davis Filfred, Navajo Nation Council Delegate (Mexican Water, Aneth, Teecnospos, Tóíikan, Red Mesa).

On Wed, Apr 20, 2016 at 10:46 PM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

Salt Lake Tribune: Lawmakers say tribal support for Bears Ears monument is a 'charade'

By [BRIAN MAFFLY](#) | The Salt Lake Tribune [CONNECT](#)

First Published 1 hour ago • Updated 55 minutes ago

(Al Hartmann | The Salt Lake Tribune) Actor for Western Values Project, portraying a snake oil salesman, mocks Rep. Ken Ivory, and Congressman Rob Bishop at the Capitol before the 9 a.m. meeting of the Commission for the Stewardship of Public Lands where a resolution condemning the Antiquities Act was expected to pass. Also in contention as part of the Antiquities Act is a proposal before President Obama setting aside hundreds of thousands of acres in San Juan County for a Bear's Ears National Monument.



Interior Secretary Sally Jewell

Public lands » Panel endorses resolution against "unilateral" monument designation; Herbert adds bill to May 18 special session.



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ARTICLE PHOTO GALLERY (15)



The legislative commission overseeing Utah's land-transfer efforts passed two controversial resolutions Wednesday, opposing "unilateral use" of the Antiquities Act to designate national monuments in Utah and calling for a lawsuit against the federal government to demand control of 31 million acres of public land.

Dozens of supporters of the Bears Ears monument proposal, pushed by several tribal groups, crammed the Capitol room where the Commission for the Stewardship of Public Lands conducted a contentious meeting that often devolved into partisan bickering and name-calling.

Rep. Mike Noel, R-Kanab, blasted audience members, many of them Salt Lake City conservationists, as "selfish and greedy" for trying to impose their will on residents of southeastern Utah who would have to live with the 1.9-million-acre monument.

Noel and other Utah leaders are convinced President Barack Obama will make such a designation in the coming months and cited Interior Secretary Sally Jewell's Tuesday announcement of a "major course correction" for conservation and a visit to Utah this summer.

Utah Dine Bikeyah, a nonprofit led by Navajos who follow traditional spiritual practices, has spearheaded the monument idea, which has been embraced by the leadership of two dozen other tribes, many of which can trace ancestral ties to the land around Cedar Mesa and the Abajos. These lands, which harbor tens of thousands of archaeological sites, are considered sacred, and members of a variety of tribes visit to gather herbs and firewood and pursue spiritual experiences.

But Noel and other critics say Utah Dine Bikeyah does not represent American Indians who live in Utah, and is really a front for environmental groups whose true aim is to shut down public access.

An investigation into the group's funding is in the works, Noel said.

Some tribal leaders call such allegations "insulting and false."

For the past several years, Utah Dine Bikeyah has sought conservation status for the land surrounding the Bears Ears buttes and has nurtured buy-in from numerous tribes that have not always gotten along with the Navajo.

Access for traditional activities and a management framework that give tribes a say are core elements of their proposal.

But San Juan County Commissioner Rebecca Benally, a Navajo and a Democrat, said Wednesday that a monument will curtail Native Americans' use of the land and bring further harm to what is already Utah's most economically distressed region, plagued with high rates of suicide and unemployment.

"A national monument will be a devastation for San Juan County," Benally said. "Speaking on behalf of my elders and descendants, they truly and heartfelt request that they do not want a monument. We already have three." Those monuments — Rainbow Bridge, Natural Bridges and Hovenweep — have not improved the unemployment rate, and neither would a fourth, she said.

Ute Mountain Ute Tribal Councilwoman Regina Lopez-Whiteskunk, co-chairwoman of the Bears Ears Inter-Tribal Coalition, spoke in support of monument protection and uniting the tribes on this issue.

"We have to come together and reach across reservation and state boundary lines and other unwritten lines between one another, that we come together to find a solution," she said. "We need to protect it now. We don't need to do it several years down the road. It is something that desperately needs to be addressed."

Several of the other elected Utah tribal leaders who do support the monument, including Navajo Nation Council delegates Herman Daniels and Davis Filfred, were at a council session Wednesday in Window Rock, Ariz.

Monument proponents say Cedar Mesa is being trashed by off-roaders and pot hunters; looting and grave desecration are on the rise.

Cynthia Wilson, Utah Dine Bikeyah's outreach director, said six of the seven Navajo chapter houses in Utah have endorsed Bears Ears. Yet commission co-Chairman Sen. David Hinkins, whose Senate district covers San Juan County, said he has seen no support among Utah Navajo.

"I have gone to all the chapter houses and talked to all the leaders. I don't feel that is the case at all," said Hinkins, R-Orangeville.

Sent from my iPhone

On Apr 20, 2016, at 7:49 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

AP-UT: Governor asks lawmakers to pass anti-monument resolution

By - Associated Press - Wednesday, April 20, 2016

SALT LAKE CITY (AP) - Gov. Gary Herbert is calling on lawmakers to pass a resolution opposing a new national monument in the state, a move he says would be "absolutely irresponsible" for President Barack Obama to consider without input from residents.

The Republican governor issued a statement Wednesday calling lawmakers into a special session May 18 to pass the resolution. They're also expected to restore money cut from education programs.

Herbert and legislative leaders announced the upcoming session earlier this week after reaching a deal on the education programs.

The push declaring opposition to a new monument gained new urgency this week when Interior Secretary Sally Jewell announced plans to visit Utah.

Utah Republicans oppose a proposed 1.9 million-acre Bears Ears National Monument, but American Indian tribes and conservation groups say the land is threatened by off-road vehicles and looting.

<http://www.washingtontimes.com/news/2016/apr/20/governor-asks-lawmakers-to-pass-anti-monument-reso/>

On Tue, Apr 19, 2016 at 5:25 PM, Degroff, Amanda <amanda_degroff@ios.doi.gov> wrote:

[Jewell commits to Utah visit to hear conservation proposals](#)

AP // April 19, 2016

Utah is among the places Interior Secretary Sally Jewell plans to visit this summer to hear about proposals for conserving public lands. American Indian tribes and Utah's congressional delegation have been at odds over land management in southeastern Utah. The tribes and conservation groups have called on President Barack Obama to designate 1.9 million acres as the Bears Ears National Monument. They say the land is under constant threat from off-road vehicles and looting.

[Jewell confronts critics, declares 'new conservation era'](#)

E&E // Corbin Hiar // April 19, 2016

Interior Secretary Sally Jewell today took aim at critics of public lands and outlined her priorities for the remainder of the Obama administration. She also announced a nationwide listening tour on conservation and a Commerce Department study on the impact of outdoor recreation on the U.S. economy. "I believe we are at the dawn of a new conservation era in America," Jewell said. "Americans are more determined than ever to solve the problems we face. To take action to confront climate change. To pass ballot initiatives to fund parks and open space. To work the lands in a sustainable way. To give everyone an equal chance to get outdoors." Timed to coincide with National Park Week and the National Park Service's centennial celebration, the speech began by detailing the challenges facing the 100-year-old agency. In addition to struggling with a \$11.9 billion deferred maintenance backlog, the Park Service has visitors who are older and whiter than the nation as a whole.

On Tue, Apr 19, 2016 at 4:12 PM, Degroff, Amanda <amanda_degroff@ios.doi.gov> wrote:

[Interior secretary calls for 'major course correction' on conservation](#)

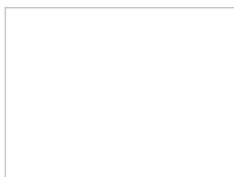
The Hill // Tim Cama // April 19

Interior Secretary Sally Jewell called Tuesday for major changes in how the country handles conservation in an effort to modernize efforts to protect public land. In a major speech in Washington to mark the 100th anniversary of the creation of the National Park Service, Jewell said federal lands — parks, wildlife refuges, forests, grazing areas and more — are facing numerous threats that are natural, manmade and political. "If we stay on this trajectory, 100 years from now, national parks and wildlife refuges will be like postage stamps of nature on a map, isolated islands of conservation with run-down facilities that crowds of Americans visit like zoos to catch a glimpse of our nation's remaining wildlife and undeveloped patches of land," Jewell said.

On Tue, Apr 19, 2016 at 4:11 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

USA Today: National Parks looking for young, diverse visitors

 **John Bacon, USA TODAY** 3:15 p.m. EDT April 19, 2016



(Photo: Mandel Ngan, AFP/Getty Images)

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USA TODAY

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Jewell, who began her fourth year as Interior secretary this month, is set to deliver the speech Tuesday at the National Geographic Society in Washington. The Associated Press obtained excerpts in advance.

The convergence of trends threatening the West has “propped up dangerous voices that reject the rule of law, put communities and hard-working public servants at risk, and fail to appreciate how deeply democratic and American our national parks and public lands are,” Jewell said.

More than two dozen armed occupiers took over the Malheur National Wildlife Refuge in Oregon in January, demanding that the government turn over the land to locals and release two ranchers imprisoned for setting fires. The standoff left one man dead and exposed simmering anger over the government’s control of vast expanses of Western land.

At least 25 people have been indicted on federal charges of conspiracy to impede employees at the wildlife refuge from performing their duties.

The takeover followed an armed confrontation with government agents two years ago by Nevada rancher Cliven Bundy and at least 18 other people. Bundy’s son Ammon Bundy led the Oregon standoff.

Besides rejecting the demands of extremists, officials must address the dual threats of climate change and development, Jewell said, noting that her speech comes as the National Park Service celebrates its 100th anniversary.

“This country’s national parks, forests, refuges and public lands are some of the most valuable assets that we collectively own,” she said. “At a time when they face threats from land grabs to climate change, we can’t afford to turn our backs on them. Let us use this special year of the (Park Service) centennial to set a new path for conservation in the 21st century.”

On other topics, Jewell said the Park Service and other agencies need to do a better job reaching out to “under-represented communities,” including women, young people and minorities.

“The majority of visitors to national parks today look like me: older and whiter,” Jewell said. “We need to kick off the new century of American conservation by issuing a giant, open invitation to every American to visit their national parks and public lands.”

Jewell said she will kick off the effort herself, traveling to parks and other sites this summer on what aides call a “conservation road tour” from coast to coast.

—

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Conversation Contents

Salt Lake Tribune: Lawmakers say tribal support for Bears Ears monument is a 'charade'

Jessica Kershaw <jessica_kershaw@ios.doi.gov>

From: Jessica Kershaw <jessica_kershaw@ios.doi.gov>
Sent: Wed Apr 20 2016 20:46:16 GMT-0600 (MDT)
To: Kelly Kate <kate_kelly@ios.doi.gov>, Androff Blake <blake_androff@ios.doi.gov>, Interior Press <interior_press@ios.doi.gov>, Buffa Nikki <nicole_buffa@ios.doi.gov>, John Blair <john_blair@ios.doi.gov>, Sarah Neimeyer <sarah_neimeyer@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Elizabeth Klein <Elizabeth_Klein@ios.doi.gov>, Sarah Greenberger <sarah_greenberger@ios.doi.gov>, Rachael Johnson <rachael_johnson@ios.doi.gov>, Emily Bokar <emily_bokar@ios.doi.gov>, Jeremy Bratt <jeremy_bratt@ios.doi.gov>, "Degroff, Amanda" <amanda_degroff@ios.doi.gov>
CC:
Subject: Salt Lake Tribune: Lawmakers say tribal support for Bears Ears monument is a 'charade'

Salt Lake Tribune: Lawmakers say tribal support for Bears Ears monument is a 'charade'

By [BRIAN MAFFLY](#) | The Salt Lake Tribune [CONNECT](#)

First Published 1 hour ago • Updated 55 minutes ago

(Al Hartmann | The Salt Lake Tribune) Actor for Western Values Project, portraying a snake oil salesman, mocks Rep. Ken Ivory, and Congressman Rob Bishop at the Capitol before the 9 a.m. meeting of the Commission for the Stewardship of Public Lands where a resolution condemning the Antiquities Act was expected to pass. Also in contention as part of the Antiquities Act is a proposal before President Obama setting aside hundreds of thousands of acres in San Juan County for a Bear's Ears National Monument.

Public lands » Panel endorses resolution against "unilateral" monument designation; Herbert adds bill to May 18 special session.



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ARTICLE PHOTO GALLERY (15)



The legislative commission overseeing Utah's land-transfer efforts passed two controversial resolutions Wednesday, opposing "unilateral use" of the Antiquities Act to designate national monuments in Utah and calling for a lawsuit against the federal government to demand control of 31 million acres of public land.

Dozens of supporters of the Bears Ears monument proposal, pushed by several tribal groups, crammed the Capitol room where the Commission for the Stewardship of Public Lands conducted a contentious meeting that often devolved into partisan bickering and name-calling.

Rep. Mike Noel, R-Kanab, blasted audience members, many of them Salt Lake City conservationists, as "selfish and greedy" for trying to impose their will on residents of southeastern Utah who would have to live with the 1.9-million-acre monument.

Noel and other Utah leaders are convinced President Barack Obama will make such a designation in the coming months and cited Interior Secretary Sally Jewell's Tuesday announcement of a "major course correction" for conservation and a visit to Utah this summer.

Utah Dine Bikeyah, a nonprofit led by Navajos who follow traditional spiritual practices, has spearheaded the monument idea, which has been embraced by the leadership of two dozen other tribes, many of which can trace ancestral ties to the land around Cedar Mesa and the Abajos. These lands, which harbor tens of thousands of archaeological sites, are considered sacred, and members of a variety of tribes visit to gather herbs and firewood and pursue spiritual experiences.

But Noel and other critics say Utah Dine Bikeyah does not represent American Indians who live in Utah, and is really a front for environmental groups whose true aim is to shut down public access.

An investigation into the group's funding is in the works, Noel said.

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Some tribal leaders call such allegations "insulting and false."

For the past several years, Utah Dine Bikeyah has sought conservation status for the land surrounding the Bears Ears buttes and has nurtured buy-in from numerous tribes that have not always gotten along with the Navajo.

Access for traditional activities and a management framework that give tribes a say are core elements of their proposal.

But San Juan County Commissioner Rebecca Benally, a Navajo and a Democrat, said Wednesday that a monument will curtail Native Americans' use of the land and bring further harm to what is already Utah's most economically distressed region, plagued with high rates of suicide and unemployment.

"A national monument will be a devastation for San Juan County," Benally said. "Speaking on behalf of my elders and descendants, they truly and heartfelt request that they do not want a monument. We already have three." Those monuments — Rainbow Bridge, Natural Bridges and Hovenweep — have not improved the unemployment rate, and neither would a fourth, she said.

Ute Mountain Ute Tribal Councilwoman Regina Lopez-Whiteskunk, co-chairwoman of the Bears Ears Inter-Tribal Coalition, spoke in support of monument protection and uniting the tribes on this issue.

"We have to come together and reach across reservation and state boundary lines and other unwritten lines between one another, that we come together to find a solution," she said. "We need to protect it now. We don't need to do it several years down the road. It is something that desperately needs to be addressed."

Several of the other elected Utah tribal leaders who do support the monument, including Navajo Nation Council delegates Herman Daniels and Davis Filfred, were at a council session Wednesday in Window Rock, Ariz.

Monument proponents say Cedar Mesa is being trashed by off-roaders and pot hunters; looting and grave desecration are on the rise.

Cynthia Wilson, Utah Dine Bikeyah's outreach director, said six of the seven Navajo chapter houses in Utah have endorsed Bears Ears. Yet commission co-Chairman Sen. David Hinkins, whose Senate district covers San Juan County, said he has seen no support among Utah Navajo.

"I have gone to all the chapter houses and talked to all the leaders. I don't feel that is the case at all," said Hinkins, R-Orangeville.

Sent from my iPhone

On Apr 20, 2016, at 7:49 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

AP-UT: Governor asks lawmakers to pass anti-monument resolution

By - Associated Press - Wednesday, April 20, 2016

SALT LAKE CITY (AP) - Gov. Gary Herbert is calling on lawmakers to pass a resolution opposing a new national monument in the state, a move he says would be "absolutely irresponsible" for President Barack Obama to consider without input from residents.

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Herbert and legislative leaders announced the upcoming session earlier this week after reaching a deal on the education programs.

The push declaring opposition to a new monument gained new urgency this week when Interior Secretary Sally Jewell announced plans to visit Utah.

Utah Republicans oppose a proposed 1.9 million-acre Bears Ears National Monument, but American Indian tribes and conservation groups say the land is threatened by off-road vehicles and looting.

<http://www.washingtontimes.com/news/2016/apr/20/governor-asks-lawmakers-to-pass-anti-monument-reso/>

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AP // April 19, 2016

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American Indian tribes and Utah's congressional delegation have been at odds over land management in southeastern Utah. The tribes and conservation groups have called on President Barack Obama to designate 1.9 million acres as the Bears Ears National Monument. They say the land is under constant threat from off-road vehicles and looting.

[Jewell confronts critics, declares 'new conservation era'](#)

E&E // Corbin Hiar // April 19, 2016

Interior Secretary Sally Jewell today took aim at critics of public lands and outlined her priorities for the remainder of the Obama administration. She also announced a nationwide listening tour on conservation and a Commerce Department study on the impact of outdoor recreation on the U.S. economy. "I believe we are at the dawn of a new conservation era in America," Jewell said. "Americans are more determined than ever to solve the problems we face. To take action to confront climate change. To pass ballot initiatives to fund parks and open space. To work the lands in a sustainable way. To give everyone an equal chance to get outdoors." Timed to coincide with National Park Week and the National Park Service's centennial celebration, the speech began by detailing the challenges facing the 100-year-old agency. In addition to struggling with a \$11.9 billion deferred maintenance backlog, the Park Service has visitors who are older and whiter than the nation as a whole.

On Tue, Apr 19, 2016 at 4:12 PM, Degroff, Amanda <amanda_degroff@ios.doi.gov> wrote:

[Interior secretary calls for 'major course correction' on conservation](#)

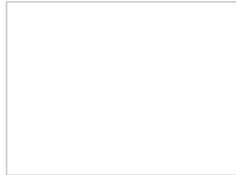
The Hill // Tim Cama // April 19

Interior Secretary Sally Jewell called Tuesday for major changes in how the country handles conservation in an effort to modernize efforts to protect public land. In a major speech in Washington to mark the 100th anniversary of the creation of the National Park Service, Jewell said federal lands — parks, wildlife refuges, forests, grazing areas and more — are facing numerous threats that are natural, manmade and political. "If we stay on this trajectory, 100 years from now, national parks and wildlife refuges will be like postage stamps of nature on a map, isolated islands of conservation with run-down facilities that crowds of Americans visit like zoos to catch a glimpse of our nation's remaining wildlife and undeveloped patches of land," Jewell said.

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USA Today: National Parks looking for young, diverse visitors

 **John Bacon, USA TODAY** 3:15 p.m. EDT April 19, 2016



(Photo: Mandel Ngan, AFP/Getty Images)

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The National Park Service must do a better job of outreach to women, millennials and minorities as it heads into its second century, Interior Secretary Sally Jewell said in a speech Tuesday marking National Park Week.

On Tue, Apr 19, 2016 at 2:53 PM, Amanda Degroff <amanda_degroff@ios.doi.gov> wrote:



"The majority of visitors to national parks today look like me: older and whiter," Jewell said at the National Geographic Society in Washington. "Which means we haven't found a way to connect to the young people of today, who are more diverse, more tech-savvy and more disconnected from nature than ever before."

Only a "sliver" of parks and historic sites focus on women and minorities, Jewell said. She said she will travel to parks across the nation this summer to hear what people and communities want and need.

The National Park Service is marking its 100th anniversary this year, and admission to all its parks is free until April 24. Jewell's speech stressed the need to protect the parks from encroaching financial and ecological pressures. She cited an analysis by the non-profit Conservation Science Partners that said natural areas in the West are disappearing at the rate of a football field every two-and-a-half minutes.

Jewell said public lands are threatened by politicians pressing to sell it off "for short term gains to the highest bidder," and by extremists such as the ranchers who seized the Malheur Wildlife Refuge in Oregon for more than a month earlier this year.



USA TODAY
Most Americans say climate changing, humans to blame



USA TODAY
Sally Jewell is environmentalist, business exec

"If you add that all up, you're looking at a pretty bleak picture," she said. If changes aren't made, "100 years from now, national parks and wildlife refuges will be like postage stamps of nature on a map."

Jewell, who was president and CEO of outdoor apparel and equipment company Recreational Equipment Inc. (REI) before President Obama brought her to Washington in 2013, stressed the business side of the parks. She noted the parks are drawing record visitors, including 307 million visits last year alone. But she added the maintenance backlog pricetag of almost \$12 billion is also a record.

Consumer spending for outdoor recreation is almost equal to pharmaceuticals and motor vehicles and parts combined, Jewell said. Conservation aside, parks generated \$32 billion in economic activity in 2015 on a \$3 billion budget, she said.

"Taxpayers saw a 10-to-1 return on investment. As a businessperson, I can tell you that's pretty darn good," she said.

<http://www.usatoday.com/story/news/nation/2016/04/19/national-parks-looking-young-diverse-visitors/83235694/>

Denver Post: Secretary Jewell calls for "major course correction" in conservation

By Bruce Finley The Denver Post

Tuesday, April 19, 2016 - 2:41 p.m.

Natural areas are disappearing at the rate of a soccer field every 2½ minutes, and dangerous movements threaten the future of public lands, Interior Secretary Sally Jewell said Tuesday, urging a major increase of conservation efforts that embraces young Americans.

"We as a country need to make a major course correction in how we approach conservation to ensure a bright future for our public land and waters," Jewell said in [a speech](#) in Washington D.C.

The majority of people visiting national parks in Colorado and other western states are increasingly old and largely white, Jewell said.

"Which means we haven't found a way to connect to the young people of today, who are more diverse, more tech-savvy and more disconnected from nature than ever before," she said.

"We need to kick off the new century of American conservation by issuing a giant, open invitation to every American to visit their national parks and public lands."

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A new analysis by the non-profit group Conservation Science Partners, based on satellite images and federal land data, found that natural areas are disappearing rapidly. Jewell said that group's "Disappearing West" report is alarming "because healthy, intact ecosystems are fundamental to the health of our nation."

Population growth and development and the impact of climate change are to blame, she said.

The degradation of nature and loss of natural land coincides with flareups in the movement to seize public lands. Jewell referred to the armed standoff in Oregon this year, a 41-day ordeal at the Malheur National Wildlife Refuge that highlighted sentiments in western states against federal control over activities on public land.

At the same time, politicians have proposed selloffs of public land and putting more federal lands under state control.

"This movement has propped up dangerous voices that reject the rule of law, put communities and hard-working public servants at risk, and fail to appreciate how deeply democratic and American our national parks and public lands are," Jewell said.

"If we stay on this trajectory, 100 years from now, national parks and wildlife refuges will be like postage stamps of nature on a map. What we need is smart planning, on a landscape-level ...

"This country's national parks, forests, refuges, and public lands are some of the most valuable assets that we collectively own. At a time when they face threats from land grabs to climate change, we can't afford to turn our backs on them."

Sent from my iPhone

On Apr 19, 2016, at 6:49 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

And here's where we landed w/Politico's Morning Energy tip sheet:

ME FIRST - JEWELL'S 'STATE OF THE PARKS' ADDRESS : Interior Secretary Sally Jewell is expected to mount a strong defense of the importance of federal lands and call for "a major course correction in how we approach conservation," in a speech at the National Geographic Society at 2 p.m. today, according to remarks shared with ME.

"This country's national parks, forests, refuges, and public lands are some of the most valuable assets that we collectively own," Jewell is set to say. "At a time when they face threats from land grabs to climate change, we can't afford to turn our backs on them."

The speech, which marks a weeklong celebration of the National Park Service's centennial year, comes the day after Jewell announced a \$95 million distribution to every state, territory, and the District of Columbia out of the Land and Water Conservation Fund. The fund expired last year, but got a few years of reprieve as part of the omnibus.

Sent from my iPhone

On Apr 19, 2016, at 6:35 AM, Jessica Kershaw <jessica_kershaw@ios.doi.gov> wrote:

Have to say - wasn't really expecting this angle for the preview:

AP: Jewell: Oregon takeover among several threats to West

BY ASSOCIATED PRESS | April 19, 2016 @ 3:20 am



FILE- In this Dec. 9, 2015, file photo, Interior Secretary Sally Jewell testifies on Capitol Hill in Washington before the House Natural Resources Oversight Committee hearing on the Animas River Spill in Colorado. An armed takeover of an Oregon national wildlife refuge is part of a disturbing "extreme movement" to seize public lands and reject the rule of law, putting communities and public employees at risk throughout the West, Jewell said in a speech outlining Obama administration conservation policies. (AP Photo/Manuel Balce Ceneta, File)

WASHINGTON (AP) — An armed takeover of an Oregon national wildlife refuge is part of a disturbing "extreme movement" to seize public lands and reject the rule of law — putting communities and public employees at risk throughout the West, Interior Secretary Sally Jewell says in a speech outlining Obama administration conservation policies.

The 41-day standoff this winter came at the same time as two other trends that threaten the West, Jewell said: A push by some politicians to sell off lands that belong to all Americans to the highest bidder, and the rapid disappearance of natural areas throughout the region due to climate change and increased development.

Citing a new analysis by a non-profit conservation group, Jewell said natural areas in the West are disappearing at the rate of a football field every two-and-a-half minutes. The trend is especially alarming "because healthy, intact ecosystems are fundamental to the health of our nation," she said.

Jewell, who began her fourth year as Interior secretary this month, is set to deliver the speech Tuesday at the National Geographic Society in Washington. The Associated Press obtained excerpts in advance.

The convergence of trends threatening the West has "propped up dangerous voices that reject the rule of law, put communities and hard-working public servants at risk, and fail to appreciate how deeply democratic and American our national parks and public lands are," Jewell said.

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Besides rejecting the demands of extremists, officials must address the dual threats of climate change and development, Jewell said, noting that her speech comes as the National Park Service celebrates its 100th anniversary.

"This country's national parks, forests, refuges and public lands are some of the most valuable assets that we collectively own," she said. "At a time when they face threats from land grabs to climate change, we can't afford to turn our backs on them. Let us use this special year of the (Park Service) centennial to set a new path for conservation in the 21st century."

On other topics, Jewell said the Park Service and other agencies need to do a better job reaching out to "under-represented communities," including women, young people and minorities.

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

From: "Kershaw, Jessica" <jessica_kershaw@ios.doi.gov>
Sent: Wed Apr 20 2016 17:49:00 GMT-0600 (MDT)
To:
 Kelly Kate <kate_kelly@ios.doi.gov>, Androff Blake <blake_androff@ios.doi.gov>, Interior Press <interior_press@ios.doi.gov>, Buffa Nikki <nicole_buffa@ios.doi.gov>, John Blair <john_blair@ios.doi.gov>, Sarah Neimeyer <sarah_neimeyer@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Elizabeth Klein <Elizabeth_Klein@ios.doi.gov>, Sarah Greenberger <sarah_greenberger@ios.doi.gov>, Rachael Johnson <rachael_johnson@ios.doi.gov>, Emily Bokar <emily_bokar@ios.doi.gov>, Jeremy Bratt <jeremy_bratt@ios.doi.gov>, "Degroff, Amanda" <amanda_degroff@ios.doi.gov>
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By - Associated Press - Wednesday, April 20, 2016

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[Jewell confronts critics, declares 'new conservation era'](#)

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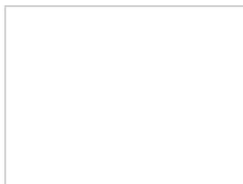
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 **John Bacon, USA TODAY** 3:15 p.m. EDT April 19, 2016



(Photo: Mandel Ngan, AFP/Getty Images)

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The National Park Service is marking its 100th anniversary this year, and admission to all its parks is free until April 24. Jewell's speech stressed the need to protect the parks from encroaching financial and ecological pressures. She cited an analysis by the non-profit Conservation Science Partners that said natural areas in the West are disappearing at the rate of a football field every two-and-a-half minutes.

Jewell said public lands are threatened by politicians pressing to sell it off "for short term gains to the highest bidder," and by extremists such as the ranchers who seized the Malheur Wildlife Refuge in Oregon for more than a month earlier this year.



USA TODAY
Most Americans say climate changing, humans to blame



USA TODAY
Sally Jewell is environmentalist, business exec

"If you add that all up, you're looking at a pretty bleak picture," she said. If changes aren't made, "100 years from now, national parks and wildlife refuges will be like postage stamps of nature on a map."

Jewell, who was president and CEO of outdoor apparel and equipment company Recreational Equipment Inc. (REI) before President Obama brought her to Washington in 2013, stressed the business side of the parks. She noted the parks are drawing record visitors, including 307 million visits last year alone. But she added the maintenance backlog pricetag of almost \$12 billion is also a record.

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"Taxpayers saw a 10-to-1 return on investment. As a businessperson, I can tell you that's pretty darn good," she said.

<http://www.usatoday.com/story/news/nation/2016/04/19/national-parks-looking-young-diverse-visitors/83235694/>

Denver Post: Secretary Jewell calls for "major course correction" in conservation

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By Bruce Finley The Denver Post

Tuesday, April 19, 2016 - 2:41 p.m.

Natural areas are disappearing at the rate of a soccer field every 2½ minutes, and dangerous movements threaten the future of public lands, Interior Secretary Sally Jewell said Tuesday, urging a major increase of conservation efforts that embraces young Americans.

"We as a country need to make a major course correction in how we approach conservation to ensure a bright future for our public land and waters," Jewell said in [a speech](#) in Washington D.C.

The majority of people visiting national parks in Colorado and other western states are increasingly old and largely white, Jewell said.

"Which means we haven't found a way to connect to the young people of today, who are more diverse, more tech-savvy and more disconnected from nature than ever before," she said.

"We need to kick off the new century of American conservation by issuing a giant, open invitation to every American to visit their national parks and public lands."

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A new analysis by the non-profit group Conservation Science Partners, based on satellite images and federal land data, found that natural areas are disappearing rapidly. Jewell said that group's "Disappearing West" report is alarming "because healthy, intact ecosystems are fundamental to the health of our nation."

Population growth and development and the impact of climate change are to blame, she said.

The degradation of nature and loss of natural land coincides with flareups in the movement to seize public lands. Jewell referred to the armed standoff in Oregon this year, a 41-day ordeal at the Malheur National Wildlife Refuge that highlighted sentiments in western states against federal control over activities on public land.

At the same time, politicians have proposed selloffs of public land and putting more federal lands under state control.

"This movement has propped up dangerous voices that reject the rule of law, put communities and hard-working public servants at risk, and fail to appreciate how deeply democratic and American our national parks and public lands are," Jewell said.

"If we stay on this trajectory, 100 years from now, national parks and wildlife refuges will be like postage stamps of nature on a map. What we need is smart planning, on a landscape-level ...

"This country's national parks, forests, refuges, and public lands are some of the most valuable assets that we collectively own. At a time when they face threats from land grabs to climate change, we can't afford to turn our backs on them."

Sent from my iPhone

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AP: Jewell: Oregon takeover among several threats to West

BY ASSOCIATED PRESS | April 19, 2016 @ 3:20 am



FILE- In this Dec. 9, 2015, file photo, Interior Secretary Sally Jewell testifies on Capitol Hill in Washington before the House Natural Resources Oversight Committee hearing on the Animas River Spill in Colorado. An armed takeover of an Oregon national wildlife refuge is part of a disturbing “extreme movement” to seize public lands and reject the rule of law, putting communities and public employees at risk throughout the West, Jewell said in a speech outlining Obama administration conservation policies. (AP Photo/Manuel Balce Ceneta, File)

WASHINGTON (AP) — An armed takeover of an Oregon national wildlife refuge is part of a disturbing “extreme movement” to seize public lands and reject the rule of law — putting communities and public employees at risk throughout the West, Interior Secretary Sally Jewell says in a speech outlining Obama administration conservation policies.

The 41-day standoff this winter came at the same time as two other trends that threaten the West, Jewell said: A push by some politicians to sell off lands that belong to all Americans to the highest bidder, and the rapid disappearance of natural areas throughout the region due to climate change and increased development.

Citing a new analysis by a non-profit conservation group, Jewell said natural areas in the West are disappearing at the rate of a football field every two-and-a-half minutes. The trend is especially alarming “because healthy, intact ecosystems are fundamental to the health of our nation,” she said.

Jewell, who began her fourth year as Interior secretary this month, is set to deliver the speech Tuesday at the National Geographic Society in Washington. The Associated Press obtained excerpts in advance.

The convergence of trends threatening the West has “propped up dangerous voices that reject the rule of law, put communities and hard-working public servants at risk, and fail to appreciate how deeply democratic and American our national parks and public lands are,” Jewell said.

More than two dozen armed occupiers took over the Malheur National Wildlife Refuge in Oregon in January, demanding that the government turn over the land to locals and release two ranchers imprisoned for setting fires. The standoff left one man dead and exposed simmering anger over the government’s control of vast expanses of Western land.

At least 25 people have been indicted on federal charges of conspiracy to impede employees at the wildlife refuge from performing their duties.

The takeover followed an armed confrontation with government agents two years ago by Nevada rancher Cliven Bundy and at least 18 other people. Bundy’s son Ammon Bundy led the Oregon standoff.

Besides rejecting the demands of extremists, officials must address the dual threats of climate change and development, Jewell said, noting that her speech comes as the National Park Service celebrates its 100th anniversary.

“This country’s national parks, forests, refuges and public lands are some of the most valuable assets that we collectively own,” she said. “At a time when they face threats from land grabs to climate change, we can’t afford to turn our backs on them. Let us use this special year of the (Park Service) centennial to set a new path for conservation in the 21st century.”

On other topics, Jewell said the Park Service and other agencies need to do a better job reaching out to “under-represented communities,” including women, young people and minorities.

“The majority of visitors to national parks today look like me: older and whiter,” Jewell said. “We need to kick off the new century of American conservation by issuing a giant, open invitation to every American to visit their national parks and public lands.”

Jewell said she will kick off the effort herself, traveling to parks and other sites this summer on what aides call a “conservation road tour” from coast to coast.

Follow Matthew Daly at <http://twitter.com/MatthewDalyWDC>

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Conversation Contents

Re: Salt lake Tribune: Ahead of Jewell visit to Utah, speculation about Bears Ears monument

Amanda Degroff <amanda_degroff@ios.doi.gov>

From: Amanda Degroff <amanda_degroff@ios.doi.gov>
Sent: Tue Apr 19 2016 19:38:27 GMT-0600 (MDT)
To: "Kershaw, Jessica" <jessica_kershaw@ios.doi.gov>
 Kelly Kate <kate_kelly@ios.doi.gov>, Androff Blake <blake_androff@ios.doi.gov>, Interior Press <interior_press@ios.doi.gov>, Buffa Nikki <nicole_buffa@ios.doi.gov>, John Blair <john_blair@ios.doi.gov>, Sarah Neimeyer <sarah_neimeyer@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Elizabeth Klein <Elizabeth_Klein@ios.doi.gov>, Sarah Greenberger <sarah_greenberger@ios.doi.gov>, Rachael Johnson <rachael_johnson@ios.doi.gov>, Emily Bokar <emily_bokar@ios.doi.gov>
CC:
Subject: Re: Salt lake Tribune: Ahead of Jewell visit to Utah, speculation about Bears Ears monument

Salt lake Tribune: Ahead of Jewell visit to Utah, speculation about Bears Ears monument

By [THOMAS BURR](#) | The Salt Lake Tribune [CONNECT](#)
 First Published 4 hours ago • Updated 15 minutes ago

AP file photo | Manuel Balce Ceneta Interior Sally Jewell said Utah will be on her itinerary this year as she makes a push to protect public lands in the West. The comment has again fueled speculation about a Bears Ears monument designation in southeastern Utah.

Public lands » Could Interior secretary trip during Obama’s final year signal Antiquities Act plan?



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ARTICLE PHOTO GALLERY (3)



Washington • Interior Secretary Sally Jewell will visit Utah this summer as part of a tour highlighting the need for a "course correction" to ensure healthy lands, water and wildlife that could offer a prelude to presidential action naming a new national monument.

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In a [major policy speech Tuesday](#), Jewell said she will visit Utah "where there are a range of conservation proposals — legislative and otherwise — to further protect public lands."

She did not clarify what non-legislative proposals mean, but it could be a nod to the possibility that President Barack Obama would use his authority to name a new Bears Ears National Monument in southeastern Utah. Tribal leaders have urged Obama to use the Antiquities Act to preserve some 1.9 million acres.

Jewell did not specifically mention Bears Ears, but she did stress the need to broaden the appeal of public lands and parks to a more diverse group of Americans, especially youngsters, who "can visit a place that honors their heritage or culture."

And she cited Native Americans as one of the groups that has been underrepresented in national parks and historic sites, concluding that "there's more to be done."

In another Utah reference, Jewell talked about the need for better long-range planning of resource development near national parks.

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"That includes issuing master leasing plans for places like Moab, Utah, where we are collaborating with local stakeholders to develop a blueprint for balancing energy development with conservation and outdoor recreation," she said.

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Jewell's possible nod to Bears Ears did not escape the attention of environmental groups and an American Indian group supporting a new monument.

The Bears Ears Inter-Tribal Coalition hailed news of Jewell's visit as a significant step toward its protection.

"By visiting the Bears Ears region, Secretary Jewell will be able to see why it is so important to our people. Unfortunately, she will also see evidence of the looting and vandalism that our ancestral sites are facing and the urgent need to protect the Bears Ears region as a National Monument," Alfred Lomahquahu, Hopi Vice Chairman and Co-Chair of the Bears Ears Inter-Tribal Coalition, said in a news release.

"Protecting Bears Ears was unanimously supported by the Navajo Nation Council and it has overwhelming support from grassroots Navajo people and Navajo Chapters in Utah," said Davis Filfred, Navajo Nation Council Delegate representing Utah chapters.

The Wilderness Society also was quick to praise the speech and its implications.

"New national monuments celebrating women, minorities and our diverse cultures have helped to make public lands even more relevant to greater numbers of Americans," said Jamie Williams, president of The Wilderness Society. "We urge the president to continue to conserve more of America's priceless places as national monuments – like Bears Ears in Utah and other culturally significant sites across the United States."

Utah Reps. Rob Bishop and Jason Chaffetz have been working on legislation called the Public Lands Initiative that they say would bring all parties – from local officials to state representatives, developers and environmentalists – to the table to create a path forward that addresses preservation but also economic development.

Tribal leaders had worked with the Utah Republicans on the proposal but last year said they were frustrated with feeling excluded and took their request straight to the White House to ask that Obama name a monument. The president can designate monuments without congressional approval with the stroke of a pen.

Christy Goldfuss, managing director of the White House Council on Environmental Quality (CEQ), told The Washington Post in February that the administration has "big, big ambitions this year, so let's see what happens."

Later that month, Bishop quizzed Goldfuss about what those ambitions entailed.

"Is CEQ actively working on a national monument proposal for Bears Ears in San Juan County in my state?" Bishop asked during a House Natural Resources Committee hearing.

Sent from my iPhone

On Apr 19, 2016, at 7:27 PM, Degroff, Amanda <amanda_degroff@ios.doi.gov> wrote:

[Interior Secretary Cites Risk of 'Extreme Movement to Seize Public Lands'](#)

Wall Street Journal // Jim Carlton // April 19, 2016

Interior Secretary Sally Jewell said Tuesday that the "emergence of an extreme movement to seize public lands" is putting those lands "at risk of being sold off for a short-term gain to the highest bidder." Her speech before the National Geographic Society in Washington, D.C., comes amid growing frustration from ranchers and others in the West over federal management of land that fueled a 41-day armed takeover earlier this of an Oregon wildlife refuge. That occupation of the Malheur National Wildlife Refuge by the sons of a Nevada rancher ended with 25 arrests and the death of one occupier shot by police.

[Efforts To Protect Sage Grouse A "Model For The Future Of Conservation"](#)

Wyoming Public Media // Caroline Ballard // April 19, 2016

In a speech marking National Park Week, Secretary of the Interior Sally Jewell praised efforts by states like Wyoming to collaborate with private industry and federal agencies to keep the Greater Sage Grouse off the endangered species list. "That's the model for the future of conservation. That big picture, roll up your sleeves, get input from all stakeholders kind of planning is how land management agencies should orient themselves in the 21st century," said Jewell.

[Interior secretary calls for 'course correction' to protect public lands](#)

The Durango Herald // Edward Graham // April 19, 2016

The country is in need of "a major course correction" to conserve public lands and prevent against the threat of climate change, Secretary of the Interior Sally Jewell said Tuesday in Washington, D.C. to mark National Park Week. Last year saw a record number of visitors to national parks, with 307 million tourists visiting sites across the country. But the \$12 billion dollar maintenance backlog for national parks also is a record amount, with budget cuts leaving parks and public lands "understaffed and struggling to keep up with day-to-day operations," Jewell said. She said that efforts to conserve public lands for the future were reaching a critical juncture, especially with generational shifts and attitudes toward preservation.

On Tue, Apr 19, 2016 at 6:20 PM, Degroff, Amanda <amanda_degroff@ios.doi.gov> wrote:

[Interior Sec. Sally Jewell: Refuge Occupation Did Not Get Local Support](#)

Oregon Public Broadcasting // Conrad Wilson // April 19, 2016

U.S. Interior Secretary Sally Jewell says the 41-day occupation at the Malheur National Wildlife Refuge did not get the support of the local community. During remarks following a Tuesday speech at the National Geographic Society in Washington D.C., Jewell also addressed a 2014 armed standoff in Nevada. In both cases, armed protesters were demonstrating against the federal management of public lands. "These are places that can be done in harmony," Jewell said. "That's where conversations on the ground are taking place between our BLM field offices or wildlife refuges, our national parks, our U.S. Forest Service lands taking part within these communities so that we don't end up in conflict."

[National Parks Need a Big Shake-Up](#)

National Geographic // Brian Howard // April 19, 2016

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Often called "America's best idea," the nation's 400-some national parks, monuments, and refuges are more popular than ever yet face crumbling buildings and lean budgets, Interior Secretary Sally Jewell warned in an event at National Geographic headquarters Tuesday, during National Parks Week. "At a time when our public lands face serious threats, from land grabs to climate change, we can't afford to turn our back on them," Jewell said at an event celebrating the 100th anniversary of the U.S. National Parks Service. "We need to use this centennial to set a new path for conservation."

On Tue, Apr 19, 2016 at 5:25 PM, Degroff, Amanda <amanda_degroff@ios.doi.gov> wrote:

[Jewell commits to Utah visit to hear conservation proposals](#)

AP // April 19, 2016

Utah is among the places Interior Secretary Sally Jewell plans to visit this summer to hear about proposals for conserving public lands. American Indian tribes and Utah's congressional delegation have been at odds over land management in southeastern Utah. The tribes and conservation groups have called on President Barack Obama to designate 1.9 million acres as the Bears Ears National Monument. They say the land is under constant threat from off-road vehicles and looting.

[Jewell confronts critics, declares 'new conservation era'](#)

E&E // Corbin Hiar // April 19, 2016

Interior Secretary Sally Jewell today took aim at critics of public lands and outlined her priorities for the remainder of the Obama administration. She also announced a nationwide listening tour on conservation and a Commerce Department study on the impact of outdoor recreation on the U.S. economy. "I believe we are at the dawn of a new conservation era in America," Jewell said. "Americans are more determined than ever to solve the problems we face. To take action to confront climate change. To pass ballot initiatives to fund parks and open space. To work the lands in a sustainable way. To give everyone an equal chance to get outdoors." Timed to coincide with National Park Week and the National Park Service's centennial celebration, the speech began by detailing the challenges facing the 100-year-old agency. In addition to struggling with a \$11.9 billion deferred maintenance backlog, the Park Service has visitors who are older and whiter than the nation as a whole.

On Tue, Apr 19, 2016 at 4:12 PM, Degroff, Amanda <amanda_degroff@ios.doi.gov> wrote:

[Interior secretary calls for 'major course correction' on conservation](#)

The Hill // Tim Cama // April 19

Interior Secretary Sally Jewell called Tuesday for major changes in how the country handles conservation in an effort to modernize efforts to protect public land. In a major speech in Washington to mark the 100th anniversary of the creation of the National Park Service, Jewell said federal lands — parks, wildlife refuges, forests, grazing areas and more — are facing numerous threats that are natural, manmade and political. "If we stay on this trajectory, 100 years from now, national parks and wildlife refuges will be like postage stamps of nature on a map, isolated islands of conservation with run-down facilities that crowds of Americans visit like zoos to catch a glimpse of our nation's remaining wildlife and undeveloped patches of land," Jewell said.

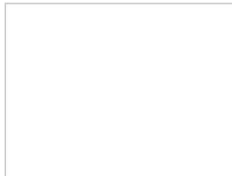
On Tue, Apr 19, 2016 at 4:11 PM, Kershaw, Jessica <jessica_kershaw@ios.doi.gov> wrote:

USA Today: National Parks looking for young, diverse visitors



John Bacon, USA TODAY

3:15 p.m. EDT April 19, 2016



(Photo: Mandel Ngan, AFP/Getty Images)

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The National Park Service must do a better job of outreach to women, millennials and minorities as it heads into its second century, Interior Secretary Sally Jewell said in a speech Tuesday marking National Park Week.

On Tue, Apr 19, 2016 at 2:53 PM, Amanda Degroff <amanda_degroff@ios.doi.gov> wrote:



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At the same time, politicians have proposed selloffs of public land and putting more federal lands under state control.

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BY ASSOCIATED PRESS | April 19, 2016 @ 3:20 am



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Sent from my iPhone

--

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

--

Amanda DeGroff
U.S. Department of the Interior
202-208-5205 (Desk)
202-568-0168 (Cell)

--

Amanda DeGroff
U.S. Department of the Interior
202-208-5205 (Desk)
202-568-0168 (Cell)

Conversation Contents

Re: Meeting with Nikki Buffa, others?

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Wed Mar 30 2016 14:23:33 GMT-0600 (MDT)
To: "Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>
CC: John Blair <john_blair@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, "Katie O'Leary" <kathleen_oleary@ios.doi.gov>
Subject: Re: Meeting with Nikki Buffa, others?

J&T - I'll happily take this. Let Gisella know if you want to attend too (I think you're in, JB). Otherwise, she'll do the scheduling.

Thanks,
Nikki

On Mar 30, 2016, at 2:42 PM, Ojeda-dodds, Gisella <gisella_ojeda-dodds@ios.doi.gov> wrote:

Hey Nikki - got this recently, how do you want to handle? G

----- Forwarded message -----

From: Jen Ujifusa <jen@suwa.org>
Date: Tue, Mar 29, 2016 at 12:15 PM
Subject: Meeting with Nikki Buffa, others?
To: "Ojeda-dodds, Gisella" <gisella_ojeda-dodds@ios.doi.gov>

Hi Gisella!

How are you? I'm wondering if we can set up a meeting for myself and Kabir Green of NRDC with Nikki Buffa, Tommy Beaudreau and John Blair for sometime next week? We have some updates from the Bears Ears Intertribal Coalition we've been asked to share, including a short video, and it may be easiest if they are all in the same room.

Please let me know if this is workable! (We would show the video on an iPad).

Thanks so much,

Jen

Jen Beasley Ujifusa

Legislative Director

Southern Utah Wilderness Alliance

202.266.0473 (office)

801.791.2598 (cell)

www.suwa.org

--

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: 7229-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

"Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>

From: "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
Sent: Wed Mar 30 2016 14:36:48 GMT-0600 (MDT)
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Re: Meeting with Nikki Buffa, others?

I don't think I need to attend, unless you disagree

On Wed, Mar 30, 2016 at 4:23 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

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Thanks,
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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

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

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent: Wed Mar 30 2016 15:00:56 GMT-0600 (MDT)
To: "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
Subject: Re: Meeting with Nikki Buffa, others?

Nope!

On Wed, Mar 30, 2016 at 4:36 PM, Beaudreau, Tommy
<tommy_beaudreau@ios.doi.gov> wrote:

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On Wed, Mar 30, 2016 at 4:23 PM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

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Gisella Ojeda-Dodds

Executive Assistant to Nikki Buffa, Deputy Chief of Staff

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- Tribe Unknown

--

Nikki Buffa

Deputy Chief of Staff

US Department of the Interior

202-219-3861

nicole_buffa@ios.doi.gov

Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>

From: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Sent: Wed Mar 30 2016 15:01:26 GMT-0600 (MDT)
To: kathleen_oleary@ios.doi.gov
Subject: Fwd: Meeting with Nikki Buffa, others?

TPB

Begin forwarded message:

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Date: March 30, 2016 at 5:00:56 PM EDT
To: "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
Subject: **Re: Meeting with Nikki Buffa, others?**

Nope!

On Wed, Mar 30, 2016 at 4:36 PM, Beaudreau, Tommy <tommy_beaudreau@ios.doi.gov> wrote:

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Subject: Meeting with Nikki Buffa, others?
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Gisella Ojeda-Dodds
Executive Assistant to Nikki Buffa, Deputy Chief of Staff
Immediate Office of the Secretary
U.S. Department of the Interior
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Washington, D.C. 20240
Telephone: (202) 208-4123/4105
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- Tribe Unknown

--

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

Conversation Contents

Fwd: 86% of Navajos, 66% of Utahns support Bears Ears

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Mon Mar 21 2016 07:44:12 GMT-0600 (MDT)
To: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject: Fwd: 86% of Navajos, 66% of Utahns support Bears Ears

Begin forwarded message:

From: Utah Diné Bikéyah <info@utahdinebikeyah.org>
Date: March 18, 2016 at 8:32:49 PM EDT
To: <nicole_buffa@ios.doi.gov>
Subject: 86% of Navajos, 66% of Utahns support Bears Ears
Reply-To: Utah Diné Bikéyah <info@utahdinebikeyah.org>



Utah Diné Bikéyah





A few quick updates for Bears Ears supporters:

Like spring itself, the Bears Ears campaign is moving at a mile a minute these days. The UDB team is keeping busy making sure elected officials and the public are aware that grassroots people want to see Bears Ears protected. **Locals agree, Native American elected officials agree, and an overwhelming majority of Utahns agree:** it is time to protect Bears Ears.

UDB Chairman, Willie Grayeyes, recently stated:

*"Governor Herbert says that protecting this land will be divisive, when in fact **66% of Utahns and 86% of Navajos in Utah support designation of Bears Ears as a National Monument.**"*





UDB Community Outreach Coordinator, Cynthia Wilson, has been manning the UDB booth at markets across the Navajo Nation. At the Shiprock flea market last Saturday, **Cynthia collected 250+ postcards in support of Bears Ears National Monument -- in less than 3 hrs!** Cynthia Wilson reports that of the hundred of people she talked to, only one was opposed to designation.



Monument Valley Community Meeting

Join UDB **tomorrow** at the **Monument Valley Welcome Center** for a community meeting about Bears Ears. The meeting begins at **10am**. Bring your neighbors, bring your family! Come sign a postcard telling President Obama you support protection for Bears Ears. Plus, pick up free Protect Bears Ears t-shirts & copies of the new booklet, "Bears Ears: A Native Perspective."

Monument Valley Welcome Center
*** Community Meeting ***
Join us to hear updates & discuss the
BEARS EARS NATIONAL MONUMENT



Join us at upcoming community meetings, too:

- Navajo Mountain - Fri. April 15 - 9am
- Whiterocks Community - Sat. April 20 - 10am
- Red Mesa Chapter - Sat. May 14 - 9am
- Kayenta - TBD

Media Coverage

Bears Ears made the New York Times homepage on Saturday, 3/12, when the NYT published an article titled ["Remote Utah Enclave Becomes New Battleground Over Reach of U.S. Control."](#) Though the article emphasized debate, Tribes and a majority of Utahns have reached **clear consensus in support of Bears Ears.**



... and nature advocates are face to face with conservatives over a new monument in Utah's red-rock deserts that would protect 1.9 million acres of land from new mining and drilling.



Also keep an eye out for:
upcoming New York Times letter-to-the-editor
by UDB Chairman Willie Grayeyes!

Other news highlights:

- Native America Calling - [Protecting Bears Ears](#) - 3/17
- Salt Lake Tribune - [Op-ed: Bishop misrepresents what is in his own PLI bill](#) - 3/17
- Deseret News - [University students decry Bishop's public lands bill](#) - 3/15

On Wed, student leaders from 7 universities & high schools across Utah released a letter at the State Capitol to express opposition to the draft PLI. This impressive student alliance demonstrates that the next generation of Utahns stands strongly in support of permanent protection for Bears Ears.



UDB is working round the clock to share

information about the Bears Ears proposal with grassroots communities, especially those who call this ancestral landscape home. **All of our voices gathered together makes a powerful unified call for Bears Ears.**

Have you signed a postcard asking President Obama to designate Bears Ears as a national monument?



[Sign the online petition now](#) or drop by one of the upcoming

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[Sign the online petition now](#), or drop by one of the upcoming community meetings to sign in person. We look forward to celebrating Bears Ears with you!

Thank you,
Utah Diné Bikéyah



Facebook



Website



Email

This email was sent to nicole_buffa@ios.doi.gov
[why did I get this?](#) [unsubscribe from this list](#) [update subscription preferences](#)
Utah Diné Bikéyah · 314 W 300 S · Salt Lake City, UT 84101 · USA

Conversation Contents

Fwd: support letter

Attachments:

/31. Fwd: support letter/1.1 image001.jpg

/31. Fwd: support letter/1.2 Bears Ears Conservation Group Support Letter - Final.pdf

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

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent: Mon Mar 07 2016 15:07:09 GMT-0700 (MST)
To: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>, Robert Howarth <robert_howarth@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, Jonathan Jarvis <jon_jarvis@nps.gov>
Subject: Fwd: support letter
Attachments: image001.jpg Bears Ears Conservation Group Support Letter - Final.pdf

----- Forwarded message -----

From: **Matt Keller** <matt_keller@twsw.org>
Date: Mon, Mar 7, 2016 at 3:29 PM
Subject: support letter
To: Nicole Buffa <nicole_buffa@ios.doi.gov>

Hi Nikki,

Attached please find a letter of support from several conservation organizations for the Bears Ears Inter Tribal Coalition's proposal for a Bears Ears National Monument. It is addressed to the President with Secretary Jewell and Director Kornze copied, among others.

Thanks,

Matt

Matt Keller
National Monuments Campaign Director

The Wilderness Society

Office: 970.422.4349

Cell: 970.946.0906

matt_keller@tw.s.org

www.wilderness.org

Facebook: www.facebook.com/TheWildernessSociety

Twitter: twitter.com/Wilderness



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

--

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

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March 7th, 2016

The President
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear Mr. President,

On behalf of our millions of members and supporters nationwide, the undersigned organizations are writing to express support for the Bears Ears Inter-Tribal Coalition's (Coalition) proposal to protect the Bears Ears cultural landscape as a new national monument.

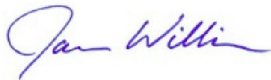
The proposal would permanently protect the Bears Ears area, as well as provide for its collaborative management with representation from the tribes that comprise the coalition. We support the creation of a unique, jointly-managed national monument that honors the traditional and ancestral ties of Native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

Like the Coalition, which has detailed its concerns repeatedly to Representatives Bishop and Chaffetz, our organizations have also invested significant time and resources in the Public Lands Initiative (PLI) process during the past three years. Like the Coalition, we share deep concerns about the PLI legislation in the Bears Ears region. The failure of the PLI process to engage anyone outside of San Juan County has prevented critical perspectives and sovereign nations from being heard. Unfortunately, the recently released (January 20, 2016) draft PLI fails to adequately protect this important landscape.

Given the sacredness of the Bears Ears landscape to the Coalition and the outstanding archeological, ecological, cultural, geological, and recreational values of the area, we urge you to designate a Bears Ears National Monument with meaningful collaborative management as envisioned by the Coalition. When considering the awe-inspiring values of this unmatched landscape and the immediacy of the threats there, it is clear that permanent protection cannot wait.

We stand ready to support the Coalition and your administration to make this a reality.

Most respectfully,



Jamie Williams, President, The Wilderness Society



Scott Groene, Executive Director, Southern Utah Wilderness Alliance



Michael Brune, Executive Director, Sierra Club



Bill Hedden, Executive Director, Grand Canyon Trust



Josh Ewing, Executive Director, Friends of Cedar Mesa



Brian O'Donnell, Executive Director, Conservation Lands Foundation



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

CC: Secretary of the Interior Sally Jewell
Secretary of Agriculture Tom Vilsack
Christy Goldfuss, Managing Director, Council on Environmental Quality
Neil Kornze, Director, Bureau of Land Management
Tom Tidwell, Chief, US Forest Service
Jon Jarvis, Director, National Park Service

Conversation Contents

"Kelly, Katherine" <kate_kelly@ios.doi.gov>

From: "Kelly, Katherine" <kate_kelly@ios.doi.gov>
Sent: Thu Mar 03 2016 08:14:19 GMT-0700 (MST)
To: Nikki Buffa <nicole_buffa@ios.doi.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject:

Other highlights of the two hearings

Jewell insisted that her department is not working on a possible national monument designation covering 2.5 million acres of the Owyhee Canyonlands in southeast Oregon.

The area at issue is next door to Harney County, where an armed group of ranchers for 40 days occupied the Malheur National Wildlife Refuge to compel the federal government to transfer some of the millions of acres of lands it owns to states and local governments.

A presidential monument designation could be tricky because the occupation that ended last month touched raw nerves over the federal government's vast landholdings in Oregon and the restrictions it imposes on grazing, mining and logging ([Greenwire](#), Feb. 16).

"I'm not aware of any efforts that are going on right now in regards to Owyhee Canyonlands in our department," she said, acknowledging that Rep. Earl Blumenauer (D-Ore.) has expressed interest in the proposal. "But I've not seen any information, nor have we held any community meetings or discussions with people around Owyhee Canyonlands."

House Appropriations Subcommittee Chairman Ken Calvert (R-Calif.) asked Jewell to submit that in writing to the committee.

Jewell also said none of the Interior agencies are currently working on a possible monument designation for the Bears Ears region in southeast Utah, a possibility that's strongly opposed by the state's congressional delegation, as well as Gov. Gary Herbert (R). A coalition of American Indian tribes has tried to persuade Obama to designate a 1.9-million-acre national monument in the region.

"You do have in that region some pretty incredible assets that do warrant protection," Jewell said.

But she also pledged to Rep. Chris Stewart (R-Utah) that nothing would happen without first working with local stakeholders.

"We have not done any monument designations without engaging with local communities, and we would do that should there be any efforts to move forward in that region."

Calvert urged Jewell to make sure that local congressional leaders are at least consulted prior to a

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presidential monument designation. He told Jewell that he was never consulted before Obama last month announced the establishment of three new national monuments spanning 1.8 million acres of California's Mojave Desert, the largest monument designation of his presidency.

Neither, Calvert said, was Rep. Paul Cook (R-Calif.), whose district includes much of the desert monument area.

"I was driving down the freeway and heard about it on the news," he said. "Unfortunately, I wasn't provided the courtesy of being notified of the president's action by your department or the White House prior to the announcement. I don't care which administration it is, members of Congress deserve to be notified."

Jewell acknowledged that he should have been notified beforehand.

"I'm sorry that you did not receive a call and neither did Congressman Cook by the administration," she said.

--

Kate Kelly
Senior Advisor
Department of the Interior
(202) 208 2409
kate_kelly@ios.doi.gov

Conversation Contents

Fwd: A request

Attachments:

/35. Fwd: A request/1.1 NCAI-Bears-EArs-Resolution4.pdf
/35. Fwd: A request/1.2 Northern-Ute-letter.pdf
/35. Fwd: A request/1.3 hopi-nca-letter-scanned.pdf
/35. Fwd: A request/1.4 NABIMA-13-15.pdf
/35. Fwd: A request/1.5 APCG-Bears-Ears-Letter-to-President-and-Congress.pdf
/35. Fwd: A request/1.6 2014-17-Support-for-Protection-of-Cedar-Mesa-Area.pdf

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

From: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Sent: Tue Mar 01 2016 09:17:19 GMT-0700 (MST)
To: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject: Fwd: A request
NCAI-Bears-EArs-Resolution4.pdf Northern-Ute-letter.pdf
hopi-nca-letter-scanned.pdf NABIMA-13-15.pdf APCG-Bears-Ears-Letter-to-President-and-Congress.pdf 2014-17-Support-for-Protection-of-Cedar-Mesa-Area.pdf

Attachments:

For discussion.

----- Forwarded message -----

From: **Natasha K. Hale** <njohnson@grandcanyontrust.org>
Date: Tue, Mar 1, 2016 at 10:12 AM
Subject: Re: A request
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Cc: "Degnan, Michael" <(b) (6)>, Leslie Jones <Leslie.Jones@osec.usda.gov>, Regina Lopez-Whiteskunk <rwhiteskunk@utemountain.org>, Carleton Bowekaty <carleton.bowekaty@ashiwi.org>, Eric Descheenie <descheenie@hotmail.com>, Charles F Wilkinson <Charles.Wilkinson@colorado.edu>, Leland Begay <lelandbegay@utemountain.org>, Alfred Lomahquahu <ALomahquahu@hopi.nsn.us>

Good morning Nikki,

Please see the attached resolutions. Some of these resolutions request for either a National Conservation Area or National Monument designation since tribes were hopeful

at the time that the PLI would be a strong pathway for permanent protection of the Bears Ears. I need to track down a couple more resolutions, and will be in touch.

If updated resolutions would be helpful, the leaders can certainly begin initiating that process within their respective tribal councils, but it will take some time to get updated versions. In the meantime, tribal leaders are gathering updated letters of support for the Bears Ears since we know there are folks actively opposing and undermining the Coalition. The tribes have an MOU to work together as a Coalition on the Bears Ears, and the letters will reference that document.

Attached:

- 1) National Congress of American Indian Resolution to support a national monument and co-management model
- 2) Ute Indian Tribe letter of support
- 3) Hopi letter to President Obama requesting a national monument designation
- 4) Navajo Nation Council resolution for a national monument designation
- 5) Letter to President and Congress from All Indian Pueblo Council of Governors to protect the Bears Ears
- 6) All Indian Pueblo Council of Governor's resolution to support a national monument

Thanks,
N

Natasha Kaye Hale
2601 N. Fort Valley Road | Flagstaff, AZ 86001
Office: [\(928\) 774-7488](tel:9287747488) | Fax: [\(928\) 774-7570](tel:9287747570)

On Tue, Mar 1, 2016 at 7:08 AM, Nicole Buffa <nicole_buffa@ios.doi.gov> wrote:

Hi Natasha - Can you please send along existing resolutions or statements of support for an antiquities act designation from the five tribal governments?

Happy to discuss more by phone but we're trying to gather as much information as possible.

Hope you're well!

Thanks,
Nikki

--

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



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #EC-15-002

TITLE: Supporting the Presidential Proclamation of the Bears Ears National Monument, Including Collaborative Management Between Tribal Nations and the Federal Agencies

EXECUTIVE COMMITTEE

PRESIDENT
Brian Cladoosby
Swinomish Tribe

FIRST VICE-PRESIDENT
Randy Noka
Naragansett Tribe

RECORDING SECRETARY
Aaron Payment
Sault Ste. Marie Tribe of Chippewa Indians of Michigan

TREASURER
Arian Melendez
Reno Sparks Indian Colony

REGIONAL VICE-PRESIDENTS

ALASKA
Jerry Isaac
Native Village of Tanacross

EASTERN OKLAHOMA
S. Joe Crittenden
Cherokee Nation

GREAT PLAINS
Leander McDonald
Spirit Lake Nation

MIDWEST
Roger Rader
Pokagon band of Potawatomi

NORTHEAST
Lance Gumbs
Shinnecock Indian Nation

NORTHWEST
Fawn Sharp
Quinault Indian Nation

PACIFIC
Rosemary Morillo
Soboba Band of Luiseno Indians

ROCKY MOUNTAIN
Ivan Posey
Shoshone Tribe

SOUTHEAST
Ron Richardson
Haliwa-Saponi Indian Tribe

SOUTHERN PLAINS
Stephen Smith
Kiowa Tribe

SOUTHWEST
Manuel Heart
Ute Mountain Ute Tribe

WESTERN
Len George
Fallon Paiute Shoshone Tribe

EXECUTIVE DIRECTOR
Jacqueline Johnson Pata
Tlingit

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202.466.7797 fax
www.ncai.org

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, since time immemorial, the Bears Ears and surrounding land in Southeastern Utah have been a homeland and place of spiritual and cultural significance to tribal people. This living landscape continues to nurture, strengthen, and sustain tribal people, and tribal people remain dependent on these public lands to maintain our traditional livelihoods and cultural practices, such as hunting, gathering, and ceremonial uses.

WHEREAS, for the last century, tribal nations and tribal members have experienced removal from these ancestral homelands, and afterward, limited access to the land. Tribal nations and tribal members have also witnessed the looting of graves and sacred sites, and threats from more modern land uses such as off-road vehicle use and energy development.

WHEREAS, tribal leaders from Hopi, Navajo, Ute Mountain Ute, Zuni and Uintah & Ouray Ute formed the Bears Ears Inter-Tribal Coalition with the goal of protecting and preserving the homeland area of the Bears Ears region.

WHEREAS, the Bears Ears Inter-Tribal Coalition's chosen outcome is for President Obama to use his powers under the Antiquities Act to declare the Bears Ears National Monument, and secure permanent protection for these lands.

WHEREAS, the Bears Ears Inter-Tribal Coalition requests that President Obama proclaim the 1.9 million Bears Ears National Monument to honor the worldviews of our ancestors and Tribes today.

WHEREAS, the Bears Ears Inter-Tribal Coalition proposal asks that the new monument be managed under a path-breaking, comprehensive, and entirely workable regime of true Federal-Tribal Collaborative Management.

WHEREAS, the Bears Ears National Monument has every opportunity to serve as the shining example of the trust, the government-to-government relationship, and innovative, cutting-edge land management.

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby urge President Obama to use his powers under the Antiquities Act to declare the Bears Ears National Monument and, by doing so, provide permanent protection for these lands.

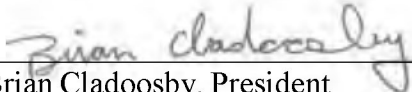
BE IT FURTHER RESOLVED, that NCAI does hereby support the Navajo, Hopi, Zuni, Uintah & Ouray Ute, and Ute Mountain Tribes that comprise the Bears Ears Inter-Tribal Coalition and their shared goal of permanently protecting the Bears Ears region.

BE IT FURTHER RESOLVED, that NCAI does hereby support the Bears Ears National Monument being meaningfully co-managed between the Bears Ears Inter-Tribal Coalition Tribes and federal management agencies for the purpose of honoring the trust relationship, protecting tribal sacred homelands, and preserving traditional and cultural ways of life.

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the Executive Committee of the National Congress of American Indians, held via a poll of Board Members, September 20, 2015 in Washington, D.C. with a quorum present.



Brian Cladoosby, President

ATTEST:



Aaron Payment, Recording Secretary



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

July 14, 2015

Via Email and Hand Delivery

Re: Ute Indian Tribe's Support for Preserving the Bears Ears Region

Dear Messrs. Manual Heart and Kenneth Maryboy:

The Tribal Business Committee ("Business Committee") of the Ute Indian Tribe ("Tribe") supports the permanent protection of the Bears Ears region in the form of a National Conservation Area, or alternatively, as a new National Monument. Providing better stewardship and stronger protections preserves Native American heritage for current and future generations.

Native American traditional and cultural sites need protection from outside threats such as mineral development, indiscriminate off-road vehicle use, and looting. Not only is the Bears Ears region a natural wonder, it is a cultural landscape that contains archaeological and sacred sites, and has been traditionally used for collecting traditional medicines and for ceremonies. With the increase in recreational use, this region deserves status as a National Conservation Area.

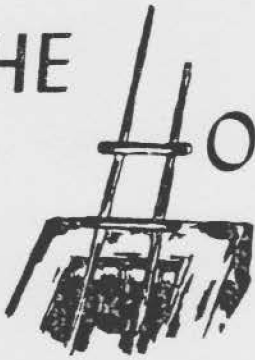
Without federal protection, this extraordinary landscape that is culturally significant to so many Native American groups faces the likelihood of destruction. Therefore, the Ute Indian Tribe joins the Native American tribes and Pueblos that have already publically expressed their support to protect the Bears Ears region. Native American heritage cannot be ignored. It is time for the Bears Ears region to finally have the federal protection it deserves.

Sincerely,

Shaun Chapoose
Chairman, Ute Tribal Business Committee

Cc: Malcolm Lehi, Council Member, Ute Mountain Ute Tribal Council

THE HOPI TRIBE



Herman G. Honanie
CHAIRMAN

Alfred Lomahquahu Jr.
VICE-CHAIRMAN

September 30, 2014

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

Senator Orin Hatch
104 Hart Senate Office Building
Washington, D.C. 20510

Congressman Rob Bishop
123 Cannon Building
Washington, D.C. 20515

Congressman Jim Matheson
2211 Rayburn House Office Building
Washington, D.C. 20515

Senator Mike Lee
316 Hart Senate Office Building
Washington, D.C. 20510

Congressman Jason Chaffetz
2464 Rayburn House Office Building
Washington, D.C. 20515

Congressman Chris Stewart
323 Cannon House Office Building
Washington, D.C. 20515

Dear Mr. President, Senators and Congressmen,

On behalf of Hopi people, Hopisenom, I have the honor of providing the Hopi Tribe's support for the designation of the greater Cedar Mesa area including Alkali Ridge and Montezuma Canyon in southeastern Utah as a National Conservation Area or National Monument.

Pursuant to the enclosed Hopi Tribal Council Resolution H-70-94, the Hopi Tribe claims cultural affiliation to ancestral puebloan cultural groups in the greater Cedar Mesa area. The Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites and Traditional Cultural Properties, and we consider the prehistoric archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties. Therefore, we appreciate your solicitation of our input and your efforts to address our concerns.

Hopi migration is intimately associated with a sacred Covenant between the Hopi people and *M̄asaw*, the Earth Guardian, in which the Hopi people made a solemn promise to protect the land by serving as stewards of the Earth. In accordance with this Covenant, ancestral Hopi clans

traveled through and settled on the lands in and around southeastern Utah during their long migration to *Tuuvanasavi*, the Earth Center on the Hopi Mesas.

The land is a testament of Hopi stewardship through thousands of years, manifested by the "footprints" of ancient villages, sacred springs, migration routes, pilgrimage trails, artifacts, petroglyphs, and the physical remains of buried *Hisatsinom*, the "People of Long Ago," all of which were intentionally left to mark the land as proof that the Hopi people have fulfilled their Covenant. The Hopi ancestors buried in the area continue to inhabit the land, and they are intimately associated with the clouds that travel out across the countryside to release the moisture that sustains all life.

The Hopi footprints and clouds are part of a living, sacred landscape that nourishes and sustains Hopi identity. This landscape is steeped in cultural values and maintained through oral traditions, songs, ceremonial dances, pilgrimages, and stewardship. As a cultural landscape, the archaeological sites and physical terrain situates the Hopi people in time and space, providing a geographical conception of history and religion that connects the past, present and future. These lands are part of our ancestral lands. Hopi history and cultural values associated with ancestral sites and landscapes are deep and abiding.

We are fully aware that over the last few decades the archaeological, natural and geographic resources in the region have been severely impacted by looting, federal management inadequacies, industrial development, and rampant visitation including increased motorized and recreational access and inappropriate all terrain vehicle use. We have encouraged the BLM to enforce the laws protecting cultural and natural resources on public land in San Juan County and not to acquiesce to local political and illegal actions by proposing to make illegal motorized trails into legal motorized roads on public lands that contain irreplaceable cultural resources that have been looted for over a Century and continue to be looted today.

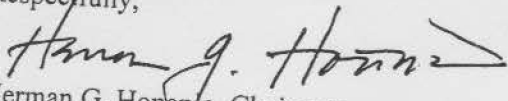
We appreciate the Friends of Cedar Mesa and National Trust for Historic Preservation for working with the Hopi Tribe and other tribes culturally associated to the area to develop proposals that will enhance the protection of cultural landscapes and the sites within them in San Juan County.

And therefore, the Hopi Tribe and Hopi Cultural Preservation Office supports Congressional action to designate the greater Cedar Mesa area as a National Conservation Area. Based on over century of looting and grave robbing, we also support a provision in the designation that provides for protection and preservation and avoidance of our ancestor's human remains. Such a designation could accomplish the goal of prioritizing protection of cultural resources while also allowing flexibility in management of traditional Native American uses.

However, if Congress fails to act quickly to protect this landscape, we urge the President to be ready to preserve this imperiled resource as a National Monument before the end of this term.

Should you have any questions or need additional information, please contact Leigh Kuwanwisiwma, Director, Hopi Cultural Preservation Office at kuwanwisiwma@hopi.nsn.us or 928-734-3611. Thank again you for your consideration.

Respectfully,


Herman G. Honanie, Chairman
THE HOPI TRIBE

RESOLUTION OF THE
NAABIK'ÍYÁTI' COMMITTEE OF THE
NAVJAO NATION COUNCIL

23RD Navajo Nation Council---First Year 2015

AN ACTION

RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE AND THE NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING THE UTAH DINÉ BIKEYAH CONSERVATION PROPOSAL FOR THE FEDERAL DESIGNATION OF BEAR'S EARS NATIONAL CONSERVATION AREA/NATIONAL MONUMENT IN SAN JUAN COUNTY, UTAH, TO PROTECT NATIVE RIGHTS AND INTERESTS ON FEDERAL LANDS FOR FUTURE GENERATIONS

WHEREAS:

1. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A). All powers not delegated are reserved to the Navajo Nation Council. 2 N.N.C. §102(B). The Navajo Nation Council shall supervise all powers delegated. 2 N.N.C. §102(C).
2. The Naabik'íyáti' Committee is one of five standing committees of the Navajo Nation Council and is comprised of all twenty-four members of the Navajo Nation Council. The Committee is authorized to assist and coordinate all requests for information, appearances and testimony relating to proposed county, state and federal legislation impacting the Navajo Nation. 2 N.N.C. §§ 180 and 701(A)(6).
3. The Navajo Nation includes communities in San Juan County, Utah; these communities depend on federal lands and resources within San Juan County, Utah; a copy of a Memorandum of Understanding between the Utah Dine Bikeyah, A Utah Non-Profit Corporation and the Navajo Nation Division of Natural Resources is attached as Exhibit B; and
4. The Navajo Nation members occupy a special status as both U.S. citizens and members of the Navajo Nation whose ancestral lands encompass all of San Juan County; and

5. Bear's Ears area within San Juan County, Utah, is part of the proposed National Conservation Area/National Monument to consist of 1.9 million acres and would include additional Wilderness units within and outside of its boundary. This region is the ancestral home of many Southwestern Native American Tribes, including the Navajo, Hopi, Zuni, Acoma, Zia, and Jemez Pueblos along with the Ute Mountain, Southern, and Uintah Ouray Utes, the San Juan, Kaibab, and Utah Paiute Tribes and the Jicarilla Apache Tribes which assert their affiliation, occupation and enduring use of these lands. The Bear's Ears region is also the birthplace of Navajo Headman Manuelito; and
6. The proposed National Conservation Area/National Monument is bordered on the west by the Colorado River and on the south by the San Juan River and the Navajo Nation; the proposed National Conservation Area/National Monument is characterized by prodigious topographic diversity and striking landforms containing intricately rich ecological systems; the Navajo and other Tribes depend upon the land within the proposed National Conservation Area/National Monument to sustain their traditional livelihoods and cultural practices. Cedar Mesa, the proposed National Conservation Area/National Monument's centerpiece, offers sprawling vistas of Comb and Butler Washes, and extends beyond to Moki, Red, Dark, Grand Gulch, and White canyons that each support verdant ribbons of riparian habitat. Desert bighorn sheep grace the lower desert lands while the 11,000 foot Abajo Mountains host forests of ponderosa pine, spruce, fir and aspen, providing a home to mule deer, elk, black bear and mountain lion, sacred icons of the mesa's original peoples. Paramount for the Navajo, the majority of the regions inhabitants, is the proper management of the proposed National Conservation Area/National Monument's native plants and wildlife that are food, shelter and medicine and its cultural sites that are central to their spiritual practices; and
7. This region contains unsurpassed cultural and paleontological resources; the proposed National Conservation Area/National Monument is world renowned for the integrity and abundance of its archaeological resources. Six cultural special management areas are within the proposed National Conservation Area/National Monument boundaries: Alkali Ridge National Historic Landmark, the Hole-in-the-Rock Historical Trail and the Grand Gulch, Big Westwater Ruin, Dance Hall Rock, Sand

Island Petroglyph Panel, the Newspaper Rock Petroglyph Panel, and the Butler Wash Archaeological District National Register site. Also occurring in the proposed National Conservation Area/National Monument's 19 distinct geologic units are scientifically significant vertebrate and non-vertebrate paleontological resources that are particularly abundant in the Cedar Mountain, Burro Canyon, Morrison, and Chinle Formations; and

8. The proposed National Conservation Area/National Monument has been inhabited for more than 12,000 years by multiple indigenous cultures, which crossed, and built civilizations on these lands. At the Lime Ridge Clovis site is evidence of Paleoindian occupation and the archaeological record indicates widespread use between 6000 B.C. and A.D. 100 by Archaic Peoples. Possessing numerous Archaic Period sites of varying size and complexity are Cedar Mesa, Elk Ridge, and Montezuma Canyon. While other notable sites include Alkali Ridge, Cowboy Cave, Old Man Cave, and Dust Devil Cave. The heaviest occupation of the proposed National Conservation Area/National Monument lands was perhaps by the Formative Period Peoples (AD 100-AD 1300) who left very large numbers of archaeological sites ranging from small lithic scatters to large highly complex village sites; and
9. The proposed National Conservation Area/National Monument includes Bureau of Land Management Wilderness Study Areas and lands with Wilderness Characteristics and U.S. Forest Service Roadless Areas. Vast, remote desert mesas cut by sheer walled serpentine canyons provide unparalleled solitude and scenic quality that is comparable to or exceeds those found in nearby national parks and monuments, such as Canyonlands, Arches, Grand Staircase, Natural Bridges, Hovenweep, and Mesa Verde; and
10. Priority Management values to protect within the proposed National Conservation Area/National Monument are: archaeological, wildlife, natural and scenic resources. An essential aspect of the proposed National Conservation Area/National Monument's management is to better protect these resources and to ensure their ongoing and sustainable use; and
11. Native Americans have unique and important cultural and historical ties to the land, its wildlife and other natural resources; and the Navajo people have traditional ties to this particular landscape for hunting, medicinal herbs, food gathering, firewood gathering and the grazing of livestock; and

12. Native Americans have shown quality and excellence in managing lands and natural resources to protect the cultural integrity of the homeland of Native peoples; and
13. These areas are under constant threat of cultural vandalism, looting of Native cultural sites, indiscriminate off road vehicle use that damages areas sacred to Native peoples, energy development footprints that negatively impact lands of historic and cultural importance, and general degradation of wildlife and plant habitats of importance to Native traditional practices; and
14. To prevent this rapid destruction of lands in the San Juan County region important to Native peoples, formal protection as a national conservation area or national monument is required; and
15. Formal protection of the area as a National Conservation Area/National Monument will provide important consistency and quality to management of these lands, and define principles of management that will positively affect Native values on these lands in the following ways:
 - A. Protection will be permanent, part of a national system of protected lands that carry strong and clear legal definitions of the primacy of conservation of cultural, historical and ecological values that define Native connections to these lands.
 - B. Protection as a national conservation area or national monument creates important opportunities for Native American co-management of these resources and increased funding for protection with an emphasis on conservation and preservation of the region's cultural and natural resources.
 - C. Protection should be at the largest landscape level possible, providing connectivity of wildlife and plant habitats, ecological integrity of the region and be comprehensive in its protection of Native sacred sites, which cannot be considered out of the context of the larger landscape.
 - D. Protection of the region as a national conservation area or national monument will be a top priority for concerned federal agencies, with public involvement and prioritization of staffing, resources and cooperation with Native peoples.

16. It is in the best interest of the Navajo Nation to support the federal designation of 1.9 million acres in San Juan County, Utah, as the Bear's Ears National Conservation Area/National Monument. Resolutions in support of the federal designation are attached as Exhibit A.

THEREFORE BE IT RESOLVED, THAT THE NAVAJO NATION COUNCIL'S NAABIK'ÍYÁTI' COMMITTEE EXTENDS ITS SUPPORT FOR:

1. The designation of the 1.9 million acres in San Juan County, Utah, as the Bear's Ears National Conservation Area/National Monument.
2. The designation of identified roadless areas as wilderness under the Wilderness Act.
3. Establishment of Collaborative Management Agreement(s) between the Navajo Nation, other Tribes and the federal government to improve management and elevate the Native American voice in the long-term sustainable management of the region.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23rd Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 15 in favor, 0 oppose, 0 Abstain this 12th Day of March, 2015.



Honorable LoRenzo C. Bates, Chairperson
Naabik'íyáti' Committee

Motion: Honorable Alton Joe Shepherd
Second: Honorable Jonathan Nez



Utah Diné Bikéyah

Bear's Ears

A Proposed National Conservation Area/ National Monument



An Initiative of the Navajo Nation and Utah Diné Bikéyah

In February 2010 former Utah Senator Bob Bennett invited Utah Navajo residents to develop a proposal on issues such as wilderness, conservation, and development of public lands in San Juan County, Utah. An assessment was carried out under the authority of all seven Navajo Chapter Houses in Utah that built on interviews with dozens of elders and medicine men. The initial result of this work was the creation of a "Navajo Lands of Interest" map that was widely circulated among Navajo communities and elected officials on and off reservation. This map was the basis of subsequent discussions between the Navajo Nation and San Juan County aimed at developing a shared legislative proposal to advance to Congressman Bishop. Today, more than two years after formal discussions began, and eighteen months after submitting the Bear's Ears proposal, the Navajo Nation is still waiting for a San Juan County response.

In April 2013, the Navajo Nation and the Utah Diné Bikéyah organization proposed the creation of the 1.9 million acre Bear's Ears National Conservation Area and wilderness designations. This approach provides the best management for a diversity of uses, while directing resources towards priority cultural and biological resource protection. To honor our deep history in this region, we are also proposing that the Navajo Nation, other Tribes, and Utah Diné Bikéyah have a formal role in planning and managing the Bear's Ears National Conservation Area/ National Monument.

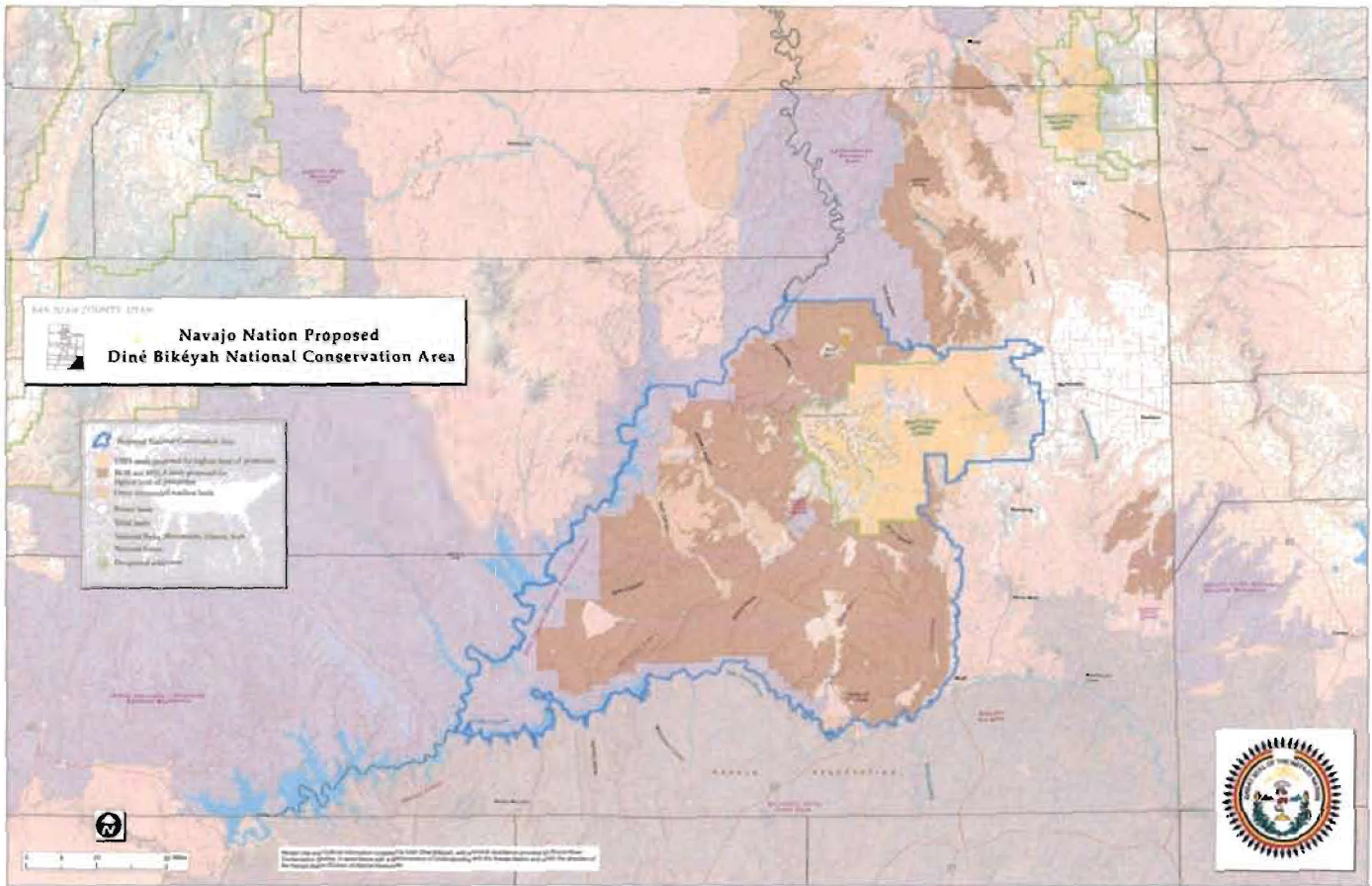
This region has been used by Native People for millennia, contains some of our country's richest archaeological sites and continues to serve as a pilgrimage site for many tribal members due to its historical significance. It is significant as the birthplace of Navajo Headman Manuelito and as the former center of civilization for many modern day Pueblo

Nations, including the Hopi. The Navajo Nation and Utah Diné Bikéyah organization have proposed this conservation region be set aside to protect traditional activities and sacred places to include Cedar Mesa, White Canyon, Dark Canyon, Comb Ridge, Nokai Dome, Abajo Peak, Ruin Park, the San Juan River, and Comb Ridge.

As part of Congressman Bishop's Eastern Utah Land-Use Initiative several Tribal Nations and Navajo Chapter Houses have been adopting resolutions of support for the Bear's Ears proposal. The Hopi Tribe and All Pueblo Council of Governors have endorsed protection for the region, and all seven Navajo Chapter Houses in Utah have taken supportive action. Most recently Utah Navajo communities have come together at eight Town Hall meetings where they discussed the proposal and hand-wrote nearly 400 public comments that were submitted to San Juan County on November 30th. 64% of the total responses during the public process that ended requested designation of the Bear's Ears NCA/NM and wilderness.

Utah Navajo People have been actively advancing protection for this region for nearly five years and continue to educate and involve all US citizens who hold interests in these lands. Native American Tribes have seldom had their voices heard in the debate over public lands and it is time to recognize the depth of history and intergenerational stewardship exhibited by Tribes across these landscapes. Protection is welcome whether through Congressional or administrative action. Local people are determined to take action to make this happen and we hold out hope that one day soon our voices will finally be heard.

Ahyéhé- Thank you.



Utah Diné Bikéyah, 501(c)3 non-profit organization
utahdinebikeyah@gmail.com
Phone: (801) 521-7398

All Pueblo Council of Governors

Officers
 Governor *E. Paul Torres, Chairman*
 Governor *Val Panteah Sr, Vice Chairman*
 Governor *Terry Aguilar, Secretary*

2401 12th Street NW Suite 200 N Albuquerque NM 87104

Acoma June 16, 2015

Cochiti

Isleta RE: All Pueblo Council of Governors Support Efforts to Protect Bears Ears Cultural Landscape

Jemez

Dear Mr. President and Members of Congress:

Laguna

The All Pueblo Council of Governors, which represents the nineteen Pueblos of New Mexico and one in Texas, has engaged in multiple discussions over the past three years about the need to protect important landscapes and cultural sites in southeast Utah. These lands contain the homes of our ancestors, including thousands of sacred sites and many cultural resources significant to Pueblo people.

Nambe

Ohkay

Owingeh

To make official our collective interest in and concern for this area, we passed a resolution (No. APCG 2014-07) in November of 2014 supporting the protection of the greater Cedar Mesa area via a “permanent protection mechanism, such as a National Conservation Area or a National Monument.”

Picuris

Pojoaque

Sandia

When we passed that resolution, several proposals had been put forward by different groups interested in the region. At the time, we did not favor one proposal or geographic boundary over another. Now, the various groups working to protect the area have unified behind a single proposal and boundary that has been called the “Bears Ears” cultural landscape. This proposal would protect the sacred sites and cultural resources described in our November resolution. Through this letter, we extend our support to the efforts to protect the Bears Ears cultural landscape and confirm our intention for Pueblo people to be actively engaged in future protective and management efforts in the area.

San

Felipe

San

Ildefonso

Santa Ana

Santa Clara

Sincerely,
 ALL PUEBLO COUNCIL OF GOVERNORS

Santo

Domingo



Taos

Governor E. Paul Torres
 Chairman

Tesuque

Ysleta Del Sur

Zia

Zuni

All Pueblo Council of Governors

2401 12th Street NW Suite 200 N Albuquerque NM 87104

Officers
Governor *E. Paul Torres, Chairman*
Governor *Arlen Quetawki, Vice Chairman*
Governor *Terry Aguilar, Secretary*

RESOLUTION

ALL PUEBLO COUNCIL OF GOVERNORS RESOLUTION NO. APCG 2014-17

Support for the Protection of Cultural Resources and Sacred Sites on Public Lands in the Greater Cedar Mesa region

WHEREAS, the All Pueblo Council of Governors (“APCG”) is comprised of the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia and Zuni, and one pueblo in Texas, Ysleta del Sur, each having the sovereign authority to govern their own affairs;

WHEREAS, the purpose of the All Pueblo Council of Governors is to advocate, foster, protect, and encourage the social, cultural & traditional well-being of the Pueblo Nations; and

WHEREAS, through their inherent & sovereign rights, the All Pueblo Council of Governors will promote the language, health, economic, and educational advancement of all Pueblo people; and

WHEREAS, each APCG member is a federally recognized Pueblo Nation within the United States with the sovereign right to protect its traditional cultural properties and sacred sites, whether or not they are located within each pueblo’s current exterior boundaries; and

WHEREAS, the protection of the traditional cultural properties and sacred sites of Pueblo people is paramount to each pueblo’s cultural preservation now and into the future; and

WHEREAS, the greater Cedar Mesa region is located in southeast Utah and includes the Montezuma Canyon, the Indian Creek Corridor and Beef Basin; and

WHEREAS, the greater Cedar Mesa region includes hundreds of thousands of sites of vital importance to the pueblo peoples’ identity and history, including villages, shrines, burials, rock paintings and etchings, ancestral dwellings, and ancient roads; and

WHEREAS, these ancestral sites are under constant threat of grave digging, cultural vandalism, looting of cultural sites, indiscriminate off-road vehicle use that damages areas sacred to Pueblo peoples, energy development footprints that negatively impact lands of historic and cultural importance, and general degradation of wildlife and plant habitats of importance to traditional practices; and

WHEREAS, to prevent the rapid destruction of the lands in the Greater Cedar Mesa region, the Pueblos are seeking the formal and permanent protection mechanism, such as a National Conservation Area or a National Monument; and

WHEREAS, the APCG believes the Greater Cedar Mesa region needs to be a National Conservation Area or a National Monument because it will provide important consistency and

quality management of these lands and define standard principles of management, establish consultation with Native Americans, and emphasize the primacy of conservation and preservation of the region's cultural and natural resources; and

WHEREAS, through consultation and coordination with the APCG's member cultural preservation offices, or designated offices, APCG seeks to exercise administrative responsibilities to negotiate and enter into agreements with the necessary and proper entities which will ensure protection, preservation and management of these sacred ancestral sites and regions for the Pueblo people and its members; and

WHEREAS, while the APCG recognizes the important role of other tribes and groups in advocating for protection of the area, APCG's support of a designation for the greater Cedar Mesa area should not be perceived as support for any specific proposal for the area. Discussion of many details of management and boundaries are ongoing and the APCG intends to have an active voice in those discussions;

NOW, THEREFORE, BE IT RESOLVED THAT the All Pueblo Council of Governors supports the permanent, long-term protection of cultural resources and sacred sites on public lands in the Greater Cedar Mesa region through designation such as a National Conservation Area or a National Monument.

CERTIFICATION

We, the undersigned officials of the All Pueblo Council of Governors hereby certify that the foregoing Resolution No. APCG 2014-17 was considered and adopted at a duly called council meeting held on the 19th day of November 2014, and at which time a quorum was present and the same was approved by a vote of 12 in favor, 0 against, 0 abstain, and 8 absent.

ALL PUEBLO COUNCIL OF GOVERNORS

By: 
Governor E. Paul Torres, APCG Chairman

ATTEST:

Governor Terry Aguilar, APCG Secretary

Conversation Contents

Fwd: Pew's Comment Letter on the PLI Discussion Draft

Attachments:

/44. Fwd: Pew's Comment Letter on the PLI Discussion Draft/1.1
Pew.Comment.ltr.on.PLI.2.10.16.pdf
/44. Fwd: Pew's Comment Letter on the PLI Discussion Draft/2.1
Pew.Comment.ltr.on.PLI.2.10.16.pdf

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Wed Feb 10 2016 07:08:47 GMT-0700 (MST)
To: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject: Fwd: Pew's Comment Letter on the PLI Discussion Draft
Attachments: Pew.Comment.ltr.on.PLI.2.10.16.pdf

Good stuff in here.

Begin forwarded message:

From: Anders Reynolds <areynolds@pewtrusts.org>
Date: February 10, 2016 at 9:06:05 AM EST
To: Nikki Buffa <nicole_buffa@ios.doi.gov>
Subject: **Pew's Comment Letter on the PLI Discussion Draft**

FYI. Happy to chat about any content you have questions about...

AR

Anders Reynolds
Officer, U.S. Public Lands | The Pew Charitable Trusts
901 E Street, NW, Washington, DC 20004
p: 202-540-6767 | e: areynolds@pewtrusts.org
www.PewEnvironment.org | @PewEnvironment

"Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>

FOR COMMITTEE USE ONLY

From: "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
Sent: Wed Feb 10 2016 07:17:15 GMT-0700 (MST)
To: "Kathleen O'leary" <kathleen_oleary@ios.doi.gov>
Subject: Fwd: Pew's Comment Letter on the PLI Discussion Draft
Attachments: Pew.Comment.ltr.on.PLI.2.10.16.pdf

----- Forwarded message -----

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Date: Wed, Feb 10, 2016 at 9:08 AM
Subject: Fwd: Pew's Comment Letter on the PLI Discussion Draft
To: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>

Good stuff in here.

Begin forwarded message:

From: Anders Reynolds <areynolds@pewtrusts.org>
Date: February 10, 2016 at 9:06:05 AM EST
To: Nikki Buffa <nicole_buffa@ios.doi.gov>
Subject: **Pew's Comment Letter on the PLI Discussion Draft**

FYI. Happy to chat about any content you have questions about...

AR

Anders Reynolds
Officer, U.S. Public Lands | The Pew Charitable Trusts
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February 10, 2016

The Honorable Rob Bishop and The Honorable Jason Chaffetz
U.S. House of Representatives
Washington, DC 20515

Dear Congressmen Bishop and Chaffetz:

On behalf of The Pew Charitable Trusts, I would like to take this opportunity to recognize your staff for their hard work on your Public Lands Initiative and thank them for their commitment to this process. Three years ago, Pew accepted the invitation to join this effort because we believe it is possible to protect Utah's landscapes and cultural resources while enhancing the economic vitality of local communities. Pew has a long history of working collaboratively with diverse stakeholders, and has been involved in numerous public lands negotiations with successful outcomes.

At your request, Pew has reviewed the Public Lands Initiative "Discussion Draft" released to the public on January 20, 2016. While we appreciate the opportunity to provide commentary, we had hoped to be able to write a very different letter after all the time and prodigious effort put into this process by Pew staff. We had genuinely hoped we would be able to work with you to see this initiative passed by Congress and signed into law by President Obama.

Unfortunately, as currently written, we oppose the discussion draft. Below we offer a list of our concerns with the hope that you will consider addressing these issues prior to introduction of the draft initiative as legislation.

Pew has maintained from the beginning of this process that the inclusion of language in this bill that seeks to alter or limit the President's authority to establish national monuments under the Antiquities Act would be unacceptable. Our position on that issue remains unchanged. Support for the Antiquities Act among voters is significant and very strong. This support was highlighted by the recent vote in the U.S. Senate, which defeated an amendment that would have curtailed executive authority to establish new national monuments. We don't believe any measure can be enacted in Congress with limitations on presidential authority to protect natural and cultural resources under the Antiquities Act, let alone be signed into law by the President.

We offer these additional comments:

DIVISION A - CONSERVATION

Title I: Wilderness

Pew is concerned by the release of over 27,000 acres in the Desolation Canyon Wilderness Study Area (WSA) and the Jack Canyon WSA in Carbon County. The archeological and wildlife conservation values

within these landscapes are well known and prized by countless Americans. We ask that the Desolation Canyon and Jack Canyon WSAs be included in the legislation.

In San Juan County, we ask you to consider including the Grand Gulch Wilderness Character unit, west of Grand Gulch WSA and the Dark Canyon Wilderness Character unit, adjacent to Dark Canyon WSA, as Wilderness. Both of these landscapes were carried forward in the Monticello 2008 Resource Management Plan for protection.

The Wilderness Administration section significantly weakens current time-tested and bi-partisan management guidelines. The proposed language would fundamentally change the ability of wilderness designation to preserve special places for future generations. Specifically:

Section 103(b), language relating to management of wildfire, insects, and diseases does not follow the standard “in accordance with section 4(d)(1) of the Wilderness Act” and adds a new authority to treat hazardous fuels.

Section 103(d)(C) would prohibit reducing grazing levels as necessary to protect the land or potential listing of endangered species and specifically overturns Forest Service regulations that could modify grazing levels to ensure plant and wildlife population viability. The language also gives the Utah State Department of Agriculture preference in determining historic grazing use levels. The language ties grazing levels to existing permitted use at time of enactment, and allows only for increases (not decreases) in AUMs.

The fish and wildlife management language in **subsection (f)** has language allowing the State of Utah to use helicopters to maintain wildlife populations in wilderness. We understand this language has been included within several Nevada and Idaho wilderness bills, but only if consistent with wilderness management plans and where necessary to maintain viable wildlife populations. The language in this discussion draft doesn't include any of those vital qualifications.

Section 5 of the Wilderness Act requires the Secretary to provide “adequate access” to private inholdings within wilderness. This draft states that agencies shall provide “access,” leaving it unclear whether a new access standard is required.

This draft contains **sections 103(i), (j), and (k)**, the first of which deals with target shooting. The language is inconsistent with language in past wilderness bills. **Section 103(j)** provides for the use of chainsaws “as appropriate and necessary,” which could be inconsistent with the Wilderness Act minimum tool requirements. As such, these provisions create unacceptable new precedents and significant management problems.

Section 104 allows motorized access and road maintenance (perhaps within wilderness areas) to guarantee the continued viability of existing water resource facilities, or which may be necessary in the future. This is a broad expansion of any previous water facility management language.

Section 108 states that no lands may be acquired by purchase within wilderness areas, leaving exchange or donation as the only options. This will make it much more difficult to acquire private inholdings within wilderness areas.

Section 110. This language is unnecessary, as the establishment of wilderness areas has no bearing on air quality regulations. Since enactment of the Clean Air Act amendments in 1977, only states can designate a Class I Airshed if deemed appropriate by the state. Utah has established only the five national parks in the state as Class I Airsheds. At the very least, this provision must be fixed so that the new wilderness this law

creates within Canyonlands NP and Arches NP would be exempted from this section, as these parks are already Class I Airsheds.

Title II: National Conservation Areas

Section 204 (2)(a) allows for directional drilling within three National Conservation Areas (NCA) established by this title. We have consistently argued this use is in conflict with NCA values and must be corrected.

Section 207. This draft should include language that makes any treatment consistent with the *Record of Decision and Approved Resource Management Plan Amendments for the Great Basin Region, Including the Greater Sage-Grouse Sub-Regions of Idaho and Southwestern Montana, Nevada and Northeastern California, Oregon, Utah.*

Section 206. We urge you to take the management language and maps produced by the Bears Ears Inter-tribal Coalition as the standard for protection of the Cedar Mesa landscape. This would include adding the 20,000 acre parcel adjacent to Grand Gulch in our wilderness comments above. Additionally, care should be taken to ensure that nation-to-nation interactions are respected on any managing council established by legislation.

DIVISION B – OPPORTUNITY

Title II & Title VI: Land Conveyances

Section 201(a). Pew is opposed to the transfer of federal public land to the state for this purpose. It creates a precedent that these sorts of transfers, in this case for the Goblin Valley State Park, may be considered a pilot program for efforts to turn over federally owned land to individual states for management. We believe in retaining federal public lands for all Americans, unless there is a more compelling reason for those transfers.

Section 601(a)(1). Pew supports the Grand County Council position on Sand Flats, and recommends the 3,292 acres remain in federal real estate.

Section 601(a)(12). While we recognize the cultural importance of the Hole-in-the-Rock-Trail to Mormon pioneers, Pew does not support the conveyance of this corridor to San Juan County. Instead, this land should be designated a National Historic Trail. Such a designation would highlight the historical status for local communities, and would allow a formation of a Trail Management Advisory committee to ensure local input.

Section 601(a)(20). Pew opposes conveyance to the State of Utah for the uses of transportation and public utilities, which is also opposed by the county. The proposed construction of a road through the Book Cliffs in Grand County would negatively impact wildlife and wilderness values through a region that is highly valued by hunters and wilderness advocates.

Title IX: Red Rock Country Off-Highway Vehicle Trail

An EIS studying the impacts of trail construction must be required to ensure wildlife and cultural values are not negatively impacted.

Title XI: Long-Term Energy Development Certainty

Pew would consider a proposal that would strike a balance between conservation and energy development. However, we believe the legislation goes too far by expediting development on millions of acres that are deemed open to mineral development.

We support BLM's Master Leasing Plan, which was developed through a thoughtful local process involving oil and gas representatives and conservation and recreation advocates. The outcome of this process resulted in consensus and we request the MLP be included in the legislation.

TITLE XII: Long-Term Travel Management Certainty

Language surrounding RS 2477 road claims conveying title to thousands of disputed road claims to the State of Utah is unacceptable. And, clarification is needed that no new road claims will be allowed in newly-created NCAs or wilderness areas.

Conclusion

Again, we appreciate both the opportunity to provide comment as well as the hours of hard work your staff members have already put into this issue. We fervently hope the needed improvements are made so that we are able to work with you to see this complex measure successfully adopted. As currently drafted, we are opposed to the Public Lands Initiative.

Sincerely,



Mike Matz, Director
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Sincerely,



Mike Matz, Director
U.S. Public Lands
The Pew Charitable Trusts



BEARS EARS INTER-TRIBAL COALITION

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

January 20, 2016

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

RE: Public Lands Initiative Legislation Falls Short of Meeting Local Needs

Dear Representatives Bishop and Chaffetz,

Thank you for delivering the Discussion Draft of the proposed Public Lands Initiative (PLI) to the Ute Mountain Ute Tribe on January 14th. The Bears Ears Inter-Tribal Coalition (BEITC) has carefully reviewed this language, and finds it woefully inadequate in addressing our needs in the areas of collaborative management and land preservation.

Our Tribes made a straightforward request to you for the Bears Ears proposal. Listed below are major shortcomings of this legislation among many others:

- The boundaries of the Bears Ears National Conservation Area fail to protect essential cultural sites and wildlife habitat areas that we have asked to be preserved;
- The PLI does not elevate the voice of Native Americans as co-equals alongside federal land managers in the management of the Bears Ears NCA. Instead, the PLI offers Tribes only a consultative role in advising on the area's management;
- The PLI fails to give adequate representation to regional tribes in its proposed Commission. This includes the Ute Mountain Ute Tribe that administers land in the proposal. Creating only two seats for Tribal representation on the Commission and overlooking one of two local Tribes is simply unacceptable;
- The PLI would permanently open too many acres to mineral extraction within and surrounding the Bears Ears proposal;
- The Coalition is concerned that the bill will contain limitations on the 1906 Antiquities Act. The Coalition and tribes nationwide value the Antiquities Act because it protects and preserves culturally significant areas that are essential for the traditional and cultural continuity of tribal people. The Coalition cannot support legislation that includes limitations on the President's authority under the Antiquities Act;
- The PLI goes against the position of the Ute Indian Tribe that opposes land transfers within the Uncompahgre reservation boundary to the State of Utah.

FOR COMMITTEE USE ONLY

Native Americans represented by the BEITC are asking for an equal voice in land management and for protection of a large and significant ancestral landscape containing more than 100,000 archaeological sites. Your proposal falls well short of meeting our needs.

The Draft confirms the inequitable treatment of Tribes over the past three years and our need to seek other means of protecting the living cultural landscape we call Bears Ears.

Respectfully,



Alfred Lomahquahu
Hopi Tribe Vice-Chairman &
Co-Chair Bears Ears
Inter-Tribal Coalition



Eric Descheenie
Executive Staff Assistant, Navajo Nation Office of the
President and Vice President & Co-Chair, Bears
Ears Inter-Tribal Coalition



southern
utah
wilderness
alliance



GRAND CANYON
TRUST



THE
WILDERNESS
SOCIETY



SIERRA
CLUB
FOUNDED 1892

JOINT STATEMENT ON DRAFT PUBLIC LANDS INITIATIVE

CONTACT:

Scott Groene, Southern Utah Wilderness Alliance, 435-259-7049

Tim Peterson, Grand Canyon Trust, 801-550-9861

Paul Spitler, The Wilderness Society, 202-360-1912

Sharon Buccino, Natural Resources Defense Council, 202-607-4780

Wayne Hoskisson, Sierra Club, 435-260-9045

January 20, 2016

For more than three years we have worked in good faith to reach a compromise on public lands issues in eastern Utah through the Public Lands Initiative (PLI). The proposed legislation released by Representatives Rob Bishop and Jason Chaffetz does not protect the world-renowned redrock scenery of the national public lands in Utah—including the spectacular Bears Ears cultural landscape—and instead imposes unprecedented and controversial proposals that would adversely affect wildlife, recreation, and watersheds in key areas across eastern Utah.

“The draft PLI is an un-wilderness bill,” explained Scott Groene, executive director of the Southern Utah Wilderness Alliance. “Effectively, less wilderness would be protected in Utah if this bill passed than what is currently managed for the public. This proposal does not do justice to these world-class landscapes.”

“The draft PLI weakens existing protections for important natural and cultural resources inside the proposed Bears Ears National Monument,” said Bill Hedden of the Grand Canyon Trust. “It neglects hundreds of thousands of acres of deserving wilderness and turns public lands over to county ownership that have already been subject to looting and grave robbing. San Juan County entirely dismissed local concerns by rejecting a home-grown proposal to fully protect Bears Ears—one that garnered 64% local support. San Juan also excluded everyone living outside the county in crafting their proposal; one which is a wholly inadequate substitute for a Bears Ears National Monument.”

“We are disappointed that after years of good faith effort to identify common ground with counties, conservation organizations, tribes, and others, the proposed bill neither honors important agreements that were forged during the PLI process nor offers a reasonable path forward on many issues of critical importance,” remarked The Wilderness Society’s Paul Spitler.

“The draft PLI includes many controversial proposals that lack support and would damage scenic public lands in Utah.”

“This is really a fossil fuels bill,” observed Sharon Buccino, director of the land and wildlife program at the Natural Resources Defense Council. “It opens up areas managed as wilderness for coal mining, tar sands, oil shale, and oil and gas and dedicates more land to energy development than to conservation.”

“The draft PLI substitutes easily-modified national conservation area designations for lands deserving and needing wilderness designation,” commented Wayne Hoskisson from the Sierra Club. “The draft PLI includes provisions that are incompatible with any real conservation efforts. The delegation is already attempting to undermine the Red Cliffs National Conservation Area in Washington County, created only seven years ago.”

We remain hopeful that all sides can find the political will to work together in counties where consensus among stakeholders is within reach. While we are disappointed that consensus compromise has failed here, we know that win-win solutions are possible which truly serve the best interests of future generations and Utah’s exceptional landscapes.



SUMMARY OF PUBLIC LANDS INITIATIVE ACT DISCUSSION DRAFT

FEBRUARY 2016

On January 20, Congressmen Bishop and Chaffetz released a discussion draft of the Utah Public Lands Initiative Act (PLI). The bill includes two divisions, “Conservation” and “Opportunity”, and 20 titles. The following is a summary and analysis of the discussion draft.

OVERVIEW

The discussion draft suffers from numerous fatal flaws, including:

- Contradicting numerous Federal laws, including the Wilderness Act, Clean Air Act, Federal Land Policy and Management Act, National Forest Management Act, and National Environmental Policy Act. The discussion draft also contains provisions that undermine State law, as well as the United States Constitution.
- Undermining the management of proposed wilderness areas, national conservation areas, special management areas, and recreation zones. This language is so onerous as to completely negate the conservation purposes of these designations.
- Providing unprecedented giveaways to the State of Utah, including over 10,000 miles of public roads, and a significant acreage of Federal land.
- Designating over 2.5 million acres of energy zones that will sacrifice important natural, cultural, scenic, and recreational values on public lands.
- Affording insufficient protections for the proposed Bears Ears National Monument, while providing San Juan County with veto authority over monument management.
- Containing numerous other onerous provisions including the hard release of over two million acres of public land.

DIVISION A – CONSERVATION

TITLE I – WILDERNESS. This title designates 2.2 million acres of wilderness in 41 units, including 1.65 million acres of BLM wilderness, 435,000 acres of national park wilderness, and 100,000 acres of Forest Service wilderness. The discussion draft includes 20 management provisions covering fire, grazing, fish and wildlife, water rights, and other issues. This title also releases 80,000 acres of wilderness study areas.

The wilderness management language contains numerous provisions that contradict the Wilderness Act, and also contradicts the National Environmental Policy Act, Federal Land Policy and Management Act, Clean Air Act and National Forest Management Act. This language completely undermines the wilderness designations by including such things as mandatory grazing and shooting; permissive rules on logging, water facilities, and water development projects; a prohibition on land acquisition from willing sellers, and a prohibition on protecting air quality. The title also omits many lands deserving of wilderness protections.

TITLE II – NATIONAL CONSERVATION AREAS. This title designates 1.8 million acres of national conservation areas (NCAs) in 14 units. These areas overlap with 390,000 acres of wilderness from Title I. A Bears Ears National Conservation Area is included, covering 1.1 million

acres. The title contains over 20 management provisions for the conservation areas, with additional provisions for the Book Cliffs Sportsmens NCA and Bears Ears NCA. Additionally, the title establishes an advisory council for the Book Cliffs Sportsmens NCA and a commission made up of two Tribes, the State of Utah, and San Juan County to oversee the Bears Ears NCA. The commission has veto power over management decisions in the Bears Ears NCA. Finally, the title releases all lands in the NCAs from future inventory and management as wilderness.

The NCA management language contradicts the Federal Land Policy and Management Act, National Environmental Policy Act, Clean Air Act and National Forest Management Act. This language completely undermines the NCA designations by including such things as mandatory grazing and motorized vehicle use, a prohibition on land acquisition from willing sellers, loosened rules on logging, and a prohibition on protecting air quality. The purposes alone would undermine NCA management, as they include such things as motorized recreation and greater local control. The release language is known as “hard release,” which has never passed Congress due to strong public opposition.

TITLE III – SPECIAL MANAGEMENT AREAS. This title designates 95,000 acres of special management areas in seven units on national forest land in Utah. The title includes 20 management provisions covering fire, grazing, fish and wildlife, water rights, and other issues.

The special management area management language contradicts the National Environmental Policy Act, Clean Air Act and National Forest Management Act. This language completely undermines the special management area designations. Further, the language is not consistent with the proposals of the counties that advanced the special management areas, including Summit County, which is the only county with complete agreement among all stakeholders.

TITLES IV-VII – ARCHES NATIONAL PARK EXPANSION, JURASSIC NATIONAL MONUMENT, WILD AND SCENIC RIVERS, ASHLEY CREEK RECREATIONAL AND SPECIAL MANAGEMENT AREA. These titles: (1) add 19,000 acres to Arches National Park; (2) establish an 867-acre national monument; (3) designates 300 miles of wild and scenic rivers; and (4) establishes a 111,000-acre recreational and special management area. The discussion draft includes management provisions for the monument, wild and scenic rivers, and recreational and special management area.

The management language in these titles would undermine their purposes by including such things as: mandatory grazing and motorized vehicle use, a prohibition on land acquisition from willing sellers, loosened rules on logging, and a prohibition on protecting air quality.

DIVISION B – OPPORTUNITY

TITLE I – SCHOOL TRUST LAND CONSOLIDATIONS. This title ratifies an agreement between the State of Utah and the Department of the Interior regarding the exchange of State and Federal lands. Conveyances are to be completed within 70 days of the PLI’s enactment.

There is no agreement between the State of Utah and the Department of the Interior regarding the exchange of State and Federal lands in Utah, and no negotiations on such an agreement have been initiated. The map on the PLI website appears to show over 300,000 acres of State and Federal land to be exchanged. This title also includes no provisions requiring appraisals, equal value exchanges, or compliance with existing law. As a result, this title could result in Federal lands being given to the State of Utah at taxpayer expense.

TITLE II – GOBLIN VALLEY STATE PARK. This title transfers 10,000 acres of BLM land to the State of Utah for inclusion in Goblin Valley State Park. The title requires the Secretary of the Interior to enter into a cooperative agreement with the State of Utah to manage recreational activities on 157,000 acres of BLM land adjacent to the Goblin Valley State Park.

This title contradicts the Recreation and Public Purposes Act, which limits conveyances for recreational purposes to 6,400 acres. The cooperative management area includes sensitive BLM lands, including lands with wilderness characteristics.

TITLE III – PRICE CANYON STATE FOREST. This title transfers 13,321 acres of BLM land to the State of Utah in exchange for 14,939 acres of State land. The land transferred to Utah is intended to become a state forest, though this is not required by the legislation. An additional provision requires grazing to continue forever on all lands acquired by the state.

Because there is no requirement to conduct this exchange in accordance with existing law, ensure equal value, or even conduct appraisals, this title could result in Federal lands being given away to the State of Utah at taxpayer expense. The legislation also attempts to direct the management of state lands.

TITLE IV – DEER LODGE LAND EXCHANGE. This title would require a land exchange of between the Forest Service and a private homeowners association. The Forest Service would acquire 77 acres of private land and give up 156 acres of national forest land. The exchange would be carried out in accordance with existing law. However, there is no requirement for either parcel to be appraised.

The national forest land to be exchanged is within Daggett County, which developed a comprehensive public lands proposal in 2014 for inclusion in the PLI. The proposal included provisions on conservation, roads, land exchanges, conveyances, and wild and scenic rivers, and was agreed to by all stakeholders. The Daggett County Commission later withdrew that proposal and pulled out of the PLI. This land exchange moves forward one component of the Daggett County proposal while leaving out the remainder.

TITLE V – SCOFIELD LAND TRANSFERS. This title would require the Secretary of the Interior to transfer – free of charge – specified Federal lands within the flood surcharge area (the area below high water mark during a flood) of the Scofield Reservoir to anyone who claims title to, or interest in, the land. Certain conditions must be attached to the conveyed titles.

This title purports to resolve a dispute dating back to the 1950s, when a developer disavowed the United States' ownership of the flood surcharge area and subdivided and sold the land. Because the current structures will be underwater during a flood, they pose a serious safety risk to downstream residents due to the risk of blockage at the dam. Instead of removing the illegal and hazardous structures from public land, this title would simply give the underlying land away.

TITLE VI – LAND CONVEYANCES. This title would convey 22 separate Federal parcels covering 40,000 acres to local and state entities. The Federal parcels to be conveyed range from one acre to 15,379 acres in size, and cover lands administered by the United States Forest Service, BLM, and National Park Service.

Lands to be conveyed include a road within the Glen Canyon National Recreation Area, where illegal motorized use has occurred; BLM lands in San Juan County, near the site of the illegal protest ride led by the Chair of the San Juan County Commission; and BLM lands in Uintah and Grand County for the construction of a highway to facilitate oil transportation out of the Uintah

Basin. Several of the parcels – such as the parcel designed for oil and gas transport – have no legitimate public purpose, while others violate the size limits for such conveyances under the Recreation and Public Purposes Act (RPPA). For example, the RPPA limits non-recreational conveyances to 640 acres, while one conveyance in this title is 15,379 acres.

TITLE VII – LAND DISPOSALS. This title would require the Secretary of the Interior to dispose of specified Federal lands within two years of enactment of the PLI.

The PLI website does not show the lands to be sold, so it is impossible to fully analyze this section. The language requires the Secretary to “dispose” of specified lands – this could mean land is sold for fair market value, sold below fair market value, or given away. Thus, like the previous two titles, this title could result in another giveaway of Federal lands.

TITLE VIII – CANYON COUNTRY RECREATION ZONES. This title would establish eight recreation zones covering 375,689 acres of BLM land in southeastern Utah. The title applies general management provisions to all eight recreation zones, and includes zone-specific management language. The general management addresses issues from grazing to air quality. The purposes of the recreation zones vary slightly, but generally include motorized and non-motorized recreation, and new route construction. Some include mineral development. Finally, the title releases all lands in the recreation zones from future inventory and management as wilderness.

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This title attempts to resolve long-standing R.S. 2477 claims, but would do so by simply granting to the State of Utah over 10,000 miles of rights-of-way for routes on BLM land in Utah. Many of these routes pass over or through lands with high cultural, natural, and scenic values and this title would put those values at risk. These routes are currently the subject of litigation and the State of Utah and its counties have a poor record of succeeding in gaining rights-of-ways through litigation.

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Congressmen Bishop and Chaffetz have made clear that the PLI will include limitation on the President’s ability to designate national monuments in affected counties. Conservation organizations view such a proposal as a poison pill and strongly oppose any such limitation.



BEARS EARS INTER-TRIBAL COALITION

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

January 20, 2016

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

RE: Public Lands Initiative Legislation Falls Short of Meeting Local Needs

Dear Representatives Bishop and Chaffetz,

Thank you for delivering the Discussion Draft of the proposed Public Lands Initiative (PLI) to the Ute Mountain Ute Tribe on January 14th. The Bears Ears Inter-Tribal Coalition (BEITC) has carefully reviewed this language, and finds it woefully inadequate in addressing our needs in the areas of collaborative management and land preservation.

Our Tribes made a straightforward request to you for the Bears Ears proposal. Listed below are major shortcomings of this legislation among many others:

- The boundaries of the Bears Ears National Conservation Area fail to protect essential cultural sites and wildlife habitat areas that we have asked to be preserved;
- The PLI does not elevate the voice of Native Americans as co-equals alongside federal land managers in the management of the Bears Ears NCA. Instead, the PLI offers Tribes only a consultative role in advising on the area's management;
- The PLI fails to give adequate representation to regional tribes in its proposed Commission. This includes the Ute Mountain Ute Tribe that administers land in the proposal. Creating only two seats for Tribal representation on the Commission and overlooking one of two local Tribes is simply unacceptable;
- The PLI would permanently open too many acres to mineral extraction within and surrounding the Bears Ears proposal;
- The Coalition is concerned that the bill will contain limitations on the 1906 Antiquities Act. The Coalition and tribes nationwide value the Antiquities Act because it protects and preserves culturally significant areas that are essential for the traditional and cultural continuity of tribal people. The Coalition cannot support legislation that includes limitations on the President's authority under the Antiquities Act;
- The PLI goes against the position of the Ute Indian Tribe that opposes land transfers within the Uncompahgre reservation boundary to the State of Utah.

FOR COMMITTEE USE ONLY

Native Americans represented by the BEITC are asking for an equal voice in land management and for protection of a large and significant ancestral landscape containing more than 100,000 archaeological sites. Your proposal falls well short of meeting our needs.

The Draft confirms the inequitable treatment of Tribes over the past three years and our need to seek other means of protecting the living cultural landscape we call Bears Ears.

Respectfully,



Alfred Lomahquahu
Hopi Tribe Vice-Chairman &
Co-Chair Bears Ears
Inter-Tribal Coalition



Eric Descheenie
Executive Staff Assistant, Navajo Nation Office of the
President and Vice President & Co-Chair, Bears
Ears Inter-Tribal Coalition



SUMMARY OF PUBLIC LANDS INITIATIVE ACT DISCUSSION DRAFT

FEBRUARY 2016

On January 20, Congressmen Bishop and Chaffetz released a discussion draft of the Utah Public Lands Initiative Act (PLI). The bill includes two divisions, “Conservation” and “Opportunity”, and 20 titles. The following is a summary and analysis of the discussion draft.

OVERVIEW

The discussion draft suffers from numerous fatal flaws, including:

- Contradicting numerous Federal laws, including the Wilderness Act, Clean Air Act, Federal Land Policy and Management Act, National Forest Management Act, and National Environmental Policy Act. The discussion draft also contains provisions that undermine State law, as well as the United States Constitution.
- Undermining the management of proposed wilderness areas, national conservation areas, special management areas, and recreation zones. This language is so onerous as to completely negate the conservation purposes of these designations.
- Providing unprecedented giveaways to the State of Utah, including over 10,000 miles of public roads, and a significant acreage of Federal land.
- Designating over 2.5 million acres of energy zones that will sacrifice important natural, cultural, scenic, and recreational values on public lands.
- Affording insufficient protections for the proposed Bears Ears National Monument, while providing San Juan County with veto authority over monument management.
- Containing numerous other onerous provisions including the hard release of over two million acres of public land.

DIVISION A – CONSERVATION

TITLE I – WILDERNESS. This title designates 2.2 million acres of wilderness in 41 units, including 1.65 million acres of BLM wilderness, 435,000 acres of national park wilderness, and 100,000 acres of Forest Service wilderness. The discussion draft includes 20 management provisions covering fire, grazing, fish and wildlife, water rights, and other issues. This title also releases 80,000 acres of wilderness study areas.

The wilderness management language contains numerous provisions that contradict the Wilderness Act, and also contradicts the National Environmental Policy Act, Federal Land Policy and Management Act, Clean Air Act and National Forest Management Act. This language completely undermines the wilderness designations by including such things as mandatory grazing and shooting; permissive rules on logging, water facilities, and water development projects; a prohibition on land acquisition from willing sellers, and a prohibition on protecting air quality. The title also omits many lands deserving of wilderness protections.

TITLE II – NATIONAL CONSERVATION AREAS. This title designates 1.8 million acres of national conservation areas (NCAs) in 14 units. These areas overlap with 390,000 acres of wilderness from Title I. A Bears Ears National Conservation Area is included, covering 1.1 million

acres. The title contains over 20 management provisions for the conservation areas, with additional provisions for the Book Cliffs Sportsmens NCA and Bears Ears NCA. Additionally, the title establishes an advisory council for the Book Cliffs Sportsmens NCA and a commission made up of two Tribes, the State of Utah, and San Juan County to oversee the Bears Ears NCA. The commission has veto power over management decisions in the Bears Ears NCA. Finally, the title releases all lands in the NCAs from future inventory and management as wilderness.

The NCA management language contradicts the Federal Land Policy and Management Act, National Environmental Policy Act, Clean Air Act and National Forest Management Act. This language completely undermines the NCA designations by including such things as mandatory grazing and motorized vehicle use, a prohibition on land acquisition from willing sellers, loosened rules on logging, and a prohibition on protecting air quality. The purposes alone would undermine NCA management, as they include such things as motorized recreation and greater local control. The release language is known as “hard release,” which has never passed Congress due to strong public opposition.

TITLE III – SPECIAL MANAGEMENT AREAS. This title designates 95,000 acres of special management areas in seven units on national forest land in Utah. The title includes 20 management provisions covering fire, grazing, fish and wildlife, water rights, and other issues.

The special management area management language contradicts the National Environmental Policy Act, Clean Air Act and National Forest Management Act. This language completely undermines the special management area designations. Further, the language is not consistent with the proposals of the counties that advanced the special management areas, including Summit County, which is the only county with complete agreement among all stakeholders.

TITLES IV-VII – ARCHES NATIONAL PARK EXPANSION, JURASSIC NATIONAL MONUMENT, WILD AND SCENIC RIVERS, ASHLEY CREEK RECREATIONAL AND SPECIAL MANAGEMENT AREA. These titles: (1) add 19,000 acres to Arches National Park; (2) establish an 867-acre national monument; (3) designates 300 miles of wild and scenic rivers; and (4) establishes a 111,000-acre recreational and special management area. The discussion draft includes management provisions for the monument, wild and scenic rivers, and recreational and special management area.

The management language in these titles would undermine their purposes by including such things as: mandatory grazing and motorized vehicle use, a prohibition on land acquisition from willing sellers, loosened rules on logging, and a prohibition on protecting air quality.

DIVISION B – OPPORTUNITY

TITLE I – SCHOOL TRUST LAND CONSOLIDATIONS. This title ratifies an agreement between the State of Utah and the Department of the Interior regarding the exchange of State and Federal lands. Conveyances are to be completed within 70 days of the PLI’s enactment.

There is no agreement between the State of Utah and the Department of the Interior regarding the exchange of State and Federal lands in Utah, and no negotiations on such an agreement have been initiated. The map on the PLI website appears to show over 300,000 acres of State and Federal land to be exchanged. This title also includes no provisions requiring appraisals, equal value exchanges, or compliance with existing law. As a result, this title could result in Federal lands being given to the State of Utah at taxpayer expense.

TITLE II – GOBLIN VALLEY STATE PARK. This title transfers 10,000 acres of BLM land to the State of Utah for inclusion in Goblin Valley State Park. The title requires the Secretary of the Interior to enter into a cooperative agreement with the State of Utah to manage recreational activities on 157,000 acres of BLM land adjacent to the Goblin Valley State Park.

This title contradicts the Recreation and Public Purposes Act, which limits conveyances for recreational purposes to 6,400 acres. The cooperative management area includes sensitive BLM lands, including lands with wilderness characteristics.

TITLE III – PRICE CANYON STATE FOREST. This title transfers 13,321 acres of BLM land to the State of Utah in exchange for 14,939 acres of State land. The land transferred to Utah is intended to become a state forest, though this is not required by the legislation. An additional provision requires grazing to continue forever on all lands acquired by the state.

Because there is no requirement to conduct this exchange in accordance with existing law, ensure equal value, or even conduct appraisals, this title could result in Federal lands being given away to the State of Utah at taxpayer expense. The legislation also attempts to direct the management of state lands.

TITLE IV – DEER LODGE LAND EXCHANGE. This title would require a land exchange of between the Forest Service and a private homeowners association. The Forest Service would acquire 77 acres of private land and give up 156 acres of national forest land. The exchange would be carried out in accordance with existing law. However, there is no requirement for either parcel to be appraised.

The national forest land to be exchanged is within Daggett County, which developed a comprehensive public lands proposal in 2014 for inclusion in the PLI. The proposal included provisions on conservation, roads, land exchanges, conveyances, and wild and scenic rivers, and was agreed to by all stakeholders. The Daggett County Commission later withdrew that proposal and pulled out of the PLI. This land exchange moves forward one component of the Daggett County proposal while leaving out the remainder.

TITLE V – SCOFIELD LAND TRANSFERS. This title would require the Secretary of the Interior to transfer – free of charge – specified Federal lands within the flood surcharge area (the area below high water mark during a flood) of the Scofield Reservoir to anyone who claims title to, or interest in, the land. Certain conditions must be attached to the conveyed titles.

This title purports to resolve a dispute dating back to the 1950s, when a developer disavowed the United States' ownership of the flood surcharge area and subdivided and sold the land. Because the current structures will be underwater during a flood, they pose a serious safety risk to downstream residents due to the risk of blockage at the dam. Instead of removing the illegal and hazardous structures from public land, this title would simply give the underlying land away.

TITLE VI – LAND CONVEYANCES. This title would convey 22 separate Federal parcels covering 40,000 acres to local and state entities. The Federal parcels to be conveyed range from one acre to 15,379 acres in size, and cover lands administered by the United States Forest Service, BLM, and National Park Service.

Lands to be conveyed include a road within the Glen Canyon National Recreation Area, where illegal motorized use has occurred; BLM lands in San Juan County, near the site of the illegal protest ride led by the Chair of the San Juan County Commission; and BLM lands in Uintah and Grand County for the construction of a highway to facilitate oil transportation out of the Uintah

Basin. Several of the parcels – such as the parcel designed for oil and gas transport – have no legitimate public purpose, while others violate the size limits for such conveyances under the Recreation and Public Purposes Act (RPPA). For example, the RPPA limits non-recreational conveyances to 640 acres, while one conveyance in this title is 15,379 acres.

TITLE VII – LAND DISPOSALS. This title would require the Secretary of the Interior to dispose of specified Federal lands within two years of enactment of the PLI.

The PLI website does not show the lands to be sold, so it is impossible to fully analyze this section. The language requires the Secretary to “dispose” of specified lands – this could mean land is sold for fair market value, sold below fair market value, or given away. Thus, like the previous two titles, this title could result in another giveaway of Federal lands.

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Conversation Contents

Fwd: Thanks from Bluff...and follow up

Attachments:

/49. Fwd: Thanks from Bluff...and follow up/1.1 Sacred-Mesa-Rock-Saw.jpg

Nicole Buffa <nicole_buffa@ios.doi.gov>

From: Nicole Buffa <nicole_buffa@ios.doi.gov>
Sent: Tue Feb 02 2016 06:54:58 GMT-0700 (MST)
To: Robert Bonnie <Robert.Bonnie@osec.usda.gov>, Leslie Jones <Leslie.Jones@osec.usda.gov>, Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject: Fwd: Thanks from Bluff...and follow up
Attachments: Sacred-Mesa-Rock-Saw.jpg

Morning reading....

Begin forwarded message:

From: Josh Ewing <josh@cedarmesafriends.org>
Date: February 1, 2016 at 6:49:11 PM EST
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>
Subject: Thanks from Bluff...and follow up

Nikki: I'm back in Bluff and am writing to thank you again for meeting with us last week. I really appreciate you making the time in a busy week disrupted by Snowzilla.

You asked that I send you the poll showing 66% of Utahns support protecting Bears Ears as a National Monument. You'll find that question on page 19 of the PDF found here: <https://www.coloradocollege.edu/dotAsset/1ae5d935-6a3d-4139-a128-e62d2441ec1f.pdf>

Also, as a small follow up, I'm including a photo of the site that was vandalized in the last few months (rock art attempted to be sawed from the cliff) near Bluff and within the Bears Ears proposal area. You can see how someone was trying to use a chisel to remove it from the cliff face.

FOR COMMITTEE USE ONLY

This is just one of nearly two dozen recent grave robbing and looting incidents we know of in the last two years.

If as you're working on this issue you ever have questions or issues that we can be helpful with, please don't hesitate to reach out.

Thanks!

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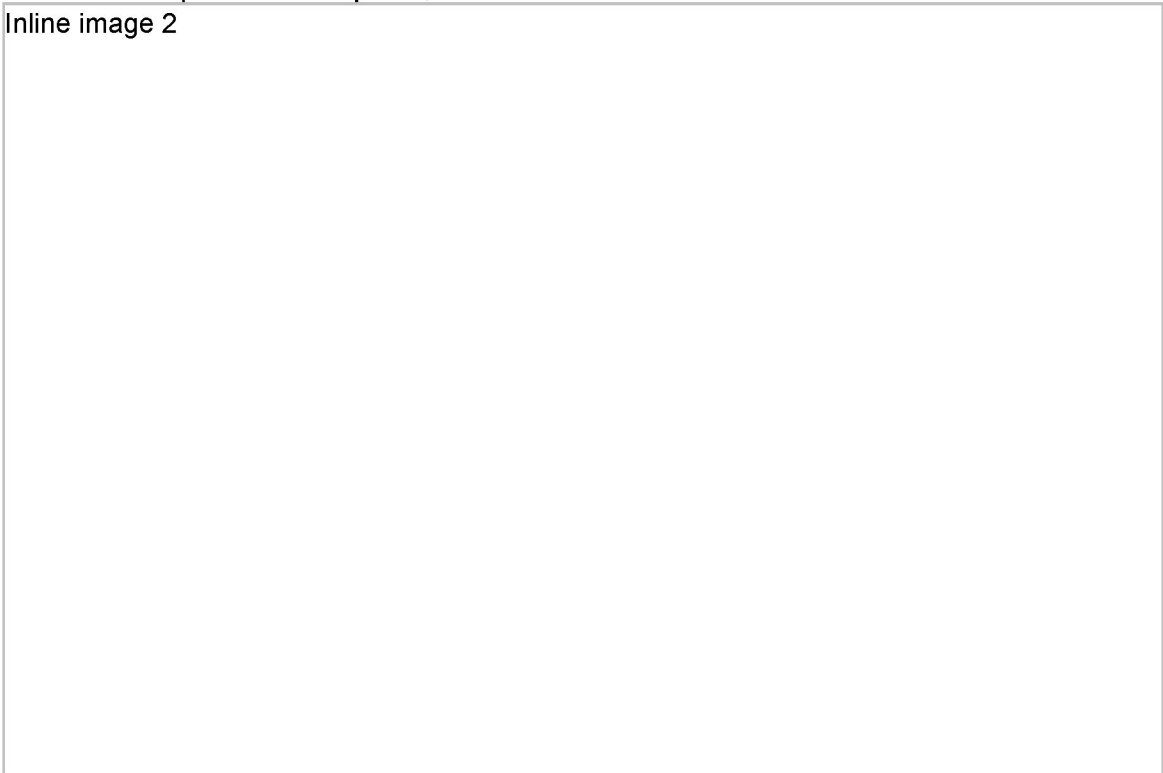
Josh Ewing

Executive Director

Friends of Cedar Mesa

801.410.0773 | PO Box 338 | Bluff, UT 84512

Inline image 2





Conversation Contents

Fwd: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands

Attachments:

/50. Fwd: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands/1.1 ATT00001.htm

/50. Fwd: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands/1.2 Ute Ltr Pres Obama re PLI with atch 1 26 16.pdf

/50. Fwd: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands/3.1 ATT00001.htm

/50. Fwd: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands/3.2 Ute Ltr Pres Obama re PLI with atch 1 26 16.pdf

"Klein, Elizabeth" <elizabeth_klein@ios.doi.gov>

From: "Klein, Elizabeth" <elizabeth_klein@ios.doi.gov>
Sent: Wed Jan 27 2016 09:18:52 GMT-0700 (MST)
To: Gareth Rees <gareth_rees@ios.doi.gov>, Elizabeth Washburn <elizabeth_washburn@ios.doi.gov>
CC: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>
Subject: Fwd: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands
Attachments: ATT00001.htm Ute Ltr Pres Obama re PLI with atch 1 26 16.pdf

For the scheduling list.

----- Forwarded message -----

From: **Rollie Wilson** <RWilson@ndnlaw.com>
Date: Wed, Jan 27, 2016 at 9:03 AM
Subject: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands
To: "michael_connor@ios.doi.gov" <michael_connor@ios.doi.gov>
Cc: "gareth_rees@ios.doi.gov" <gareth_rees@ios.doi.gov>, "elizabeth_klein@ios.doi.gov" <elizabeth_klein@ios.doi.gov>, "Lawrence_Roberts@ios.doi.gov" <Lawrence_Roberts@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, Linda Lance <llance@blm.gov>, Michael D Nedd <mnedd@blm.gov>, "tana.fitzpatrick@bia.gov" <tana.fitzpatrick@bia.gov>, "jody.cummings@sol.doi.gov" <jody.cummings@sol.doi.gov>, Darren Pete <darren.pete@bia.gov>, Ratana Warito <ratana.warito@bia.gov>, Jamie Harrison <jharriso@blm.gov>

Hi Michael,

The Ute Indian Tribe would appreciate the opportunity to meet with you during the week of February 21st to discuss Congressman Bishop's draft bill for a Utah Public Lands Initiative and Restoration of its Reservation Lands under the Indian Reorganization Act. The Tribe's meetings with Acting Assistant Secretary Roberts and BLM Director Kornze on this issue have been positive, but with the release of a draft bill that would take about 100,000 acres within the Tribe's Reservation, the Tribe would like to brief the Secretary's Office on this issue.

Attached is a letter from the Tribe asking that the Administration oppose the draft bill and a tribal resolution formally requesting restoration of surplus lands within the Tribe's Reservation.

We can meet pretty much anytime the week of the 21st including Friday the 26th after NCAI wraps up. Thanks for your consideration. Please let me know if you need any other information.

Rollie Wilson

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

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--

Elizabeth Klein
Associate Deputy Secretary
Department of the Interior
1849 C Street NW
Washington, D.C. 20240
ph: 202-513-0561

"Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>

From: "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
Sent: Wed Jan 27 2016 09:20:55 GMT-0700 (MST)
To: "Klein, Elizabeth" <elizabeth_klein@ios.doi.gov>, Nicole Buffa <nicole_buffa@ios.doi.gov>
Gareth Rees <gareth_rees@ios.doi.gov>, Elizabeth

CC: Washburn <elizabeth_washburn@ios.doi.gov>

Subject: Re: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands

(b) (5)

TPB

On Wed, Jan 27, 2016 at 11:18 AM, Klein, Elizabeth <elizabeth_klein@ios.doi.gov> wrote:

For the scheduling list.

----- Forwarded message -----

From: **Rollie Wilson** <RWilson@ndnlaw.com>

Date: Wed, Jan 27, 2016 at 9:03 AM

Subject: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands

To: "michael_connor@ios.doi.gov" <michael_connor@ios.doi.gov>

Cc: "gareth_rees@ios.doi.gov" <gareth_rees@ios.doi.gov>,

"elizabeth_klein@ios.doi.gov" <elizabeth_klein@ios.doi.gov>,

"Lawrence_Roberts@ios.doi.gov" <Lawrence_Roberts@ios.doi.gov>, Neil Kornze

<nkornze@blm.gov>, Linda Lance <llance@blm.gov>, Michael D Nedd

<mnedd@blm.gov>, "tana.fitzpatrick@bia.gov" <tana.fitzpatrick@bia.gov>,

"jody.cummings@sol.doi.gov" <jody.cummings@sol.doi.gov>, Darren Pete

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Elizabeth Klein
Associate Deputy Secretary
Department of the Interior
1849 C Street NW
Washington, D.C. 20240
ph: 202-513-0561

"Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>

From: "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
Sent: Wed Jan 27 2016 09:21:06 GMT-0700 (MST)
To: Nicole Buffa <nicole_buffa@ios.doi.gov>
Subject: Fwd: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands
Attachments: ATT00001.htm Ute Ltr Pres Obama re PLI with attch 1 26 16.pdf

----- Forwarded message -----

From: Klein, Elizabeth <elizabeth_klein@ios.doi.gov>
Date: Wed, Jan 27, 2016 at 11:18 AM
Subject: Fwd: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands
To: Gareth Rees <gareth_rees@ios.doi.gov>, Elizabeth Washburn <elizabeth_washburn@ios.doi.gov>
Cc: Tommy Beaudreau <tommy_beaudreau@ios.doi.gov>

For the scheduling list.

----- Forwarded message -----

From: Rollie Wilson <RWilson@ndnlaw.com>
Date: Wed, Jan 27, 2016 at 9:03 AM
Subject: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands
To: "michael_connor@ios.doi.gov" <michael_connor@ios.doi.gov>
Cc: "gareth_rees@ios.doi.gov" <gareth_rees@ios.doi.gov>, "elizabeth_klein@ios.doi.gov" <elizabeth_klein@ios.doi.gov>, "Lawrence_Roberts@ios.doi.gov" <Lawrence_Roberts@ios.doi.gov>, Neil Kornze <nkornze@blm.gov>, Linda Lance <llance@blm.gov>, Michael D Nedd

FOR COMMITTEE USE ONLY

<mnedd@blm.gov>, "tana.fitzpatrick@bia.gov" <tana.fitzpatrick@bia.gov>, "jody.cummings@sol.doi.gov" <jody.cummings@sol.doi.gov>, Darren Pete <darren.pete@bia.gov>, Ratana Warito <ratana.warito@bia.gov>, Jamie Harrison <jharriso@blm.gov>

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ph: 202-513-0561

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

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

Sent: Thu Jan 28 2016 11:50:24 GMT-0700 (MST)
To: "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>
"Klein, Elizabeth" <elizabeth_klein@ios.doi.gov>, Gareth
CC: Rees <gareth_rees@ios.doi.gov>, Elizabeth Washburn
<elizabeth_washburn@ios.doi.gov>
Subject: Re: Ute Meeting Request on Utah PLI and Restoration of
Reservation Lands

Hi Team - (b) (5)

(b) (5) Happy to discuss further.

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(b) (5)

TPB

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wrote:

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Subject: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands

To: "michael_connor@ios.doi.gov" <michael_connor@ios.doi.gov>

Cc: "gareth_rees@ios.doi.gov" <gareth_rees@ios.doi.gov> ,

"elizabeth_klein@ios.doi.gov" <elizabeth_klein@ios.doi.gov> ,

"Lawrence_Roberts@ios.doi.gov" <Lawrence_Roberts@ios.doi.gov> , Neil Kornze

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

Elizabeth Klein <elizabeth_klein@ios.doi.gov>

From: Elizabeth Klein <elizabeth_klein@ios.doi.gov>
Sent: Thu Jan 28 2016 12:00:23 GMT-0700 (MST)
To: "Buffa, Nicole" <nicole_buffa@ios.doi.gov>, Larry Roberts <lawrence_roberts@ios.doi.gov>, Neil G Kornze <nkornze@blm.gov>
"Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>,

CC: Gareth Rees <gareth_rees@ios.doi.gov>, Elizabeth Washburn <elizabeth_washburn@ios.doi.gov>

Subject: Re: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands

Thanks for the update. Larry and Neil (b) (5)

I can sit in if you think that

helps.

Sent from my iPhone

On Jan 28, 2016, at 1:50 PM, Buffa, Nicole <nicole_buffa@ios.doi.gov> wrote:

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Cc: "gareth_rees@ios.doi.gov" <gareth_rees@ios.doi.gov>,

"elizabeth_klein@ios.doi.gov" <elizabeth_klein@ios.doi.gov>,

"Lawrence_Roberts@ios.doi.gov" <Lawrence_Roberts@ios.doi.gov>,

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

Lawrence Roberts <lawrence_roberts@ios.doi.gov>

From: Lawrence Roberts <lawrence_roberts@ios.doi.gov>
Sent: Thu Jan 28 2016 13:35:35 GMT-0700 (MST)
To: Elizabeth Klein <elizabeth_klein@ios.doi.gov>
"Buffa, Nicole" <nicole_buffa@ios.doi.gov>, Neil G Kornze <nkornze@blm.gov>, "Beaudreau, Tommy" <tommy_beaudreau@ios.doi.gov>, Gareth Rees <gareth_rees@ios.doi.gov>, Elizabeth Washburn <elizabeth_washburn@ios.doi.gov>
CC:
Subject: Re: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands

This approach sounds good to me. More than happy to have Liz join any future meetings.

Sent from my iPhone

On Jan 28, 2016, at 2:00 PM, Elizabeth Klein <elizabeth_klein@ios.doi.gov> wrote:

Thanks for the update. Larry and Neil - (b) (5)
(b) (5) I can sit in if you think that helps.

Sent from my iPhone

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Subject: Ute Meeting Request on Utah PLI and Restoration of Reservation Lands

To: "michael_connor@ios.doi.gov"

<michael_connor@ios.doi.gov>

Cc: "gareth_rees@ios.doi.gov" <gareth_rees@ios.doi.gov>,

"elizabeth_klein@ios.doi.gov" <elizabeth_klein@ios.doi.gov>,

"Lawrence_Roberts@ios.doi.gov"

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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: Thu Jan 28 2016 15:36:48 GMT-0700 (MST)
To: Elizabeth Klein <elizabeth_klein@ios.doi.gov>
"Buffa, Nicole" <nicole_buffa@ios.doi.gov>, Larry Roberts
<lawrence_roberts@ios.doi.gov>, "Beaudreau, Tommy"
CC: <tommy_beaudreau@ios.doi.gov>, Gareth Rees
<gareth_rees@ios.doi.gov>, Elizabeth Washburn
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Deputy Chief of Staff

US Department of the Interior

202-219-3861

nicole_buffa@ios.doi.gov



UTE INDIAN TRIBE

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

January 26, 2016

The Honorable Barack Obama
The White House
1600 Pennsylvania Ave., N.W.
Washington, DC 20500

Re: Oppose Utah Public Lands Initiative and Restore Tribal Lands

Dear President Obama:

The Ute Indian Tribe respectfully requests that you oppose a bill for a Utah Public Lands Initiative recently released by Congressmen Bishop and Chaffetz as a discussion draft. The Congressmen promote their draft bill as “a locally driven effort to bring resolution and certainty to some of the most challenging land disputes in Utah.” However, Utah’s oldest residents with the most local interests, the Ute Indian Tribe and other Utah tribes, were left out of the draft bill.

The Tribe and our proposal to resolve long-standing Federal mismanagement of our lands were never welcomed into the discussion. Instead, the Congressmen propose to take about 100,000 acres of land within our Uintah and Ouray Reservation for use by the Utah School and Institutional Trust Lands Administration (SITLA) that manages State lands for the benefit of Utah public schools. We ask you to affirm that the era of Indian land grabs for the benefit of non-Indians is over.

The lands in question are a part of our Uncompahgre Reservation making up the eastern half of our Uintah and Ouray Reservation. The lands within the Uncompahgre Reservation are currently managed by the Bureau of Land Management (BLM) and should have been restored to trust status long ago as provided in Section 3 of the Indian Reorganization Act of 1934 (IRA).

Following passage of the IRA, the Commissioner of Indian Affairs and the Secretary of the Interior approved restoring the trust status of surplus lands within the Uintah and Ouray Reservation, and many other reservations, under Section 3 of the Act, 25 U.S.C. § 463. Then, in 1945, the Secretary of the Interior issued an “Order of Restoration” for lands within our Uintah and Ouray Reservation. However, implementing the order the Secretary only restored lands within our Uintah Reservation making up the western half of our Reservation. Meanwhile, without any explanation, the BLM assumed management of lands within our Uncompahgre Reservation.

With a draft bill threatening to give away lands and minerals within our Reservation, it is time to restore all the surplus lands within our Reservation to trust status. We first contacted the Congressmen about a year ago with our proposal to resolve almost a century of mismanagement

by directing the Secretary to use authority under the IRA to restore the trust status of lands within our Reservation. At first, the Congressmen directed us to work it out with the State, County and local governments—the very same governments who launch daily attacks on our sovereignty and jurisdiction over our Reservation. Finally, with barely a word of consultation, the Congressmen refused our proposal and released a draft bill proposing to take these lands for the State.

The Uncompahgre Reservation is the historic homeland of the Ute Indian Tribe's Uncompahgre Band. After being driven from reservation lands in Colorado, the United States relocated the Uncompahgre Band into what would become eastern Utah. Similar to the suffering of other tribes across the United States, this was our "trail of tears."

On January 5, 1882, a reservation was formally established for the Uncompahgre Band by President Chester A. Arthur pursuant to Executive Order. The Uncompahgre Reservation was unique in that the United States forced the Uncompahgre Band to buy their own reservation. The Uncompahgre Band purchased its Reservation through reductions in settlement monies owed by the United States to the Band for its land in Colorado. Despite this difficult history, the Uncompahgre Reservation became a homeland and safe haven for the Uncompahgre Band.

The draft bill now proposes to take our homelands, purchased by the Tribe, for the benefit of SITLA and the State of Utah. This proposal is unjust, counter to existing Federal law, and undermines modern Federal policies promoting tribal self-determination and economic development. The proposal also undermines the Tribe's role as a major energy producer and engine for economic growth in northeast Utah. Ultimately, the proposal is likely to result in long-term litigation which conflicts with the Congressmen's goal of bringing resolution and certainty to land disputes in Utah.

We also ask that you oppose the draft bill based on its impact on other tribal interests protected under Federal law. While we are continuing to review the draft bill, it appears that tribal interests and existing Federal laws were not considered in provisions related to tribal water rights, management of sacred sites, and disposal of other Federal lands.

Utah is home of a number of Indian tribes who lived, worked and prayed in this area long before Utah became a state. Now that a draft bill has been released implicating tribal lands and resources, we ask you to oppose the bill and formally request that the United States restore the trust status of our Reservation lands under the IRA. In addition, pursuant to our August 12, 2015 letter to you, we formally request that you issue a Presidential proclamation reaffirming the Uncompahgre Reservation boundaries. A Tribal Business Committee resolution in support of the Tribe's request is attached. Thank you for your attention to pressing matter.

Sincerely,



Shaun Chapoose, Chairman
Ute Tribal Business Committee

cc: Sally Jewell, Secretary of the Interior

UINTAH AND OURAY
TRIBAL BUSINESS COMMITTEE

Resolution No. _____

WHEREAS: The Tribal Business Committee (“Business Committee”) of the Ute Indian Tribe of the Uintah and Ouray Reservation (“Tribe”) is empowered by Article VI, Sections 1(c) and 1(f) of the Constitution and By-Laws of the Tribe to regulate the economic affairs of the Tribe; and

WHEREAS: On January 5, 1882, a reservation, known as the Uncompahgre Reservation, was formally established for the Uncompahgre Utes in Utah by President Chester A. Arthur pursuant to an Executive Order; and

WHEREAS: Congress passed two acts allotting the Uncompahgre Reservation, a Act of August 15, 1894, Act, 28 Stat. 286, 337-338, and an Act of June 7, 1897, 30 Stat. 62, 87; and

WHEREAS: As the 10th Circuit Court of Appeals found at *Ute Indian Tribe v. Utah*, 773 F.2d 1087, 1093 (10th Cir. 1985) (Ute III), *reaffirmed by Ute Indian Tribe v. Utah*, 114 F.3d 1513, 1528 (10th Cir. 1997) (Ute V) neither Act disestablished or diminished the Uncompahgre Reservation; and

WHEREAS: In 1934, Congress passed the Indian Reorganization Act including Section 3, 25 U.S.C. § 463 which provides for the restoration of surplus lands within Indian reservations; and

WHEREAS: On November 2, 1934, Commissioner of Indian Affairs John Collier issued an Opinion, 54 I.D. 559, 563, affirming the Secretary’s authority to restore trust status of surplus lands within Indian reservations; and

WHEREAS: The Tribe’s Uintah and Ouray Reservation was included on the list, however lands with the historic Uncompahgre Reservation were not restored to trust status; and

WHEREAS: Furthermore, the Tribe strongly opposes provisions in the draft Utah Public Lands Initiative bill recently released by Congressman Rob Bishop and Congressman Jason Chaffetz that would give away the Tribe’s land and minerals within the Tribe’s Reservation due to the proposed land exchange between the Bureau of Land Management (BLM) and Utah’s School and Institutional Trust Lands Administration (SITLA); and

WHEREAS: According to the draft bill, SITLA would get land and minerals within the Tribe’s historic Uncompahgre Reservation making up the eastern half of the Tribe’s current Uintah and Ouray Reservation; and

WHEREAS: Lands within the Uncompahgre Reservation are currently managed by the BLM, but should have been restored to Indian trust status and managed by the Bureau Indian Affairs following the passage of the Indian Reorganization Act in 1934; and

WHEREAS: Until the mismanagement of the Tribe's lands is resolved, the Tribe is forced to oppose any changes to land use within the Uncompahgre Reservation; and

WHEREAS: The Business Committee has determined that it is in the best interest of the Tribe to request that the Secretary of the Interior restore the surplus lands located on the Uncompahgre Reservation and oppose the Utah Public Lands Initiative bill.

NOW, THEREFORE BE IT RESOLVED: the Business Committee formally requests that the Secretary of the Interior issue an Order of Restoration restoring all remaining surplus lands located on the Uncompahgre Reservation pursuant to 25 U.S.C. § 463.

BE IT FURTHER RESOLVED: the Business Committee formally requests that the Secretary of the Interior oppose the Utah Public Lands Initiative bill recently released by Congressman Rob Bishop and Congressman Jason Chaffetz.

BE IT FINALLY RESOLVED: that the Business Committee hereby authorizes and approves its Chairman or, in his absence, the Vice-Chairman, to execute any and all documents as may be necessary and appropriate to carry out the terms, conditions and intent of this Resolution.


Shaun Chapoose, Chairman


Ed Secakuku, Vice-Chairman


Ron Wopsock, Member


Cummings Justin Vanderhoop, Member


Bruce Ignacio, Member


Tony Small, Member

CERTIFICATION

18-000

I HEREBY CERTIFY THAT THE FOREGOING Resolution was adopted by the Tribal Business Committee of the Ute Indian Tribe of the Uintah and Ouray Reservation pursuant to the Constitution and By-Laws of the Ute Indian Tribe of the Uintah and Ouray Reservation at a duly called meeting in Ft. Duchesne, Utah, on the 21 day of January, 2016, at which time a quorum was present and votes 6 for, 0 against, 0 abstaining and 0 absent.


Tribal Business Committee - Secretary
Ute Indian Tribe, Uintah & Ouray Reservation



UTE INDIAN TRIBE

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

August 12, 2015

The Honorable Barack Obama
The White House
1600 Pennsylvania Ave., N.W.
Washington, DC 20500

Re: Efforts to Disestablish our Reservation Homeland

Dear President Obama:

We are writing to alert you to efforts by the State of Utah and local Counties and municipalities (State Parties) to disestablish a portion of our Uintah and Ouray (U&O) Indian Reservation. We understand the State Parties approached the Secretary of the Interior and asked her to set in motion a process they hope will lead to the disestablishment of the Uncompahgre Reservation and possibly portions of the Uintah Valley Reservation within our U&O Reservation. We respectfully request that you take action to stop these efforts to disestablish our Reservation. In particular, we request that you issue a Presidential Proclamation reaffirming the continued legal existence of our entire U&O Reservation.

The timing of the State Parties' campaign to disestablish our Reservation is not coincidental. Just weeks ago, the U.S. Court of Appeals for the Tenth Circuit reaffirmed—for the *third* time—the continuing existence and legal validity of both the Uintah Valley and the Uncompahgre Reservations. *Ute Indian Tribe v. State of Utah, et al.*, 790 F.3d 1000 (10th Cir. 2015). In its order, the Tenth Circuit recounted the State of Utah's decades-long campaign to disestablish or diminish the U&O Reservation through the judicial branch of government. Referring to the State Parties, the Tenth Circuit said:

[a] system of law that places any value on finality—as any system of law worth its salt must—cannot allow intransigent litigants to challenge settled decisions year after year, decade after decade, until they wear everyone else out. Even—or perhaps especially—when those intransigent litigants turn out to be public officials, for surely those charged with enforcing the law should know this much already.

Now that the State Parties have failed for a third time to have the U&O Reservation disestablished though the courts, they are turning to the other branches of government to

FOR COMMITTEE USE ONLY

President Barack Obama

August 12, 2015

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achieve the same result. First, we are concerned about legislation being developed by Congressman Bishop to transfer lands and interests in lands within our Reservation to the State Parties. And, we are concerned about this recent meeting with Interior on the same issue. We ask that your Administration reject these efforts and take action to protect our Reservation homelands.

The U&O Reservation, located in the Uintah Basin of northeastern Utah, is a union of two reservations: the Uintah Valley Reservation, established by Executive Order in 1861 (and subsequently ratified by Congress), and the Uncompahgre Reservation, established by Executive Order in 1882. The U&O Reservation is home to three bands of the greater Ute Tribe: the Uintah, the White River, and the Uncompahgre Bands.

Before the Uintah Valley Reservation was established in 1861, Brigham Young, the Territorial Governor of the Territory of Utah and President of the Mormon Church, dispatched a survey team to determine whether the proposed reservation lands would instead be suitable for Mormon settlement. The team's "unanimous and firm" verdict was that the proposed reservation lands were "one vast 'contiguity of waste,' and measurably valueless, except for nomadic purposes, hunting grounds for Indians and to hold the world together." *Report of Utah Expedition, printed in Deseret News, Sept. 25, 1961, quoted in Charles Wilkinson, Fire on the Plateau, 150 (Island Press 2004).* However, today our "wasteland" Reservation lands, once so reviled by the first Governor of the Territory of Utah and non-Indian settlers, is now very desirable to the State of Utah and its political subdivisions and municipalities.

All three of our Ute Bands were required to remove to the Uintah Basin from other, more fertile lands in central Utah and western Colorado. Although the U&O Reservation was not our original, nor our preferred homeland, it is the only homeland we now have and we emphatically do not want any portion of it taken away from us.

The Tribe's Business Committee will be in Washington D.C. from September 22nd to the 25th and we would like to meet with you or your staff to discuss the concerns raised in our letter.

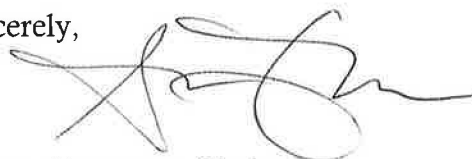
In addition, we would like to extend an invitation for you to visit our U&O Reservation to see for yourself what was once described as a "vast 'contiguity of waste.'" We have made these lands our homeland and work everyday to provide a stable and secure environment for our youth and economic opportunities for our members. The Tribe was not invited to attend any of the functions involved in your April, 2015, visit to Utah.

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We appreciate your attention to this pressing matter. Please contact the Tribe's Washington, D.C. counsel, Rollie Wilson, at 202-340-8232 to follow up on this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shaun Chapoose', written over a faint, light-colored background.

Shaun Chapoose, Chairman
Ute Tribal Business Committee

Encl.

cc: Kevin Washburn, Assistant Secretary of Indian Affairs

Ute Indian Tribe of the Uintah and Ouray Reservation v. Utah, 790 F.3d 1000 (2015)

KeyCite Yellow Flag - Negative Treatment
 Distinguished by [Southern Ute Indian Tribe v. U.S. Department of the Interior](#), D.Colo., June 22, 2015

790 F.3d 1000

Only the Westlaw citation is currently available.
 United States Court of Appeals,
 Tenth Circuit.

UTE INDIAN TRIBE OF THE UINTAH AND
 OURAY RESERVATION, Plaintiff–Counterclaim
 Defendant–Appellant/Cross–Appellee,
 v.

State of UTAH; [Duchesne County](#), a political
 subdivision of the State of Utah,
 Defendants–Counterclaimants–Appellees in No.
 14–4028 and Defendants–Counterclaimants in
 No. 14–4031,
 Uintah County, a political subdivision of the State
 of Utah,

Defendant–Counterclaimant–Third–Party
 Plaintiff–Appellee/Cross–Appellant,
 Roosevelt City, a municipal corporation; Duchesne
 City, a municipal corporation; Myton, a municipal
 corporation, Defendants,
 Bruce Ignacio, Chairman of the Ute Tribal
 Business Committee, in his official capacity,
 Defendant–Third–Party Defendant,
 and

Business Committee for the Ute Tribe of the
 Uintah and Ouray Reservation; Gordon Howell,
 Chairman of the Business Committee; Ronald J.
 Wopsock, Vice Chairman of the Ute Tribal
 Business Committee, in his official capacity;
 Stewart Pike, member of the Ute Tribal Business
 Committee, in his official capacity; [Tony Small](#),
 member of the Ute Tribal Business Committee, in
 his official capacity; Philip Chimburas, member of
 the Ute Tribal Business Committee, in his official
 capacity; Paul Tsosie, Chief Judge of the Ute
 Tribal Court, in his official capacity; William
 Reynolds, Judge of the Ute Tribal Court, in his
 official capacity, Third–Party Defendants.

Ute Indian Tribe of the Uintah and Ouray
 Reservation, Utah, a federally recognized Indian
 Tribe, Plaintiff–Appellant,

v.

State of Utah; Wasatch County, a political
 subdivision of the State of Utah; [Gary Herbert](#), in
 his capacity as Governor of Utah; Sean D. Reyes,
 in his capacity Attorney General of Utah; Scott
 Sweat, in his capacity as County Attorney for
[Wasatch County, Utah](#); Tyler J. Berg, in his
 capacity Assistant County Attorney for [Wasatch](#)

[County, Utah](#), Defendants–Appellees.
 Uintah County, Amicus Curiae.

Nos. 14–4028, 14–4031, 14–4034. | June 16, 2015.

Synopsis

Background: Indian tribe brought action alleging that state and local governments were unlawfully trying to displace tribal authority on tribal lands. State and counties filed counterclaims alleging that tribe infringed their sovereignty. The United States District Court for the District of Utah denied tribe's motion for preliminary injunction to halt tribal member's prosecution for alleged traffic offenses on tribal land, tribe's claim of immunity from counterclaims, and county's claim of immunity from tribe's suit.

Holdings: The Court of Appeals, [Gorsuch](#), Circuit Judge, held that:

- ^[1] county's prosecution of tribal member constituted irreparable injury to tribal sovereignty;
- ^[2] Anti–Injunction Act did not bar federal court from issuing preliminary injunction;
- ^[3] *Younger* abstention was not warranted;
- ^[4] mutual assistance agreement between state and tribe did not waive tribe's sovereign immunity from suit in state court;
- ^[5] doctrine of equitable recoupment did not apply to permit state and county to assert counterclaims; and
- ^[6] county attorneys were not entitled to sovereign immunity.

Affirmed in part, reversed in part, and remanded.

West Headnotes (14)

- ^[1] **Injunction**
 **Indians and tribal matters**

Invasion of tribal sovereignty can constitute irreparable injury warranting injunctive relief.

1 Cases that cite this headnote

^[2] **Injunction**
 ↳ Indians and tribal matters

County's prosecution of tribal member in state court for alleged traffic offenses on tribal land constituted irreparable injury to tribal sovereignty, thus warranting preliminary injunction barring prosecution, in light of state's failure to provide viable legal argument for its actions, and paramount federal policy of ensuring that Indians did not suffer interference with their efforts to develop strong self-government.

Cases that cite this headnote

^[3] **Indians**
 ↳ State court or authorities

State and its subdivisions generally lack authority to prosecute Indians for criminal offenses arising in Indian country.

Cases that cite this headnote

^[4] **Indians**
 ↳ State regulation
Indians
 ↳ Jurisdiction and Power to Enforce Criminal Laws

States may exercise civil jurisdiction over non-Indians for activities on rights-of-way crossing Indian country, and may, in certain circumstances, enter Indian lands to investigate off-reservation crimes. 18 U.S.C.A. § 1151.

Cases that cite this headnote

^[5] **Courts**
 ↳ Injunction by United States Court Against Proceedings in State Court

Anti-Injunction Act's relitigation exception allows federal court to prevent state litigation of issue that previously was presented to and decided by federal court. 28 U.S.C.A. § 2283.

Cases that cite this headnote

^[6] **Courts**
 ↳ Criminal proceedings

Anti-Injunction Act did not bar federal court from issuing preliminary injunction barring county from prosecuting tribal member in state court for alleged traffic offenses on tribal land, where federal court had previously ruled that lands in question were Indian country. 28 U.S.C.A. § 2283.

Cases that cite this headnote

^[7] **Federal Courts**
 ↳ Younger abstention

For *Younger* abstention to apply, there must be ongoing state judicial proceeding, presence of important state interest, and adequate opportunity to raise federal claims in state proceedings.

Cases that cite this headnote

^[8] **Federal Courts**
 ↳ Injunctions

State and county lacked legitimate interest in relitigating boundary decisions by prosecuting

Ute Indian Tribe of the Uintah and Ouray Reservation v. Utah, 790 F.3d 1000 (2015)

Indians for crimes in Indian country, and thus *Younger* abstention was not warranted in tribe's action to enjoin county's prosecution of tribal member in state court for alleged traffic offenses on tribal land.

provided that parties agreed to submit any disputes arising from agreement to federal district court, where agreement also stated that agreement did not waive any claims of sovereignty.

Cases that cite this headnote

Cases that cite this headnote

[9] **Indians**
Sovereign Immunity

Indian tribe is subject to suit only where Congress has authorized suit or tribe has waived its immunity.

Cases that cite this headnote

[13] **Indians**
Sovereign Immunity

Doctrine of equitable recoupment did not apply to permit state and county to assert counterclaims for injunction and declaratory relief in Indian tribe's action to enjoin county from prosecuting tribal member in state court for alleged traffic offenses on tribal land, where county and state did not seek money damages, or assert equitable recoupment as defense.

Cases that cite this headnote

[10] **Indians**
Sovereign Immunity

Doctrine of tribal sovereign immunity extends to counterclaims lodged against plaintiff tribe, even compulsory counterclaims.

Cases that cite this headnote

[14] **District and Prosecuting Attorneys**
Liabilities for official acts, negligence, or misconduct

Under Utah law, county attorneys were not arms of state, and thus were not entitled to sovereign immunity in Indian tribe's action to enjoin county from prosecuting tribal member in state court for alleged traffic offenses on tribal land; county attorneys were elected by county residents alone, and were paid not from state's coffers but out of county's general fund in amounts fixed by county legislative bodies. West's U.C.A. § 17-53-101.

Cases that cite this headnote

[11] **Indians**
Sovereign Immunity

Indiana tribe's waiver of immunity must be expressed clearly and unequivocally.

Cases that cite this headnote

[12] **Indians**
Sovereign Immunity

Mutual assistance agreement between state and Indian tribe did not waive tribe's sovereign immunity from suit, even though agreement

Attorneys and Law Firms

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Ute Indian Tribe of the Uintah and Ouray Reservation v. Utah, 790 F.3d 1000 (2015)

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Parker Douglas, Utah Federal Solicitor (Randy S. Hunter and Katharine H. Kinsman, Assistant Utah Attorneys General, and Bridget Romano, Utah Solicitor General, with him on the briefs), Salt Lake City, UT, for the State of Utah, Gary Herbert, and Sean D. Reyes.

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E. Blaine Rawson of Ray Quinney & Nebeker P.C., Salt Lake City, UT (Greggory J. Savage, Matthew M. Cannon, and Calvin R. Winder of Ray Quinney & Nebeker, Salt Lake City, UT, and G. Mark Thomas, Uintah County Attorney, and Jonathan A. Stearmer, Chief Deputy Uintah County Attorney—Civil, Vernal, UT, with him on the briefs), for Uintah County.

Before HARTZ, GORSUCH, and MORITZ, Circuit Judges.

Opinion

GORSUCH, Circuit Judge.

In our layered system of trial and appellate courts everyone's assured at least two chances to air a grievance. Add to this the possibility that a lawsuit might bounce back to the trial court on remand or even rebound its way to appeal yet again—or the possibility that an issue might win interlocutory review—and the opportunities to press a complaint grow abundantly. No doubt our complex and consuming litigation wringer has assumed the shape it has so courts might squeeze as much truth as possible out of the parties' competing narratives. But sooner or later every case must come to an end. After all, that's why people bring their disputes to court in the first place: because the legal system promises to resolve their differences without resort to violence and supply "peace and repose" at the end of it all. *S. Pac. R.R. Co. v. United States*, 168 U.S. 1, 49, 18 S.Ct. 18, 42 L.Ed. 355 (1897). For a legal system to meet this promise, of course, both sides must accept—or, if need be, they must be made to respect—the judgments it generates. Most people know and readily assent to all this. So it's pretty surprising when a State and several of its counties need a reminder. But that's what this appeal is all about.

*

Nearly forty years ago the Ute Tribe filed a lawsuit alleging that Utah and several local governments were unlawfully trying to displace tribal authority on tribal lands. After a decade of wrangling in the district court and on appeal, this court agreed to hear the case en banc. In the decision that followed, what the parties refer to as *Ute III*, the court ruled for the Tribe and rejected Utah's claim that congressional action had diminished three constituent parts of Ute tribal lands—the Uncompahgre Reservation, the Uintah Valley Reservation, and certain national forest areas. See *Ute Indian Tribe v. Utah*, 773 F.2d 1087, 1093 (10th Cir.1985) (en banc). When the Supreme Court then denied certiorari, that "should have been the end of the matter." United States' Mem. in Supp. of Ute Indian Tribe's Mot. for Injunctive Relief 3, Supplemental App. 8 (Nov. 23, 1992).

It wasn't. Instead, state officials chose "to disregard the binding effect of the Tenth Circuit decision in order to attempt to relitigate the boundary dispute in a friendlier forum." *Id.* As a vehicle for their effort, they decided to prosecute tribal members in state court for conduct occurring within the tribal boundaries recognized by *Ute III*. This, of course, the State had no business doing. *Ute III* held the land in question to be "Indian country." See 773 F.2d at 1093; 18 U.S.C. § 1151 (defining "Indian country"). And within Indian country, generally only the federal government or an Indian tribe may prosecute Indians for criminal offenses. See *DeCoteau v. Dist. County Court*, 420 U.S. 425, 427 & n. 2, 95 S.Ct. 1082, 43 L.Ed.2d 300 (1975); *Solem v. Bartlett*, 465 U.S. 463, 465 n. 2, 104 S.Ct. 1161, 79 L.Ed.2d 443 (1984). True, states sometimes may prosecute "crimes by non-Indians against non-Indians and victimless crimes by non-Indians." *Bartlett*, 465 U.S. at 465 n. 2, 104 S.Ct. 1161 (citation omitted). But unless Congress provides an exception to the rule—and it hasn't here—states possess "no authority" to prosecute Indians for offenses in Indian country. *Cheyenne-Arapaho Tribes v. Oklahoma*, 618 F.2d 665, 668 (10th Cir.1980); 18 U.S.C. § 1162 (allowing certain states but not Utah to exercise jurisdiction over crimes committed by Indians in Indian country).

Disregarding all of this, state officials proceeded with their prosecutions anyway and soon one wended its way to the Utah Supreme Court. Declining to acknowledge or abide "traditional ... principles of comity, ... *res judicata* and collateral estoppel," the State argued that the very

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same congressional actions *Ute III* said did *not* diminish tribal territory *did* diminish at least a part of the Uintah Valley Reservation. United States' Mem., *supra*, at 4, Supplemental App. 9. And with this much at least the Utah Supreme Court eventually agreed. See *State v. Perank*, 858 P.2d 927 (Utah 1992); *State v. Hagen*, 858 P.2d 925 (Utah 1992). Then the United States Supreme Court—despite having denied review in *Ute III* and despite the fact the mandate in that case had long since issued—granted certiorari and agreed too. See *Hagen v. Utah*, 510 U.S. 399, 421–22, 114 S.Ct. 958, 127 L.Ed.2d 252 (1994).

This strange turn of events raised the question: what to do with the mandate of *Ute III*? Keeping it in place could leave the United States Supreme Court's decision in *Hagen* to control only cases arising from Utah state courts and not federal district courts, a pretty unsavory possibility by anyone's reckoning. So in a decision the parties call *Ute V*, this court elected to recall and modify *Ute III*'s mandate. See *Ute Indian Tribe v. Utah*, 114 F.3d 1513, 1527–28 (10th Cir.1997). Because *Hagen* addressed the Uintah Valley Reservation, *Ute V* deemed that particular portion of Ute tribal lands diminished—and diminished according to the terms *Hagen* dictated. So much relief was warranted, this court found, to “reconcile two inconsistent boundary determinations and to provide a uniform allocation of jurisdiction among separate sovereigns.” *Id.* at 1523.

Naturally, the State wanted more. It asked this court to extend *Hagen's* reasoning to the national forest and Uncompahgre lands and hold them diminished too. But *Ute V* rejected this request. Upsetting a final decision by recalling and modifying a mandate is and ought to be a rare and disfavored thing in a legal system that values finality. *Id.* at 1527. Though such extraordinary relief might have been warranted to give meaning to *Hagen's* holding, *Ute V* explained, it wasn't warranted to extend *Hagen's* reasoning to new terrain—even if doing so might happen to achieve a “more accurate” overall result. *Id.* at 1523. After all, by this point the parties' litigation was so old it had come of age and *Ute III* itself had been settled for years. “If relitigation were permitted whenever it might result in a more accurate determination, in the name of ‘justice,’ the very values served by preclusion would be quickly destroyed.” *Id.* (quoting 18 Charles A. Wright et al., *Federal Practice and Procedure* § 4426, at 265 (1981)). Following this court's decision in *Ute V*, the Supreme Court again denied certiorari and, really, that should have been the end of it.

But as you might have guessed by now, the State and its counties are back at it. Just as they did in the 1990s, they

are again prosecuting tribal members in state court for offenses occurring on tribal lands—indeed, on the very lands *Ute V* said remain Indian country even after *Hagen*. Seeking to avoid a replay of the “jurisdictional chaos” the State invited the last time around, United States' Mem., *supra*, at 4, Supplemental App. 9, this time the Tribe filed suit in federal court. As clarified at oral argument, the Tribe seeks from this suit a permanent injunction prohibiting the State and its counties from pursuing criminal prosecutions of Indians in state court for offenses arising in areas declared by *Ute III* and *V* to be Indian country—and prohibiting the State and its subdivisions from otherwise relitigating matters settled by those decisions. Toward these ends and as an initial matter, the Tribe asked the district court for a preliminary injunction against the State, Wasatch County, and various officials to halt the prosecution of a tribal member, Lesa Jenkins, in Wasatch County Justice Court for alleged traffic offenses in the national forest area that *Ute III* and *V* recognized as Indian country. A sort of test case, if you will. In return, the State and Uintah and Duchesne Counties fired off counterclaims of their own alleging that the Tribe has somehow improperly infringed on *their* sovereignty.

Before us now are three interlocutory but immediately appealable collateral orders this latest litigation has spawned. The first addresses the Tribe's request for a preliminary injunction. The latter two address claims of immunity: the Tribe's claim of immunity from the counterclaims and Uintah County's claim of immunity from the Tribe's suit. In all three decisions the district court denied the requested relief. But, as it turns out, the Tribe's arguments on all three points are well taken: the district court should have issued a preliminary injunction and must do so now; the Tribe is shielded by sovereign immunity; and Uintah County is not.

*

We begin with the Tribe's motion for a preliminary injunction barring the State and Wasatch County from prosecuting Ms. Jenkins in state court. In one sentence and without elaboration, the district court held that the Tribe failed to demonstrate that it would suffer an irreparable harm without an injunction and denied relief on that basis alone.

[1] [2] We cannot agree. The Tenth Circuit has “repeatedly stated that ... an invasion of tribal sovereignty can constitute irreparable injury.” *Wyandotte Nation v. Sebelius*, 443 F.3d 1247, 1255 (10th Cir.2006). In *Wyandotte Nation* itself, this court upheld a preliminary

injunction preventing Kansas from enforcing state gaming laws on a tract of tribal land because of the resulting infringement on tribal sovereignty. *Id.* at 1254–57; see also *Prairie Band of Potawatomi Indians v. Pierce*, 253 F.3d 1234, 1250–51 (10th Cir.2001). And we can divine no reason or authority that might justify a different result here, where the invasion of tribal sovereignty is so much greater.

Indeed, the harm to tribal sovereignty in this case is perhaps as serious as any to come our way in a long time. Not only is the prosecution of Ms. Jenkins itself an infringement on tribal sovereignty, but the tortured litigation history that supplies its backdrop strongly suggests it is part of a renewed campaign to undo the tribal boundaries settled by *Ute III* and *V*. Neither do the defendants' briefs offer any reason to hope otherwise. The State supplies just two conclusory paragraphs in defense of the district court's conclusory irreparable injury conclusion. And when it comes to the Tribe's charge that the State is reviving its efforts to undo tribal boundaries, the State simply brushes off the worry as "speculative." But there's nothing speculative about Utah's past disregard of this court's decisions and nothing speculative about the fact Ms. Jenkins's prosecution amounts to the same thing now. For its part, Wasatch County exhibits even less subtlety about its intentions, going so far as to argue that the Tribe may not exercise authority over any lands in Utah because (in part) the State was once "a separate, independent nation, the State of Deseret" with "its own *Constitution*" that didn't recognize Indian lands or tribal authority. Wasatch Appellees' Br. 1011. Never mind *Ute III* and *V*. And never mind the United States Constitution and the authority that document provides the federal government to regulate Indian affairs. On the record before us, there's just no room to debate whether the defendants' conduct "create[s] the prospect of significant interference with [tribal] self-government" that this court has found sufficient to constitute "irreparable injury." *Prairie Band*, 253 F.3d at 1250–51 (second alteration in original) (internal quotation marks omitted). By any fair estimate, that appears to be the whole point and purpose of their actions.

What about the other considerations that traditionally inform preliminary injunction proceedings—the merits, the parties' claimed and competing harms, and the public interest? See *id.* at 1246. The State and County say these elements support them and provide alternative grounds on which we might affirm the district court and deny the Tribe's request for a preliminary injunction. But it turns out the district court didn't rest its decision on these other grounds for good reason.

¹⁴¹ Take the merits. At the risk of repetition, no one disputes that Ms. Jenkins is an enrolled member of the Tribe, that she is being prosecuted in Utah state court by local officials, or that her alleged offenses took place within the reservation boundaries established in *Ute III* and *V*. As we've seen too, it's long since settled that a state and its subdivisions generally lack authority to prosecute Indians for criminal offenses arising in Indian country. See *supra* at ———. To be sure, and as the defendants point out, Ms. Jenkins was stopped and cited for committing a traffic offense on a right-of-way running through Indian lands. But both federal statutory law and *Ute V* expressly hold—and the defendants themselves don't dispute—that "rights-of-way running through [a] reservation" are themselves part of Indian country. 18 U.S.C. § 1151; *Ute V*, 114 F.3d at 1529. Of course, and as the State and County also observe, states may exercise civil jurisdiction over non-Indians for activities on rights-of-way crossing Indian country. See *Strate v. A-1 Contractors*, 520 U.S. 438, 442, 117 S.Ct. 1404, 137 L.Ed.2d 661 (1997). And they may, in certain circumstances, enter Indian lands to investigate off-reservation crimes. See *Nevada v. Hicks*, 533 U.S. 353, 366, 121 S.Ct. 2304, 150 L.Ed.2d 398 (2001). But these observations are beside the point as well, for the preliminary injunction request in this case concerns only the criminal prosecution of Indians in state court for crimes committed in Indian country. In the end, then, the defendants offer no legal authority for their position and face a considerable and uniform body of authority stacked against it. Any consideration of the merits would seem to favor the Tribe—and favor it strongly.

Lacking a viable legal argument the defendants reply with a policy concern. The Tribe's position, they say, would require state officers patrolling rights-of-way to engage in racial profiling because they would have to hazard a guess about whether a driver is or isn't an Indian before pulling her over. But even assuming the relevance of this concern, it is misplaced. After all, officers could just as easily (and lawfully) inquire into a motorist's tribal membership *after* she is stopped for a suspected offense. See *United States v. Patch*, 114 F.3d 131, 133–34 (9th Cir.1997). Indeed, it seems Utah's law enforcement agencies are *already* doing just that. See *Jones v. Norton*, 3 F.Supp.3d 1170, 1192 (D.Utah 2014). And, in any event, the Tribe's preliminary injunction request doesn't complain about Ms. Jenkins's *stop*, but seeks only to halt her continued *prosecution* now that the State and County know she's a tribal member.¹

That brings us to the last two elements of the preliminary injunction test: a comparison of the potential harms that would result with and without the injunction and a

consideration of public policy interests. *Prairie Band*, 253 F.3d at 1250. Here again there's no question who has the better of it. On the Tribe's side of the ledger lies what this court has described as the "paramount federal policy" of ensuring that Indians do not suffer interference with their efforts to "develop ... strong self-government." *Seneca-Cayuga Tribe v. Oklahoma ex rel. Thompson*, 874 F.2d 709, 716 (10th Cir.1989); see also *Prairie Band*, 253 F.3d at 1253. Against this, the State and Wasatch County argue an injunction would impede their ability to ensure safety on public rights-of-way. But this concern "is not as portentous as [they] would have it." *Prairie Band*, 253 F.3d at 1253. It isn't because nothing in the requested temporary injunction would prevent the State and County from patrolling roads like the ones on which Ms. Jenkins was stopped, from stopping motorists suspected of traffic offenses to verify their tribal membership status, from ticketing and prosecuting non-Indians for offenses committed on those roads, from referring suspected offenses by Indians to tribal law enforcement, or from adjudicating disputes over the Indian status of accused traffic offenders when meaningful reasons exist to question that status. Instead, the temporary injunction would simply prohibit the State and County from prosecuting Ms. Jenkins and perhaps other tribal members for offenses in Indian country—something they have no legal entitlement to do in the first place. In this light, the defendants' claims to injury should an injunction issue shrink to all but "the vanishing point." *Seneca-Cayuga*, 874 F.2d at 716.

[5] [6] Though the traditional injunction considerations favor the Tribe, even this doesn't end the matter. Wasatch County (without support from the State) argues that—whatever those considerations might suggest—the Anti-Injunction Act forbids the issuance of any injunction in this case. The County notes, quite rightly, that out of respect for comity and federalism the AIA usually precludes federal courts from enjoining ongoing state court proceedings like Ms. Jenkins's Wasatch County prosecution. 28 U.S.C. § 2283. But this overlooks an important exception to the rule: the AIA also expressly authorizes federal courts to enjoin state proceedings when it's necessary "to protect or effectuate" a previous federal judgment. *Id.* This "relitigation exception," as it's called, allows "a federal court to prevent state litigation of an issue that previously was presented to and decided by the federal court." *Chick Kam Choo v. Exxon Corp.*, 486 U.S. 140, 147, 108 S.Ct. 1684, 100 L.Ed.2d 127 (1988). And that, of course, is exactly what the Tribe asks us to do here. In *Ute III* and *V* this court held that certain national forest lands remain part of the Tribe's reservation—and thus Indian country. See *Ute V*, 114 F.3d at 1528–29; *Ute III*, 773 F.2d at 1089–90. The prosecution of Ms. Jenkins

seeks to reopen that judgment and contest whether the same national forest lands, in which her alleged traffic offenses occurred, are Indian country. So relief isn't just called for under traditional preliminary injunction principles, it's statutorily authorized by the AIA. Admittedly, the County tries to suggest that the current prosecution raises at least one "new" issue—whether it possesses the authority to try Indians for crimes on rights-of-way running through tribal lands. But this issue is no new issue at all for, as we've seen, *Ute V* expressly resolved it. See *supra* at ———; *Ute V*, 114 F.3d at 1529; 18 U.S.C. § 1151.

Eventually accepting as it must that it really does want to relitigate settled issues, the County replies that it's entitled to do so because it wasn't a party to *Ute III* or *V*. But here we encounter another sort of problem. It's not just parties who are bound by prior decisions: those in privity with them often are too, and counties are usually thought to be in privity with their states for preclusion purposes when the state has lost an earlier suit.² Of course "privity is but a label," but it is a useful label "convey[ing] the existence of a relationship sufficient to give courts confidence that the party in the former litigation was an effective representative of the current party's interests." *Entek GRB, LLC v. Stull Ranches, LLC*, 763 F.3d 1252, 1258 (10th Cir.2014). Many courts have already applied these preclusion principles in the AIA context.³ And the County offers no reason to think it should be immune from their force and no reason to think Utah failed to serve as an effective representative of its interests in *Ute III* and *V*. In saying this much we don't mean to exclude the possibility that a county and state sometimes lack a sufficient identity of interests to warrant the application of preclusion principles; we mean to suggest only that nobody has given us any reason to think that possibility is realized here.

[7] [8] Where the County fails with the AIA the State suggests it might succeed with *Younger v. Harris*, 401 U.S. 37, 91 S.Ct. 746, 27 L.Ed.2d 669 (1971). As Utah observes, the AIA isn't the only legal authority that can induce a federal court to abstain from enjoining ongoing state court proceedings: freestanding federalism principles, like those embodied in *Younger*, often counsel the same course. But for *Younger* abstention to apply, there must be "an ongoing state judicial ... proceeding, the presence of an important state interest, and an adequate opportunity to raise federal claims in the state proceedings." *Seneca-Cayuga*, 874 F.2d at 711. And the second of these conditions is where Utah falters in this case because, again, it hasn't identified any legitimate state interest advanced by its attempt to relitigate boundary decisions by prosecuting Indians for crimes in

Indian country. Indeed, much like the AIA, *Younger* doctrine expressly authorizes federal courts to enjoin the relitigation of settled federal decisions in cases, like ours, of “proven harassment.” *Perez v. Ledesma*, 401 U.S. 82, 85, 91 S.Ct. 674, 27 L.Ed.2d 701 (1971). And even absent a campaign of relitigation, this court in *Seneca–Cayuga* held that where, as here, states seek to enforce state law against Indians in Indian country “[t]he presumption and the reality ... are that federal law, federal policy, and federal authority are paramount” and the state’s interests are insufficient “to warrant *Younger* abstention.” 874 F.2d at 713–14. Neither does Utah offer any means by which we might fairly distinguish or disregard the teachings of *Younger*, *Perez*, or *Seneca–Cayuga*.

With all the defendants’ efforts to defend the district court’s decision on alternative grounds now fully explained and explored they seem to us to have more nearly the opposite of their intended effect. We finish persuaded that all of the traditional preliminary injunction factors favor not the defendants but the Tribe, that the federalism concerns embodied in the AIA and *Younger* do not direct otherwise, and that a remand to the district court with instructions to enter a preliminary injunction is warranted.

*

^[9] ^[10] Only the two questions of sovereign immunity remain for resolution and neither requires so much elaboration. We begin with the Tribe’s motion to dismiss the counterclaims brought by Utah and Duchesne and Uintah Counties. It’s long since settled that “an Indian tribe is subject to suit only where Congress has authorized the suit or the tribe has waived its immunity.” *Kiowa Tribe v. Mfg. Techs., Inc.*, 523 U.S. 751, 754, 118 S.Ct. 1700, 140 L.Ed.2d 981 (1998). This principle extends to counterclaims lodged against a plaintiff tribe—even compulsory counterclaims. *Okla. Tax Comm’n v. Citizen Band Potawatomi Indian Tribe*, 498 U.S. 505, 509–10, 111 S.Ct. 905, 112 L.Ed.2d 1112 (1991). And it applies with just as much force to claims or counterclaims brought by states as by anyone else. See *Michigan v. Bay Mills Indian Cmty.*, — U.S. —, 134 S.Ct. 2024, 2031, 188 L.Ed.2d 1071 (2014). No one before us suggests that Congress has authorized the counterclaims here, so everything turns on whether the Tribe itself has waived its immunity.

^[11] The State and Counties argue that the Tribe did just that in three agreements the parties signed in the aftermath of *Ute V*: the Disclaimer, Referral, and Mutual

Assistance Agreements, to use the parties’ shorthand. But we don’t see how that’s the case. A tribe’s waiver of immunity must be expressed “clearly and unequivocally.” *Nanomantube v. Kickapoo Tribe*, 631 F.3d 1150, 1152 (10th Cir.2011). Yet the Referral Agreement expired by its own terms in 2008 and the Tribe terminated the Disclaimer Agreement in 2011—well before the defendants brought their counterclaims. Neither do the State and Counties explain how these agreements, even assuming they might once have authorized suit, continue to do so much so long after they’ve expired. Instead, the defendants leave that possibility to the court’s imagination—and that’s never a substitute for a clear and unequivocal waiver of immunity.

^[12] What about the Mutual Assistance Agreement? Far from waiving immunity, it contains a section entitled “No Waiver of Sovereignty or Jurisdiction Intended.” According to that provision, “no acquiescence in or waiver of claims of rights, sovereignty, authority, boundaries, jurisdiction, or other beneficial interests is intended by this Agreement,” and “no rights or jurisdiction shall be gained or lost at the expense of the other parties to this Agreement.” Yes, the State and Counties point to another section of the agreement that says “[o]riginal jurisdiction to hear and decide any disputes or litigation arising pursuant to or as a result of this Agreement shall be in the United States District Court for the District of Utah.” And, yes, this language is similar to language courts have sometimes held sufficient to waive tribal immunity. See, e.g., *C & L Enters., Inc. v. Citizen Band Potawatomi Indian Tribe*, 532 U.S. 411, 415, 418–23, 121 S.Ct. 1589, 149 L.Ed.2d 623 (2001); *Ninigret Dev. Corp. v. Narragansett Indian Wetuomuck Hous. Auth.*, 207 F.3d 21, 30–31 (1st Cir.2000). But none of those cases confronted agreements with a separate section expressly asserting sovereign immunity like the one here. And trying to make sense of the whole document before us without rendering any portion of it a nullity—always our aspiration when interpreting contracts—we cannot say it clearly and unequivocally waives sovereign immunity. Instead, the language the defendants cite seems to us best understood as a forum selection clause. Cf. *Santana v. Muscogee (Creek) Nation ex rel. River Spirit Casino*, 508 Fed.Appx. 821, 823 (10th Cir.2013) (holding that a compact provision “waiv [ing] tribal immunity ... in a ‘court of competent jurisdiction’ ” did not “alone confer jurisdiction on state courts because states are generally presumed to lack jurisdiction in Indian Country”). So the agreement both refuses to waive sovereign immunity and proceeds to designate the District of Utah as the venue for any disputes should immunity ever be overcome. This arrangement may not seem the most intuitive but it’s hardly incongruous: after all, the

Tribe is always free to consent to a particular suit arising under the Mutual Assistance Agreement and allow it to proceed in the designated forum even as the Tribe chooses to stand on its claim of immunity in most cases. See *Jicarilla Apache Tribe v. Hodel*, 821 F.2d 537, 539–40 (10th Cir.1987) (holding that a tribe's potential waiver of immunity in one suit did not waive its immunity in a subsequent suit); cf. *Coll. Sav. Bank v. Fla. Prepaid Postsecondary Educ. Expense Bd.*, 527 U.S. 666, 675, 119 S.Ct. 2219, 144 L.Ed.2d 605 (1999) (“[A] State’s sovereign immunity is ‘a personal privilege which it may waive at pleasure.’” (quoting *Clark v. Barnard*, 108 U.S. 436, 447, 2 S.Ct. 878, 27 L.Ed. 780 (1883))).

If the agreements don’t help their cause, the State and Counties suggest their counterclaims can proceed anyway because they implicate the Tribe’s UTERO (or Ute Tribal Employment Rights Office) ordinance. Under the terms of that ordinance, the Tribe has indeed “agree[d] to waive its sovereign immunity.” But the ordinance explains that this “waiver is not, and should not be construed as a blanket waiver of the Tribe’s sovereign immunity.” Instead, the waiver exists “for the sole and limited purpose of enforcement of the terms of [the] Ordinance,” which requires employers on the reservation, including the Tribe itself, to “extend a preference to qualified Indians ... in all aspects of employment.” And even assuming without granting that the defendants’ counterclaims could somehow be described as an effort to “enforce” the ordinance—itself a seriously questionable notion—the ordinance is enforceable only before tribal courts and the Tribe’s UTERO Commission. Nowhere does the waiver permit other parties to hale the Tribe before a nontribal tribunal and this court enjoys no authority to rewrite for the defendants the waiver the Tribe has written for itself. *Seneca-Cayuga*, 874 F.2d at 715 (“[W]aivers of sovereign immunity are strictly construed.”).

Having failed to identify any language in a statute, agreement, or other document in which the Tribe has waived its immunity, the State and Counties take us even further afield and in some curious directions. For example, the State and Duchesne County argue we shouldn’t dismiss the counterclaims before us because of *Ex parte Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908). *Young*, of course, held that claims for prospective injunctive relief against state officials may proceed even though states themselves are generally immune from identical claims. And the Supreme Court has extended *Young’s* application to the tribal context, allowing claims against tribal officials that wouldn’t be allowable against the tribe itself. See *Bay Mills*, 134 S.Ct. at 2035. But that principle has no application to this appeal: the counterclaims before us seek relief not from tribal

officials but from the Tribe itself, sued in its own name.

¹³¹ The defendants’ invocation of the doctrine of equitable recoupment is no more helpful to their cause. Traditionally, this court has treated recoupment as “an equitable defense that applies only to suits for money damages.” *Citizen Band Potawatomi Indian Tribe v. Okla. Tax Comm’n*, 888 F.2d 1303, 1305 (10th Cir.1989), *rev’d in part on other grounds*, 498 U.S. 505, 111 S.Ct. 905.⁴ Meanwhile, the defendants’ counterclaims in this case seek just injunctive and declaratory relief. And even assuming the doctrine might operate in cases like this, “recoupment is in the nature of a defense” to defeat a plaintiff’s claims, not a vehicle for pursuing an affirmative judgment. *Bull v. United States*, 295 U.S. 247, 262, 55 S.Ct. 695, 79 L.Ed. 1421 (1935); see also *Jicarilla Apache Tribe v. Andrus*, 687 F.2d 1324, 1344 (10th Cir.1982). Yet an affirmative judgment is exactly what the defendants desire. As clarified at oral argument, the Tribe’s suit seeks to bar relitigation of issues settled in *Ute III* and *V* and to enjoin the prosecution of Indians for offenses committed on tribal lands. In reply, the counterclaims ask us to do much more than deny that relief—they demand, among other things, the affirmative relief of an injunction barring the Tribe from bringing lawsuits against county officials in federal or tribal courts.

Along different but no more persuasive lines, Uintah County argues that the Tribe waived its immunity by bringing the original *Ute* litigation some forty years ago. But Supreme Court precedent couldn’t be clearer on this point: a tribe’s decision to go to court doesn’t automatically open it up to counterclaims—even compulsory ones. See *Citizen Band*, 498 U.S. at 509–10, 111 S.Ct. 905. The County contends that an out-of-circuit decision, *Rupp v. Omaha Indian Tribe*, 45 F.3d 1241 (8th Cir.1995), somehow undermines this principle. But it does no such thing. The tribe in *Rupp* explicitly invited the defendants’ counterclaims, “affirmatively ... asking the defendants to assert any right, title, interest or estate they may have [had] in the disputed lands.” *Id.* at 1245. And even Uintah County doesn’t suggest it’s ever received an invitation like that from the Ute Tribe.

By now the point is plain. The State and Counties haven’t identified a clear and unequivocal waiver of sovereign immunity and none of their—often inventive—arguments can substitute for one. The Tribe is entitled to dismissal of the counterclaims.

*

That leaves Uintah County's claim that it's entitled to immunity too. Neither the State nor any of Uintah's sister counties join this argument, and it faces a seriously uphill battle from the start. That's because the Supreme Court "has repeatedly refused to extend sovereign immunity to counties." *N. Ins. Co. of N.Y. v. Chatham County*, 547 U.S. 189, 193, 126 S.Ct. 1689, 164 L.Ed.2d 367 (2006).

^[14] Uintah County tries to avoid that conclusion in this case by insisting its county attorneys are the main focus of the Tribe's suit and those officials are entitled to immunity because they are "arms of the state." See, e.g., *Watson v. Univ. of Utah Med. Ctr.*, 75 F.3d 569, 574 (10th Cir.1996). But even assuming that county attorneys are the proper focus of our attention (the Tribe's suit is against Uintah County, not its attorneys), a problem still persists. For a county official to qualify as an "arm of the state," it's not enough that he "exercise a slice of state power" by carrying out prosecutorial functions. *N. Ins. Co.*, 547 U.S. at 193–94, 126 S.Ct. 1689 (quoting *Lake Country Estates, Inc. v. Tahoe Reg'l Planning Agency*, 440 U.S. 391, 401, 99 S.Ct. 1171, 59 L.Ed.2d 401 (1979)) (internal quotation marks omitted). Instead, our case law directs us to examine both the "degree of autonomy" that the county official enjoys under state law and the extent to which the finances of his office are "independent of the state treasury." *Watson*, 75 F.3d at 574–75 (quoting *Haldeman v. Wyo. Farm Loan Bd.*, 32 F.3d 469, 473 (10th Cir.1994)). And both considerations suggest an insufficient connection between Uintah County attorneys and the State of Utah to call them arms of the state. In Utah, county attorneys are elected by county residents alone and the state code refers to them as "elected officers of a county." *Utah Code Ann.* § 17–53–101; see also *id.* § 17–18a–202. When it comes to finances, county attorneys are paid not from the State's coffers but out of the county's general fund in amounts fixed by county legislative bodies. *Id.* § 17–16–14, –18. Neither has Uintah County pointed to any countervailing features of state law or practice that might favor it and suggest a different result here.

To be clear, we hardly mean to suggest that county attorneys can never qualify as arms of the state. The inquiry turns on an analysis of state law and financial arrangements so the answer may well differ from state to state and agency to agency and epoch to epoch. We can surely imagine a different structure to state law, one in which a county prosecutor's office is a good deal more intimately associated with the state. Indeed, that currently may be the case elsewhere. See, e.g., *Slinger v. New Jersey*, No. 07–CV–5561, 2008 WL 4126181, at *9–10 (D.N.J. Sept. 4, 2008), *rev'd in part on other grounds*, 366 Fed.Appx. 357 (3d Cir.2010). But there's just no

evidence before us suggesting that's currently the case in Utah.

*

A system of law that places any value on finality—as any system of law worth its salt must—cannot allow intransigent litigants to challenge settled decisions year after year, decade after decade, until they wear everyone else out. Even—or perhaps especially—when those intransigent litigants turn out to be public officials, for surely those charged with enforcing the law should know this much already. Though we are mindful of the importance of comity and cooperative federalism and keenly sensitive to our duty to provide appropriate respect for and deference to state proceedings, we are equally aware of our obligation to defend the law's promise of finality. And the case for finality here is overwhelming. The defendants may fervently believe that *Ute V* drew the wrong boundaries, but that case was resolved nearly twenty years ago, the Supreme Court declined to disturb its judgment, and the time has long since come for the parties to accept it.

The district court's decision denying the preliminary injunction request is reversed and that court is directed to enter appropriate preliminary injunctive relief forthwith. Its decision denying tribal immunity is also reversed and it is instructed to dismiss the counterclaims against the Tribe. The district court's decision denying immunity to Uintah County is affirmed. Before oral argument, we provisionally granted Uintah County's motions for leave to file an amicus brief and supplemental appendix, a decision we do not disturb. All other motions are denied. Though we see some merit in the Tribe's motion for sanctions against Uintah County given the highly doubtful grounds of some of its arguments to this court, we hope this opinion will send the same message: that the time has come to respect the peace and repose promised by settled decisions. In the event our hope proves misplaced and the defendants persist in failing to respect the rulings of *Ute V*, they may expect to meet with sanctions in the district court or in this one. See *Lonsdale v. United States*, 919 F.2d 1440, 1448 (10th Cir.1990).

Similarly, the State and County raise the possibility that Ms. Jenkins's alleged offenses (driving without an ignition interlock, for example) are "continuing" offenses that might have occurred both on and off tribal lands. But whatever other problems this argument might confront, it fails on its facts. It's undisputed that Ms. Jenkins stands charged in state court for conduct

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that occurred within tribal lands and no one has pointed to any evidence in the record indicating that any part of the offense continued off-reservation.

² See, e.g., *County of Boyd v. U.S. Ecology, Inc.*, 48 F.3d 359, 361–62 (8th Cir.1995); *Nash County Bd. of Ed. v. Biltmore Co.*, 640 F.2d 484, 493–97 (4th Cir.1981); 18A Charles Alan Wright et al., *Federal Practice and Procedure* § 4458, at 558–59 n. 9 (2d ed.2002) (collecting cases).

³ See, e.g., *Vasquez v. Bridgestone/Firestone, Inc.*, 325 F.3d 665, 675–77 (5th Cir.2003); *First Ala. Bank of Montgomery, N.A. v. Parsons Steel, Inc.*, 825 F.2d 1475, 1486 (11th Cir.1987); *Kerr–McGee Chem. Corp. v. Hartigan*, 816 F.2d 1177, 1180 (7th Cir.1987).

⁴ See also *Bolduc v. Beal Bank, SSB*, 167 F.3d 667, 672 n. 4 (1st Cir.1999); *Black's Law Dictionary* 618 (9th ed.2009) (“[Equitable recoupment] is ordinarily a defensive remedy going only to mitigation of damages.”). See generally Thomas W. Waterman, *A Treatise on the Law of Set-Off, Recoupment, and Counter-Claim* ch. 10 (1869).

All Citations

790 F.3d 1000

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